



Cite and Release in Texas

An Examination of Citation-Eligible Arrests made in Eight Jurisdictions



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INTRODUCTION

Annually, thousands of Texans are arrested for minor offenses, jailed, and subjected to a criminal record.¹ The decision to arrest, rather than issue a citation, results in a slew of wasted resources – like the police who spend hours (or more) booking someone, the overburdened local jails that are used to detain them, and the magistrates called in for arraignments. These unnecessary arrests also impose restrictions on people in ways that citations do not. For example, an arrest record can directly impact employment opportunities, which in turn affects one’s abilities to earn wages, and sustain their lives and the lives of their families and dependents. Additionally, increased arrests in communities of color can foster racial profiling and lead to improper criminalization based solely on demographics. In all applicable instances, issuing a citation in lieu of an arrest has the potential to not only reduce the burden associated with processing low-level activities in the system, but also improve the lives of the thousands of Texans impacted by this practice, each year.

Under “cite and release” laws, certain misdemeanors are eligible for citation instead of arrest.² **Citation in lieu of arrest changes neither the offense nor the potential outcome, but rather dictates only whether someone will spend time in jail pretrial.** Prior to 2007, the authority to cite and release was limited in statute to most class C misdemeanors.³ In that year, the 80th Texas state legislature passed House Bill 2391 (HB 2391), amending Article 14.06 of the Code of Criminal Procedure, codifying an alternative approach to arrests for certain low-level, non-violent Class A and B misdemeanors (e.g., graffiti, theft, possession of marijuana, driving while license invalid).⁴ Since then, additional legislation has expanded on these offenses, though only minimally so (e.g., possession of a controlled substance in penalty group 2A, Class A and B, and graffiti, Class A).⁵

While broad authority conferred by HB 2391 permits the use of citations in lieu of arrests for qualifying offenses, it is still common for peace officers and law enforcement agencies to make arrests and book someone into jail for citation-eligible charges.⁶ Indeed, the analysis contained within shows that citation-eligible charges comprise a significant portion of arrests leading to thousands of unnecessary arrests annually.

Some jurisdictions have instituted their own cite-and-release policies, including Austin, Bexar County, Dallas, Dallas County, El Paso, Harris County, Houston, San Antonio, San Marcos, Tarrant County and Travis County. These policies direct officers to issue citations in lieu of arrests when they can safely do so, keeping low-level, non-violent people out of detention and away from the negative consequences that stem from even a short jail stay.⁷ With the concurrent goal of conserving already limited resources, these jurisdictions are able to dedicate time to investigating and processing more violent and high-level crimes, as well as ensuring that community residents are not being unjustifiably pushed into the criminal justice system.

For example, even after controlling for both legal (e.g., severity of offense and/or having a prior legal record) and contextual (e.g., age, race, sex and/or employment status) factors, substantial research demonstrates the direct effect that detaining someone has on increasing their likelihood of further system involvement (e.g., re-arrests, issuing a disposition of incarceration over community supervision and lengthier/harsher sentences).⁸ Further, unnecessary detention contributes to distrust of the police and the justice system at large,⁹ diminishing the likelihood of compliance in future interactions and decreasing reliance on law enforcement in true times of need.¹⁰

Additionally, many Texas county jails are at or near capacity.¹¹ Reducing the overall jail population by citing rather than arresting individuals pretrial reflects a positive cost-benefit approach: communities

can expend resources to address matters of public health and safety rather than directing the majority of funds to supporting incarceration.

Ultimately, prioritizing the arrest and detention of low-level, non-violent offenses contributes to the deterioration and erosion of the trust between law enforcement agencies and the communities they serve.

In this report, we examine the extent to which law enforcement in Texas continue to arrest for citation-eligible charges in support of our conclusion that additional Texas jurisdictions may benefit from formalizing policies around cite and release.

METHODOLOGY

Though it has been more than a decade since the passage of HB 2391 (80th (R)), the information available on the actual use of cite and release in lieu of arrests, is limited. To this end, the analysis that follows attempts to address this gap in information by providing a brief snapshot of the extent to which arrests for citation-eligible charges are being made.

To examine the extent to which citation-eligible arrests are occurring, a descriptive analysis of arrest data across eight jurisdictions in the state of Texas was conducted for the year of 2019. These jurisdictions include the cities of Austin, Dallas, Fort Worth, Garland, Houston, Lewisville, Lubbock, and Plano. The data for seven of these jurisdictions was obtained via open records requests made to their respective police departments (i.e., Austin, Fort Worth, Garland, Lewisville, Lubbock, and Plano) and county district clerk (i.e., Harris County for Houston Police Department data). The data for Dallas was acquired from a partner organization that had previously requested the data via an open records request from the Dallas Police Department.

The data was then reviewed, cleaned, and coded to account for the various parameters that make someone eligible to receive a citation instead of an arrest. These parameters include but are not limited to people who were arrested for a charge (or charges) that are cite and release eligible under Texas law (see Table 1), are 17 years or older, were residents of the county in which they were stopped, and were not charged with failure to ID, public intoxication, or having a warrant out for one's arrest.¹² If someone received multiple charges at the time of their arrest, then all offenses were required to be citation-eligible to be included in the count. An overview of these key pieces of data – as provided per department – can be viewed in Table A1 in Appendix A.

Additional disqualifiers for cite and release vary by jurisdiction including whether the individual in question presents a threat to themselves or others, whether the person is on parole, whether they refuse to sign a citation agreeing to appear in court, or whether they need immediate medical attention.¹³ None of these factors are reported in the data analyzed, though to determine the exact variables that contribute to an officer's decision to arrest over issuing a citation, state law should require data on this information be collected moving forward.

Table 1: Misdemeanors that have been Codified as Cite and Release Eligible¹⁴

Offense	Charge Level (Misdemeanor)	Statutory Reference
Possession of Marijuana (2oz ≤ 4oz)	Class A	Health and Safety Code §481.121(b)(2)
Possession of a Controlled Substance Penalty Group 2A (2oz < 4oz)	Class A	Health and Safety Code §481.1161(b)(2)
Graffiti (\$750 < \$2,500)	Class A	Penal Code §28.08(b)(3)
Possession of Marijuana (≤ 2oz)	Class B	Health and Safety Code §481.121(b)(1)
Possession of a Controlled Substance Penalty Group 2A (< 2oz)	Class B	Health and Safety Code §481.1161(b)(1)
Graffiti (\$100 < \$750)	Class B	Penal Code §28.08(b)(2)
Criminal Mischief (\$100 < \$750)	Class B	Penal Code §28.03(b)(2)
Contraband in a Correctional Facility	Class B	Penal Code §38.114
Theft (\$100 < \$750)	Class B	Penal Code §31.03(2)(A)
Theft of Service (\$100 < \$750)	Class B	Penal Code §31.04(e)(2)
Driving While License Invalid	Class B	Transportation Code §521.47

RESULTS

Overview

Given that the data includes incidents of arrests in which some people have accrued multiple charges, the results of the analysis are presented in two ways: (1) by the number of citation-eligible arrests made (i.e., the number of people physically arrested); and (2) by the number of citation-eligible charges leading to an arrest (i.e., counting multiple citation-eligible charges per person). All charts, tables, and figures are labeled accordingly, and should be interpreted as titled.

Finding 1: Citation-Eligible Arrests are Widespread and Vary by Jurisdiction

As illustrated in Table 2, citation-eligible arrests made-up approximately 12% of all arrests made in 2019 across the eight jurisdictions examined. This statistic means that roughly 15,000 of the 130,000 people arrested in these areas could likely have avoided jail (and all the collateral consequences that come with it) had the arresting officers instead issued a citation, ordering them to appear in court at a later date. These stated percentages varied widely. In Austin, which was the only jurisdiction to have a cite and release policy in place prior to the year of analysis, only 4% of all arrests were potentially citation-eligible. Contrast that with Fort Worth, where 24% of all arrests were potentially citation-eligible. Overall, the number of citation-eligible charges made up roughly 9% (n = 16,974) of all charges (N=189,302). Though Table 2 offers this data disaggregated by department, moving forward, the remaining results will be provided in the aggregate (i.e., across all eight jurisdictions) and disaggregated information, by department can be found in Appendices A and B.

Table 2: Descriptive Summary of Total Charges and Arrests made in 2019 by Police Department

Police Department	# Of Citation-Eligible Arrests	# Of All Arrests	% Of All Arrests	# Of Citation-Eligible Charges	# Of All Charges	% Of All Charges
Austin	983	23,557	4.0	1,064	35,542	3.0
Dallas	2,483	11,796	22.0	2,715	21,236	13.0
Fort Worth	5,029	20,658	24.0	6,331	34,541	18.0
Garland	1,227	8,573	14.0	1,437	19,732	7.0
Houston	2,576	42,263	6.1	2,669	49,107	5.4
Lewisville	260	4,666	6.0	281	10,610	3.0
Lubbock	1,564	10,001	15.6	1,567	10,182	15.4
Plano	910	8,343	11.0	910	8,352	11.0
Total	15,032	129,857	11.6	16,974	189,302	9.0

Finding 2: Black People are Disproportionately Arrested for Citation-Eligible Charges

A racial/ethnic breakdown of the data shows White people to be the predominant racial group arrested for citation-eligible offenses (40.4%) across all eight jurisdictions in 2019. However, as illustrated in Table 3, the extent of these arrests can most likely be attributed to the number of White people in the overall population. In other words, White people make up the largest number of citation-eligible arrests because White people make up the majority of the population.

Table 3: Racial/Ethnic Breakdown of Citation-Eligible Arrests Made in 2019

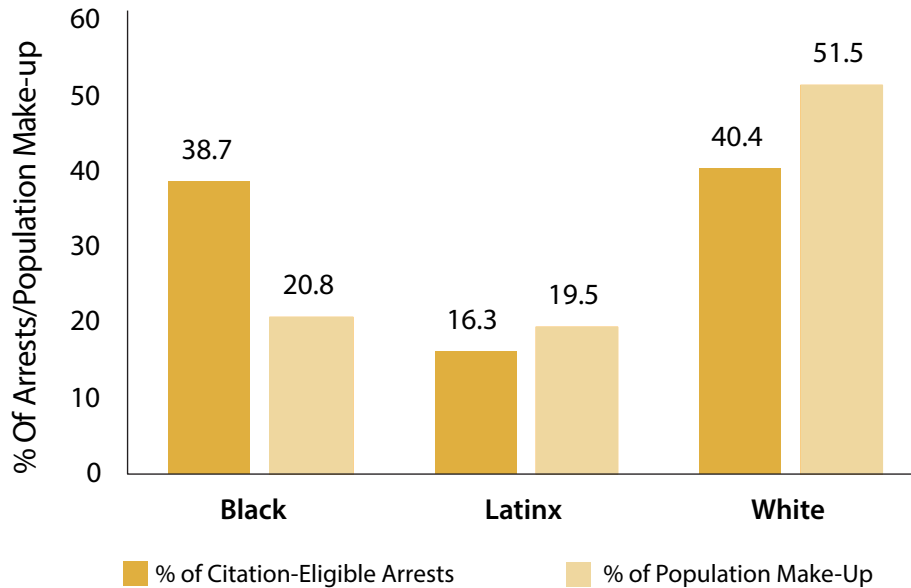
Race/Ethnicity	# Of Citation-Eligible Arrests	% Of All Citation-Eligible Arrests	Population Total Across Jurisdictions¹⁵	% Of Population
American Indian or Alaskan Native	15	0.1	24,410	0.4
Asian	206	1.4	437,659	7.7
Black	5,811	38.7	1,186,872	20.8
Latinx	2,452	16.3	1,114,834	19.5
Middle Eastern	18	0.1	-	0.0
Native Hawaiian/Pacific Islander	13	0.1	1,282	0.0
Unknown	445	3.0	-	0.0
White	6,072	40.4	2,940,028	51.5
Total	15,032	100.0	5,705,085	100.0

Note(s): Houston combines the racial groups of Asian and Pacific Islander together, and codes their data on American Indians as Indigenous Americans. Given these disparities in data recording, arrests on record for the City of Houston for Asian/PI were categorized as Asian, while Indigenous Americans were categorized as American Indians. Population totals were treated in the same manner. Additionally, neither Houston, Fort Worth, nor Lewisville provided data by ethnicity.

A closer review of the data, however, reveals citation-eligible arrests to be disproportionately occurring among Black people across all jurisdictions. While Black people make up only about 21% of the population, they represent nearly 39% of all citation-eligible arrests. For the Latinx population, the share of citation-eligible arrests (16%) appears to be roughly comparable to their representation in the overall population (20%). However, it is difficult to determine whether arrests are disproportionately occurring amongst the Latinx population, given the lack of available or reliable data. Three of the eight jurisdictions – Houston, Fort Worth, and Lewisville – did not provide data on an arrestee’s ethnicity, so the complete share of arrests is unknown. Ethnicity is also not always tracked with accuracy, given that it is recorded by the officer and not the individual. In these instances, it is not uncommon for members of the Latinx community to be undercounted in arrests and are often recorded only as White.

Figure 1 offers visual depiction of the disproportionality that exists for Black arrestees, as it illustrates the percentage of citation-eligible arrests amongst the predominant racial groups in the data – Black, Latinx, White – in comparison to their make-up in the population across the eight jurisdictions examined.¹⁶ A breakdown of this data by department can be found in Table A2 in Appendix A.

Figure 1: Percent of Citation-Eligible Arrests Made in 2019 among Black, Latinx, and White Racial Groups v. their Make-Up in the Population



Finding 3: Arrests for Class C Misdemeanors Constitute the Majority of Arrests, Followed by Low-level Theft, Possession of Marijuana, and Driving While One’s License is Invalid

As previously mentioned, there are a limited number of Class A and B misdemeanor charges for which a police officer can issue a citation in lieu of an arrest (see Table 1). Furthermore, nearly all Class C misdemeanors are eligible for citation instead of arrest. Thus, it is important to assess the extent to which arrests are still being made for these specific offenses. Because the data examined include all charges leading to an arrest (i.e., including multiple charges per person), all charges accrued by an arrestee had to be citation-eligible to be counted. A breakdown of these charges can be viewed in Table 4.

Table 4: Breakdown of Citation-Eligible Charges Leading to an Arrest in 2019 across 8 Jurisdictions

Type of Charge	# Of Citation-Eligible Charges	% Of All Citation-Eligible Charges
Class C Misdemeanors (combined)	10,236	60.3
Class A Possession Controlled Substance	52	0.3
Class A Possession Marijuana	216	1.3
Class A Graffiti	3	0.0
Class B Criminal Mischief	502	3.0
Class B DWLI	1,127	6.6
Class B Graffiti	11	0.1
Class B Possession Controlled Substance	101	0.6
Class B Possession Marijuana	1,916	11.3
Class B Theft of Service	41	0.2
Class B Theft	2,769	16.3
Total	16,974	100.0

Note: There were no Class C citation-eligible charges in the data for Houston Police Department in 2019.

Class C Misdemeanor Arrests and Charges

All Class C misdemeanors, which are punishable by fine alone and no jail time, are citation-eligible, apart from Public Intoxication.¹⁷ According to the data (see Table 4 and Tables A3 and A4 in Appendix A), Class C misdemeanors make up a substantial portion of all citation-eligible arrests, accounting for approximately 60% of all citation-eligible arrests/charges across *all* jurisdictions examined in 2019. It is worth noting that there were no arrests present in the data for Houston Police Department that were for *only* a citation-eligible Class C misdemeanor for the period examined. Meaning, though there were arrests made in Houston that involved Class C misdemeanors, they were accompanied by one or more non-citation-eligible charge(s) and therefore were excluded from the count of those that were defined as citation-eligible. By excluding the total number of citation-eligible arrests made in Houston from the total, the percentage of citation-eligible arrests made up by Class C misdemeanors increases by 10%. Among the remaining jurisdictions, Class C misdemeanor arrests approximately constitute 70% of all their citation-eligible arrests/charges.

Class C Misdemeanors

Though Class C misdemeanors were eligible for cite and release prior to the passage of HB 2391 (80)(R), there are certain Class C misdemeanor charges that make one ineligible to receive a cite and summons – including failure to ID, public intoxication, and having a warrant out for one’s arrest. All were accounted for in this analysis.

As shown in Table 4, approximately 60% of all citation-eligible charges leading to an arrest in 2019, for the departments examined, involved low-level, non-violent, *fine-only* charges (i.e., Class Cs).

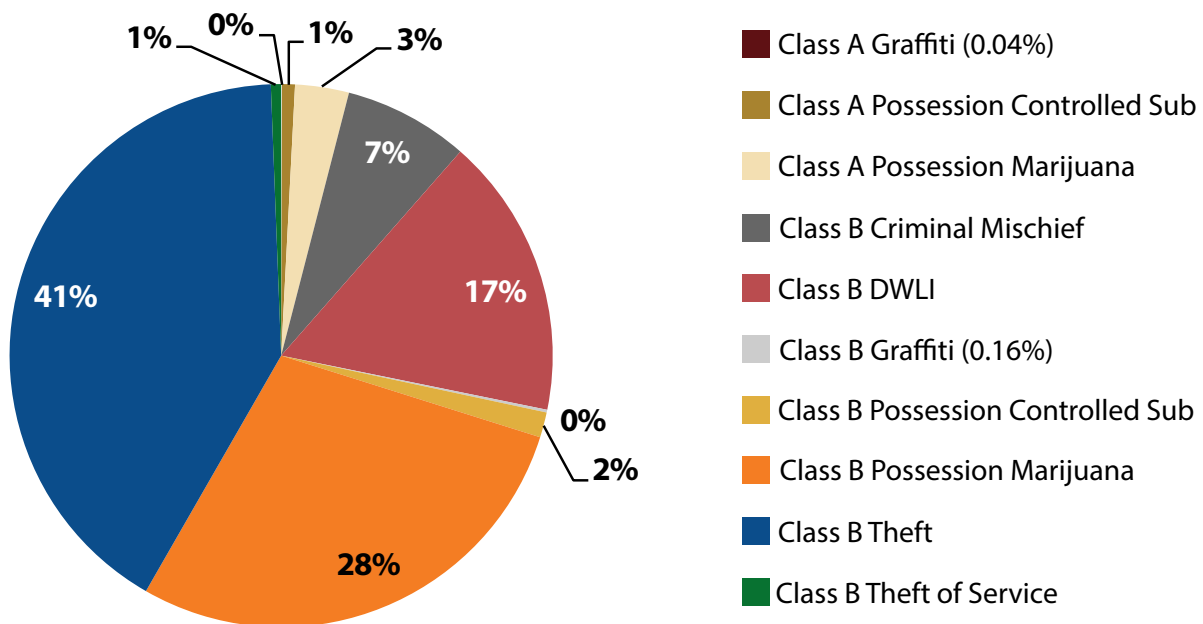
Because decisions to arrest versus citing and releasing on these types of charges result in the same waste in resources and loss of trust between communities and the police that serve them, they are also briefly discussed in this report.

In fact, for two of those departments – Fort Worth and Garland – Class C misdemeanors account for over 80% of all the citation-eligible arrests that were made in 2019 (see Table A4, Appendix A); and while hundreds of thousands of Class C warrants – typically issued for not paying a traffic ticket or failing to appear in court for a traffic ticket – are issued annually, arrests pursuant to warrant were not included in this analysis.

Class A and B Misdemeanor Citation-Eligible Arrests and Charges

The passage of HB 2391 (80th (R)) codified an officer’s authority to cite and release, in lieu of an arrest for one Class A misdemeanor (i.e., possession of marijuana, between 2 and 4 oz) and seven Class B misdemeanors. These Class B misdemeanors include possession of marijuana (less than 2 oz), graffiti, criminal mischief, theft, and theft of service, all resulting in damages between \$100 and \$750, bringing contraband into a correctional facility, and driving while license is invalid. During the 82nd Texas state legislative session (2011), the legislature passed SB 331 that extended this section of the Code to include misdemeanor possession of a controlled substance in penalty group 2A (i.e., synthetic cannabinoids) for both Class A (between 2 and 4 oz) and Class B misdemeanors.¹⁸ HB 1396, passed during the 84th legislative session (2015), made Class A graffiti misdemeanors (i.e., resulting in damages between \$750 and \$2,500) also applicable.¹⁹

Figure 2: Breakdown of Class A & B Misdemeanor Citation-Eligible Charges Leading to an Arrest across Eight Jurisdictions (2019) (n = 6,738)



Nonetheless, arrests for these citation-eligible misdemeanors are common in jurisdictions across the state. As shown in Figure 2 (and Table 4), the top three charges that lead to an arrest over a citation across the eight jurisdictions in 2019 were for all Class B level misdemeanors: Theft (2,769 arrests, 41%), Possession of Marijuana (1,196 arrests, 28%), and Driving with an Invalid License (DWLI) (1,127 arrests, 17%). In some jurisdictions, issuing a citation instead of making an arrest for a DWLI is impermissible if the driver who is unable to produce a valid license was also responsible for causing an accident. This information, however, is not captured in the data and should be considered in future analysis and data

collection. A breakdown of all citation-eligible charges leading to an arrest by department can be found in Table A5 (see Appendix A).

Finding 4: Racial Disparities are Even Greater for Possession of Marijuana and Driving While License Invalid Arrests

Outside of Class C misdemeanors, citation-eligible charges predominantly leading to an arrest shows Black people as the largest group of arrestees for both Possession of Marijuana (POM) and DWLIs (see Table 5). While White arrestees make up the largest group arrested for Class B Theft, Black people still make up 2 in 5 arrests for that offense. Black arrestees are overrepresented across all three charge categories as they make up roughly only 21% of the total population being considered (see Tables 3, 5, and Figure 1). The limitations in the data regarding ethnicity cannot be explored in greater detail, as information on this variable was not reported by every jurisdiction examined. A breakdown of citation-eligible charges leading to an arrest by race per department can be viewed in Appendix B.

Table 5: Racial Breakdown by Percentage of Predominant Citation-Eligible Class A & B Misdemeanor Charges across 8 jurisdictions (2019), %s

Race/Ethnicity	Theft (\$100 < \$750) n = 2,769	POM (< 2oz) n = 1,196	DWLI n = 1,127
Asian	2.0	0.6	0.4
Black	38.3	44.8	49.3
Indigenous American or Native Alaskan	0.0	0.1	0.3
Latinx	9.9	23.4	11.2
Middle Eastern	0.1	0.1	0.0
Native Hawaiian/Pacific Islander	0.1	0.0	0.0
Unknown	7.3	3.1	3.1
White	42.3	28.0	35.8

Note: POM = Possession of Marijuana and DWLI = Driving while License is Invalid.

Finding 5: A Wide Variation Exists Among Cite and Release Policies in Place for the Eight Jurisdictions Examined

Though state law grants broad authority to law enforcement to cite and release, in lieu of arrests, for certain Class A and B misdemeanors (see Table 2), it is not uncommon for police officers to continue to arrest on these charges. In practice, jurisdictions often ignore the guidance of Article 14.06 if their department (or county sheriff’s office) does not have its own policy on record.²⁰

As shown in Appendix C there is notable variation in just the eight jurisdictions examined. Some departments have no cite and release policy, while others have cite and release policies around only specific charges (e.g., POMs or DWLIs). Some of the policies listed were not even in effect for the period

of the data examined, and thus are not applicable to the analysis at hand. Regardless, the differences in policies demonstrate that arrests for a citation-eligible offense in Texas is primarily driven by where in the state the person is located, as opposed to the nature of the offense. For a state that has over 1,000 applicable law enforcement agencies it would be efficient if local policies adopted around cite and release were uniform and constructed in a way that would minimize the use of arrests when a citation would be more effective.²¹ This policy adaptation would help ensure that all officers' time, across the state, is dedicated to prioritizing more serious and violent crime, an approach firmly supported by the communities they serve.²²

DISCUSSION AND POLICY RECOMMENDATIONS

The results of the descriptive analysis earlier offer a glimpse into the extent to which citation-eligible arrests are occurring across the state on an annual basis. In a single year (2019) and in eight jurisdictions alone, over 15,000 individuals were unnecessarily arrested and booked into a local jail. These individuals could have instead been issued a citation and required to appear in court at a later date. An alternative that is not only less costly to taxpayers, but a more effective method to ensuring that the case at hand gets resolved.²³

Most of the charges leading to an arrest in these instances are for Class C misdemeanors (60.3%), even after accounting for disqualifying offenses or arrests pursuant to Class C warrants. The extent to which these arrests are occurring should not be taken lightly, as they are offenses that are intended by the legislature to be punishable only by the imposition of a fine and not deserving of jail time. These arrests lead to people spending time in jail for low-level, non-serious offenses, despite the growing body of research demonstrating the adverse effects of doing so.²⁴

Outside of Class C misdemeanors, Class B Theft (41%), Possession of Marijuana (28%), and Driving While [one's] License [is] Invalid (17%), were the predominant citation-eligible charges leading to an arrest, among the misdemeanor charges eligible for citation pursuant to Art. 14.06.²⁵ Further examination of these, and all citation-eligible charges, shows Black people to be overrepresented in those being arrested – making up 38.7% of all citation-eligible arrests revealed in the data, but only 20.8% of the population across the jurisdictions examined. This is a finding that likewise warrants further attention, as it illustrates the application of citation-eligible arrests to be disproportionately occurring between White and Black communities within these jurisdictions.

This analysis is predominantly limited by two factors – data collection/reporting and a lack of uniformity in local policies. For instance, it is difficult to measure the true extent of time/money being spent on low-level, non-violent offenses across the state when one jurisdiction adjacent to, or nearby another, refuses to acknowledge what the state legislature has deemed to be low-level priority with respect to an officer's time. Not every law enforcement agency has a cite-and-release policy, and those that do vary with respect to which offenses in Art. 14.06 they deem citation-eligible. And while the authority to cite-and-release extends to *all* law enforcement across the state, common practice is that the use of cite-and-release does not occur unless local authority has been issued to do so (e.g., via general orders of procedure, executive order, affirmative vote by council).²⁶ This variation in policy and practice means that despite the state having an agreed upon definition of what does and does not warrant continued police involvement, law enforcement agencies across the state have opted to disagree with that definition and instead have introduced their own, making any analysis of fiscal impact, at the state level, quite challenging.

This inconsistency in local policies, likewise, complicates the ability to obtain the necessary data to even conduct a larger and comparable analysis to the one done in this report. If a cite-and-release policy does not exist, there is no impetus for the jurisdiction to collect (or report) the data necessary to ensure that their time and taxpayer dollars are not being unnecessarily expended. To make this determination, law enforcement departments should collect and report data that would allow lawmakers and the public to view how many citations are being issued in lieu of an arrest, how many arrests eligible for citation are still being made and why, the population connected with those arrests/citations (e.g., age, sex, race,

ethnicity, zip of residence), and all the costs/time associated with the decision to arrest – such as average times per offense, spent on scene, booking someone into jail, and corresponding lengths of stay in detention.

A uniform policy that is adopted and implemented statewide, with this level of data, could provide state lawmakers with a more accurate look at the amount of resources being expended on low-level and non-violent crime. When police spend time on these low-level offenses, it takes away from them focusing on combatting serious and violent crime, and unnecessarily exposes Texans to adverse effects of low-level detention (e.g., loss of employment, increased likelihood of deeper and future system involvement).²⁷

In focusing police efforts and resources on higher level offenses, law enforcement in our state stand to increase the veracity of their presence in communities, improve the relationships between them and the citizens they serve, and be an integral part of ensuring that the system is operating in the most effective manner – with limited wasted resources and increased compliance.²⁸ In a time where relationships between communities and police are strained and contentious, local law enforcement departments stand to only benefit from opting to support the use of cite-and-release policies.

For these reasons and considering the analysis presented above, we offer the following recommendations regarding the state's policy on cite-and-release, as currently written in the Texas Code of Criminal Procedure, Article 14.06:

Policy Recommendation 1: End warrantless arrests for Class C misdemeanors with limited exceptions.

Given that Class C misdemeanors are the lowest level offenses within the state's legal system and not intended to be punished by jail time, it is critical to limit the degree to which law enforcement is expending resources on arresting for these charges and unnecessarily incarcerating people. Jail time for non-serious misdemeanors not only increases the likelihood of future system involvement, but also impacts pro-social aspects of one's life, such as employment.²⁹

The review of Class C arrests in this data, indicates that for eight jurisdictions in one year, these types of arrests make up anywhere between 1% to 20% of all arrests and 34% to 84% of all citation-eligible arrests. If population is considered, these percentages, for some departments, equates to a rate of arrest for a Class C misdemeanor of over 400 people for every 100,000.³⁰ The Class C arrests and charges discussed in this analysis do not include arrests for Class C offenses that typically lead to arrest, including failing to identify oneself to a police officer, being publicly intoxicated, and having a warrant out for one's arrest.

Even if there is slight variation in the extent to which these arrests are occurring from year to year, these findings suggest that a notable amount of people are being unnecessarily jailed and driven deeper into the system. To ensure that law enforcement is indeed prioritizing its time on more serious and violent crimes, it is imperative that lawmakers limit and eliminate the instances that do not elicit the lengthy, demanding, and adverse proceedings that are associated with arrest and detention of people charged with fine-only offenses.

Policy Recommendation 2: Support the construction and implementation of a uniformed cite-and-release policy that all local jurisdictions can adopt and collect data on.

It has been more than a decade since the passage of HB 2391(80th (R)), and law enforcement officers continue to arrest on citation-eligible charges, a practice, that based on research, is not only contradictory to the goal of compliance and future law-abiding behavior but also unnecessarily increases the number of people with low-level and nonviolent charges sitting in jail pretrial. In fact, detaining a person pretrial on a misdemeanor makes them 43% more likely to be sentenced to jail, while also increasing the likelihood of receiving a longer sentence.³¹ And while being arrested for a citation-eligible charge triggers a 48-hour time clock for magistration, research has shown that even one day spent in jail decreases the likelihood of future court appearances – meaning the longer an individual is held the less likely they are to appear in court to resolve their case.³²

The practice of arresting on citation-eligible charges also diminishes the trust of law enforcement and legitimacy of policing, both which are required to effectively serve communities. Because the public largely believes that police should prioritize more serious and violent crimes, being unnecessarily detained for a low-level offense raises the question whether police are being “procedurally just,” ultimately influencing an individual’s perception of police legitimacy and future cooperation.³³

To this end and given that there appears to be notable variance among even the eight jurisdictions in this study, the people of Texas would stand to benefit from policymakers providing additional guidance to law enforcement around the use and evaluation of cite and release. Commissioning a uniform and model statewide policy around when to use a citation, over an arrest, and what data to collect to determine effective implementation, would take the onus to create individual policies from police departments leading to increased accountability and transparency. Increased guidance regarding cite and release would also allow for more thoughtful coordination between law enforcement agencies, the courts, and district attorneys in policy implementation. Permitting state stakeholders, practitioners, and nationally recognized experts to weigh in on what policy and practice would work best to help police allocate their time and resources appropriately, lawmakers can ensure that the money allocated to securing Texas’ communities is being spent most efficiently.

Policy Recommendation 3: Place a timeline on the construction and local adoption of uniform policy, to help better inform future appropriations.

To evaluate whether the construction and adoption of a “model” cite-and-release policy does in fact help law enforcement meet the goals, a timeline for adoption and plan for evaluation should also be required. A timeline will allow policymakers and local budget administrators know how resources are being used in this regard. If police can rely on and utilize cite and release in lieu of arrests for low-level offenses, then their communities can rest assured that serious and violent crime in their neighborhoods are not only being addressed but cleared. And that in the future if a problem does arise, they know that the police are there to help, lend a hand, and protect them, rather than make their lives unjustifiably more complicated.

APPENDIX A

Breakdown of Data by Departments: Data Provided/Analyzed

The nature of offense parameters required that the data examined include specific factors related to the person being charged, and the charge itself, such as a unique identifier (or information that could be used to create one), the charge(s) on record resulting in an arrest, and the charge level associated with said charge(s) (i.e., level of misdemeanor/felony such as 1st, 2nd 3rd and Class A, B, or C). The information a department was able to provide, and thus deemed usable, in this analysis, can be viewed in Table A1 below.

Table A1: Inventory of Key Data Pieces Provided by the Department(s) for Arrests made in 2019

Data	Police Department							
	Austin	Dallas	Fort Worth	Garland	Houston	Lewisville	Lubbock	Plano
Unique Identifier	✓	✓	✓	✓	✓	✓*	✓*	✓*
Charge	✓	✓	✓	✓	✓	✓	✓	✓
Charge Level	✓	✓	✓	✓	✓	✓	✓	✓
Age	✓	✓		✓	✓	✓	✓	
Warrant Information	✓	✓	✓	✓	✓	✓	✓	✓
Race	✓	✓	✓	✓	✓	✓	✓	✓
Ethnicity	✓	✓		✓			✓	✓

*Lewisville, Lubbock, and Plano did not have unique identifiers but sufficient information to create one.

Additional notes: 1.) The original requests for data included 20 jurisdictions of those that responded to said requests, only 8 provided data that either had a unique identifier or enough information to create one. 2.) The information requested by these departments were for adult arrests only, so though no relevant age data was provided by Fort Worth or Plano, we assume the data in question only consists of those above the age of 17. 3.) The data for county of residence was only provided by the Harris County District Court, and was accounted for in that population, however no other jurisdictions provided this information, and thus is a limitation of the analysis for the remaining jurisdictions.

Breakdown of Data by Departments: Citation-Eligible Arrests by Race/Ethnicity

Table A2: Citation-Eligible Arrests by Race/Ethnicity per Department (2019)

Police Department	Race/Ethnicity	# Of Citation Eligible Arrests	% Of Citation Eligible Arrests	Population Makeup in Jurisdiction³⁴	% Of Total Population
Austin	Asian	11	1.1	71,756	7.5
	Black	271	27.6	70,618	7.4
	Middle Eastern	3	0.3		0.0
	Native Hawaiian/ Pacific Islander	2	0.2	234	0.0
	White	351	35.7	459,086	48.3
	Latinx	344	35.0	322,458	33.9
	Unknown	1	0.1		0.0
Dallas	American Indian or Alaska Native	3	0.1	1,875	0.1
	Asian	24	1.0	44,741	3.4
	Black	1,347	54.2	318,698	24.0
	Middle Eastern	9	0.4		0.0
	Native Hawaiian/ Pacific Islander	1	0.0	310	0.0
	White	389	15.7	385,427	29.0
	Latinx	707	28.5	556,296	41.8
	Unknown	3	0.1		0.0
Fort Worth	American Indian or Alaska Native	6	0.1	2,458	0.3
	Asian	64	1.3	39,386	4.5
	Black	1,704	33.9	161,982	18.5
	Native Hawaiian/ Pacific Islander	9	0.2	684	0.1
	White	2,894	57.5	342,535	39.2
	Unknown	352	7.0		0.0

Table A2: Citation-Eligible Arrests by Race/Ethnicity per Department (2019) (Continued)

Police Department	Race/Ethnicity	# Of Citation Eligible Arrests	% Of Citation Eligible Arrests	Population Makeup in Jurisdiction³⁵	% Of Total Population
Garland	American Indian or Alaska Native	1	0.1	608	0.3
	Asian	33	2.7	26,257	11.0
	Black	369	30.1	35,205	14.8
	Middle Eastern	1	0.1		0.0
	Native Hawaiian/ Pacific Islander	1	0.1	54	0.0
	White	345	28.1	68,798	28.9
	Latinx	467	38.1	101,217	42.5
	Unknown	10	0.8		0.0
Houston	Asian or Pacific Islander	33	1.3	177,566	7.7
	Black	1,416	55.0	543,231	23.5
	Indigenous American	4	0.2	18,610	0.8
	Unknown	60	2.3		0.0
	White	1,063	41.3	1,358,814	58.8
Lewisville	Asian	6	2.3	10,986	10.3
	Black	96	36.9	14,000	13.2
	White	154	59.2	44,273	41.6
	Unknown	4	1.5		0.0
Lubbock	American Indian or Alaska Native	1	0.1	859	0.3
	Asian	7	0.4	6,334	2.5
	Black	293	18.7	18,856	7.4
	Middle Eastern	5	0.3		0.0
	White	519	33.2	130,808	51.5
	Latinx	724	46.3	91,765	36.1
	Unknown	15	1.0		0.0
Plano	Asian	28	3.1	60,633	21.1
	Black	315	34.6	24,282	8.5
	White	357	39.2	150,287	52.4
	Latinx	210	23.1	43,098	15.0

Note(s): Houston, Fort Worth, nor Lewisville provided data by ethnicity.

Breakdown of Data by Departments: Class C Misdemeanor Arrests and Charges

Table A3: Number of Class C Only Arrests by Police Department (2019)

Police Department	# Of Class C Only Arrests	# Of Citation Eligible Arrests	% Of Citation Eligible Arrests	# Of Total Arrests	% Of Total Arrests
Austin	335	983	34.1	23,557	1.4
Dallas	1,755	2,483	70.7	11,796	14.9
Fort Worth	4,037	5,029	80.3	20,658	19.5
Garland	1,025	1,227	83.5	8,573	12.0
Lewisville	90	260	34.6	4,666	1.9
Lubbock	1,026	1,564	65.6	10,001	10.3
Plano	421	910	46.3	8,343	5.0
Total	8,689	12,456	69.8	87,594	9.9

Notes: A “Class C Only” arrest means that an individual was arrested solely for a Class C charge, outside of the exceptions previously mentioned, and for no other charge. There were no Class C citational eligible charges in the data for Houston Police Department in 2019.

Table A4: Number of Class C Charges by Police Department (2019)

Police Department	# Of Class C Charges	# Of Citation Eligible Charges	% Of Citation Eligible Charges	# Of Total Charges	% Of Total Charges
Austin	388	1,064	36.5	35,542	1.1
Dallas	1,953	2,715	71.9	21,236	9.2
Fort Worth	5,110	6,331	80.7	34,541	14.8
Garland	1,230	1,437	85.6	19,732	6.2
Lewisville	106	281	37.7	10,610	1.0
Lubbock	1,028	1,567	65.6	10,182	10.1
Plano	421	910	46.3	8,352	5.0
Total	10,236	14,305	71.6	140,195	7.3

Notes: The number of Class C Charges includes incidences that may carry multiple Class C charges. There were no Class C citational eligible charges in the data for Houston Police Department in 2019.

Breakdown of Data by Departments: All Citation-Eligible Charges

Table A5: Citation-Eligible Charges by Charge Type per Department (2019)

Police Department	Charge Type	# Of Citation Eligible Charges	% Of Citation Eligible Charges
Austin	Class A Possession Controlled Sub	49	4.6
	Class A Possession Marijuana	10	0.9
	Class B Criminal Mischief	44	4.1
	Class B DWLI	120	11.3
	Class B Graffiti	6	0.6
	Class B Possession Controlled Sub	5	0.5
	Class B Possession Marijuana	142	13.3
	Class B Theft	276	25.9
	Class B Theft of Service	24	2.3
	Class C	388	36.5
	Total	1,064	100.0
Dallas	Class A Graffiti	1	0.0
	Class A Possession Controlled Sub	1	0.0
	Class A Possession Marijuana	46	1.7
	Class B Criminal Mischief	18	0.7
	Class B DWLI	75	2.8
	Class B Graffiti	1	0.0
	Class B Possession Controlled Sub	9	0.3
	Class B Possession Marijuana	393	14.5
	Class B Theft	212	7.8
	Class B Theft of Service	6	0.2
	Class C	1,953	71.9
Total	2,715	100.0	

Table A5: Citation-Eligible Charges by Charge Type per Department (2019) (Continued)

Police Department	Charge Type	# Of Citation Eligible Charges	% Of Citation Eligible Charges
Fort Worth	Class A Possession Marijuana	102	1.61
	Class B Criminal Mischief	70	1.11
	Class B DWLI	56	0.88
	Class B Graffiti	2	0.03
	Class B Possession Controlled Sub	20	0.32
	Class B Possession Marijuana	313	4.94
	Class B Theft	658	10.39
	Class C	5,110	80.71
	Total	6,331	100.00
Garland	Class A Possession Marijuana	12	0.8
	Class B Criminal Mischief	10	0.7
	Class B DWLI	6	0.4
	Class B Possession Marijuana	143	10.0
	Class B Theft	36	2.5
	Class C	1,230	85.6
	Total	1,437	100.0
Houston	Class A Graffiti	2	0.1
	Class A Possession Controlled Sub	2	0.1
	Class A Possession Marijuana	19	0.7
	Class B Criminal Mischief	343	12.9
	Class B DWLI	795	29.8
	Class B Graffiti	2	0.1
	Class B Possession Controlled Sub	66	2.5
	Class B Possession Marijuana	283	10.6
	Class B Theft	1,146	42.9
	Class B Theft of Service	11	0.4
	Total	2,669	100.0

Table A5: Citation-Eligible Charges by Charge Type per Department (2019) (Continued)

Police Department	Charge Type	# Of Citation Eligible Charges	% Of Citation Eligible Charges
Lewisville	Class A Possession Marijuana	2	0.7
	Class B Criminal Mischief	1	0.4
	Class B DWLI	6	2.1
	Class B Possession Marijuana	88	31.3
	Class B Theft	78	27.8
	Class C	106	37.7
	Total	281	100.0
Lubbock	Class A Possession Marijuana	1	0.1
	Class B Criminal Mischief	10	0.6
	Class B DWLI	69	4.4
	Class B Possession Marijuana	270	17.2
	Class B Theft	189	12.1
	Class C	1,028	65.6
	Total	1,567	100.0
Plano	Class A Possession Marijuana	24	2.6
	Class B Criminal Mischief	6	0.7
	Class B Possession Controlled Sub	1	0.1
	Class B Possession Marijuana	284	31.2
	Class B Theft	174	19.1
	Class C	421	46.3
	Total	910	100.0

APPENDIX B

Citation-Eligible Charges Leading to an Arrest by Race/Ethnicity per Police Department

These figures illustrate the racial/ethnic makeup of citation-eligible charges leading to an arrest, per department. The exclusion of any charge type in these figures indicates that there were no such charges leading to an arrest on record (i.e., the count total for the missing charge is equal to “0” across all racial/ethnic groups). Some important notes, 1) the abbreviations used in these figures are defined as follows, DWLI = Driving while License Invalid, POM = Possession of Marijuana, and POCSPG2A = Possession of a Controlled Substance in Penalty Group 2A; 2) Houston, Fort Worth, nor Lewisville provided data by ethnicity; and 3) the racial data for Houston PD combines the racial groups of Asian and Pacific Islander together.

The following charts appear on the next few pages:

Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity.

- **Austin Police Department, n = 676**
- **Dallas Police Department, n = 762**
- **Fort Worth Police Department, n = 1,221**
- **Garland Police Department, n = 207**
- **Houston Police Department, n = 2,669**
- **Lewisville Police Department, n = 175**
- **Lubbock Police Department, n = 539**
- **Plano Police Department, n = 489**

Figure B1: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Austin Police Department, n = 676)

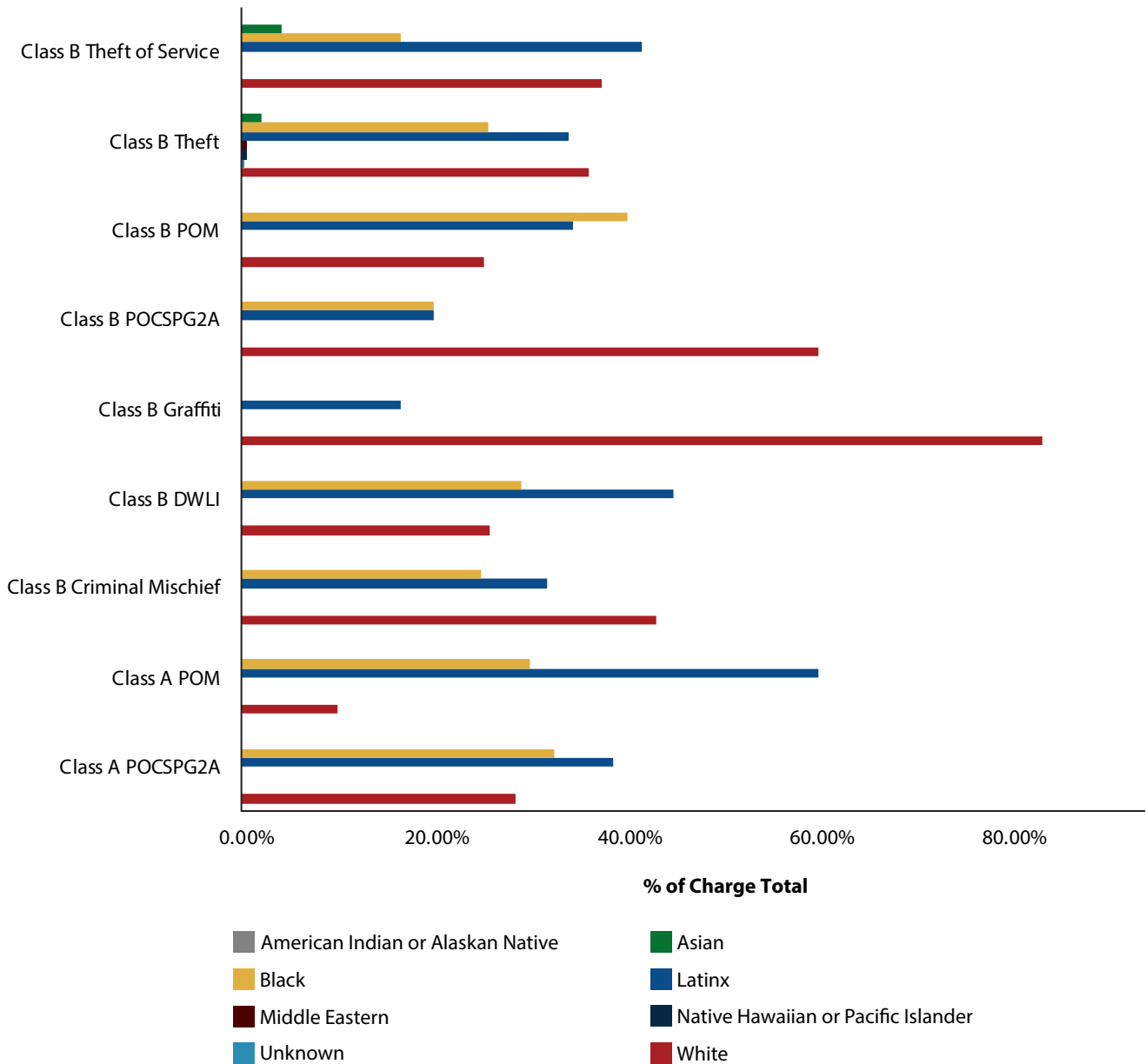


Figure B2: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Dallas Police Department, n = 762)

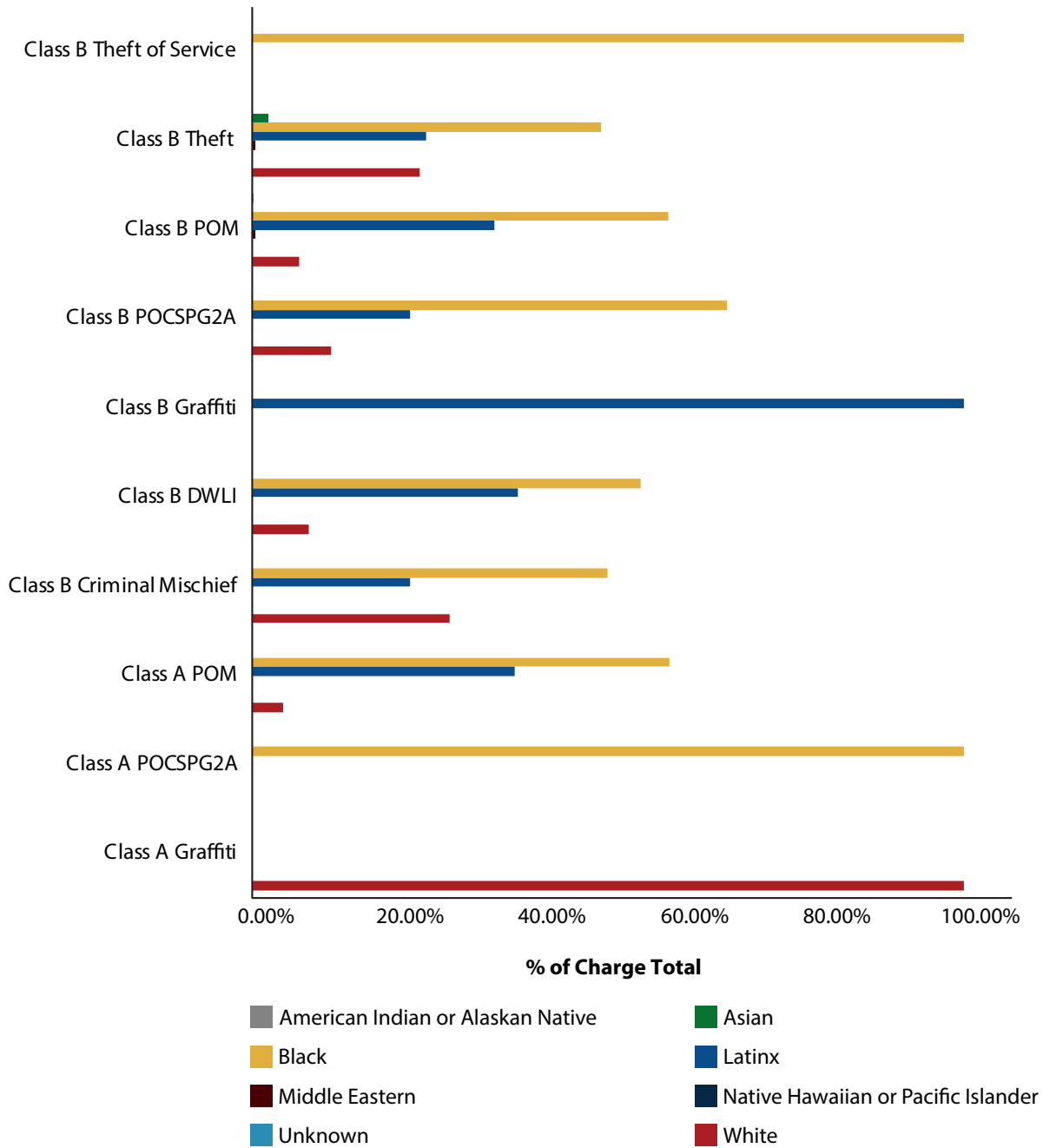


Figure B3: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Fort Worth Police Department, n = 1,221)

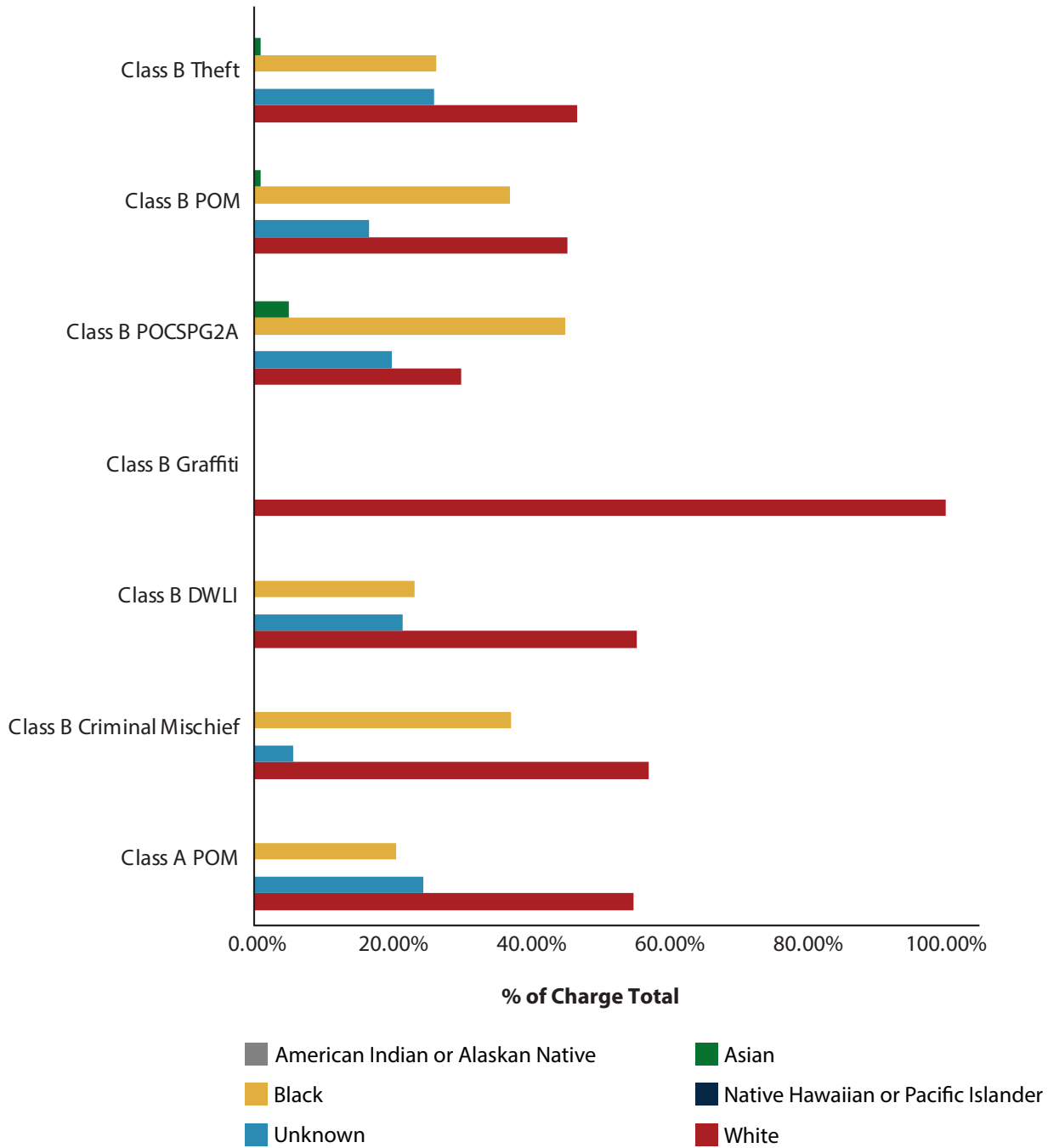


Figure B4: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Garland Police Department, n = 207)

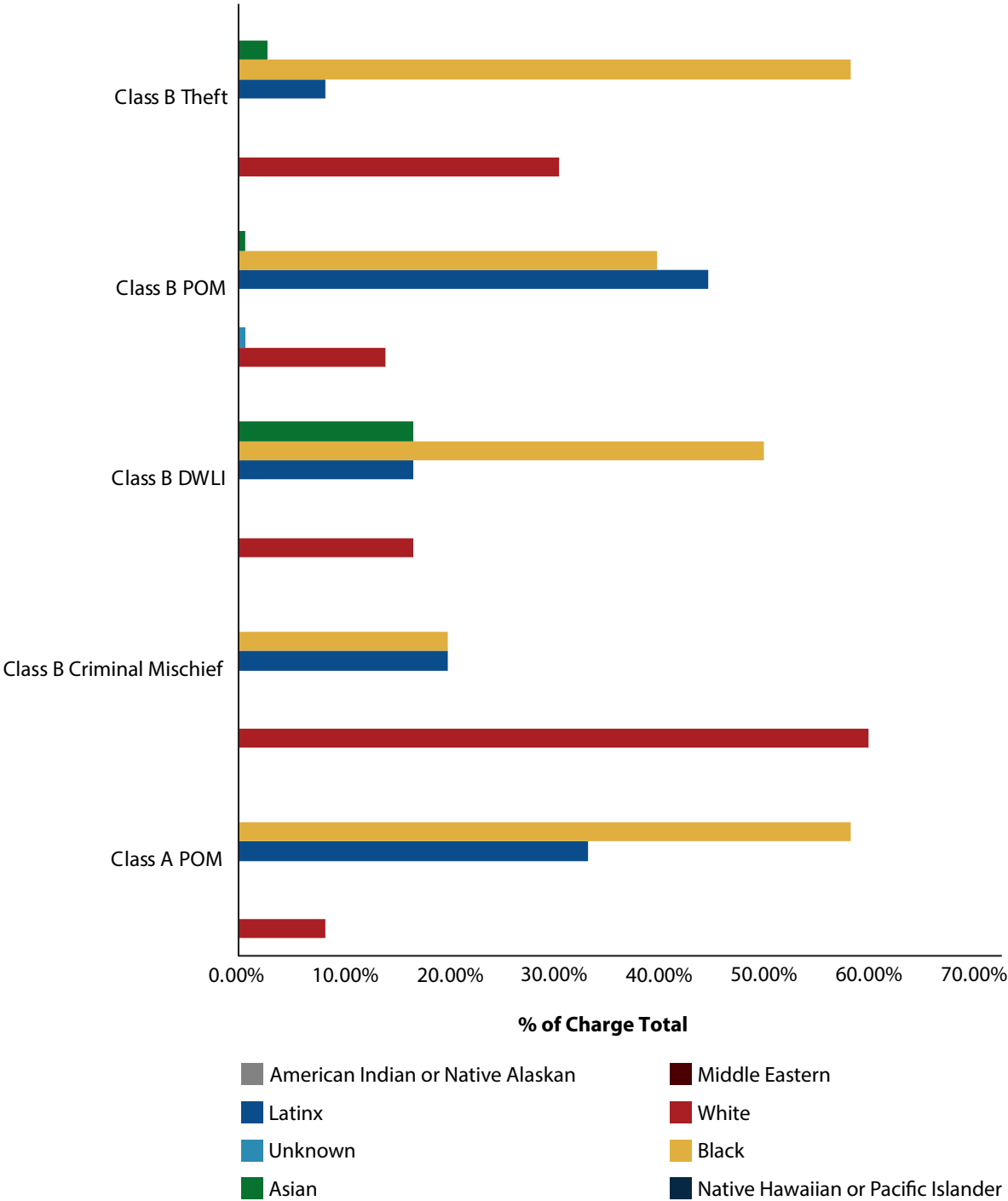


Figure B5: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Houston Police Department, n = 2,669)

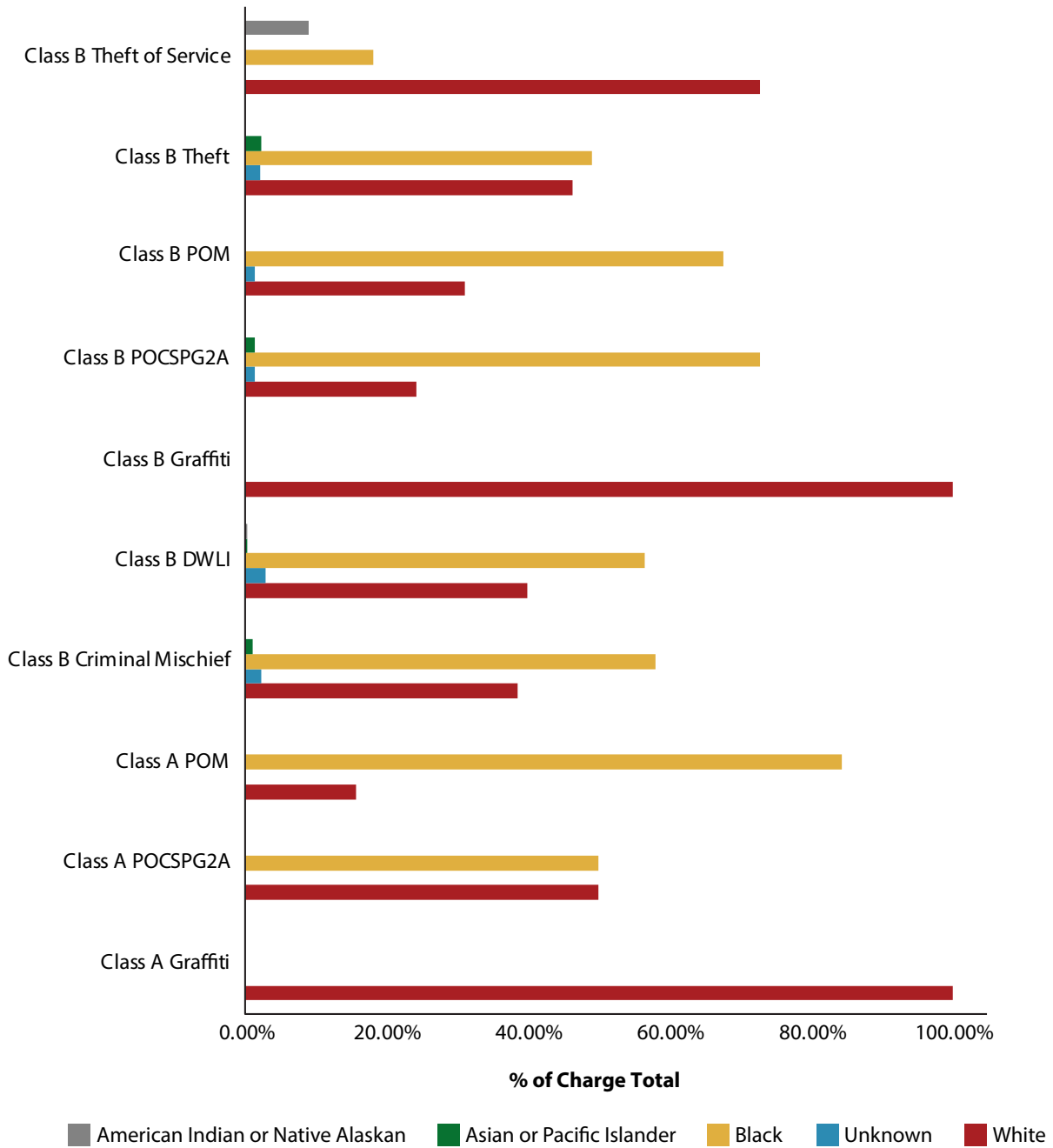


Figure B6: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Lewisville Police Department, n = 175)

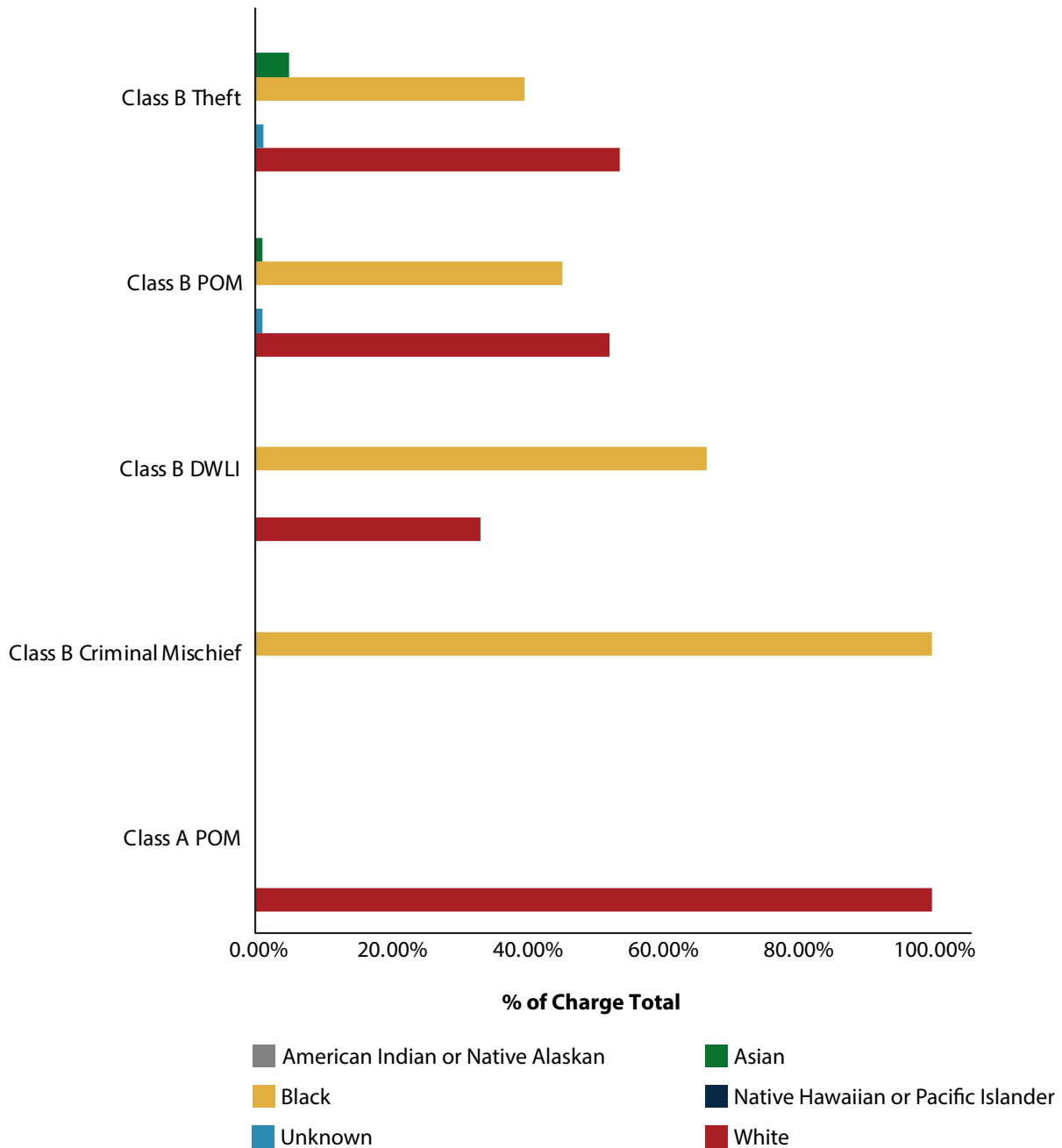


Figure B7: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Lubbock Police Department, n = 539)

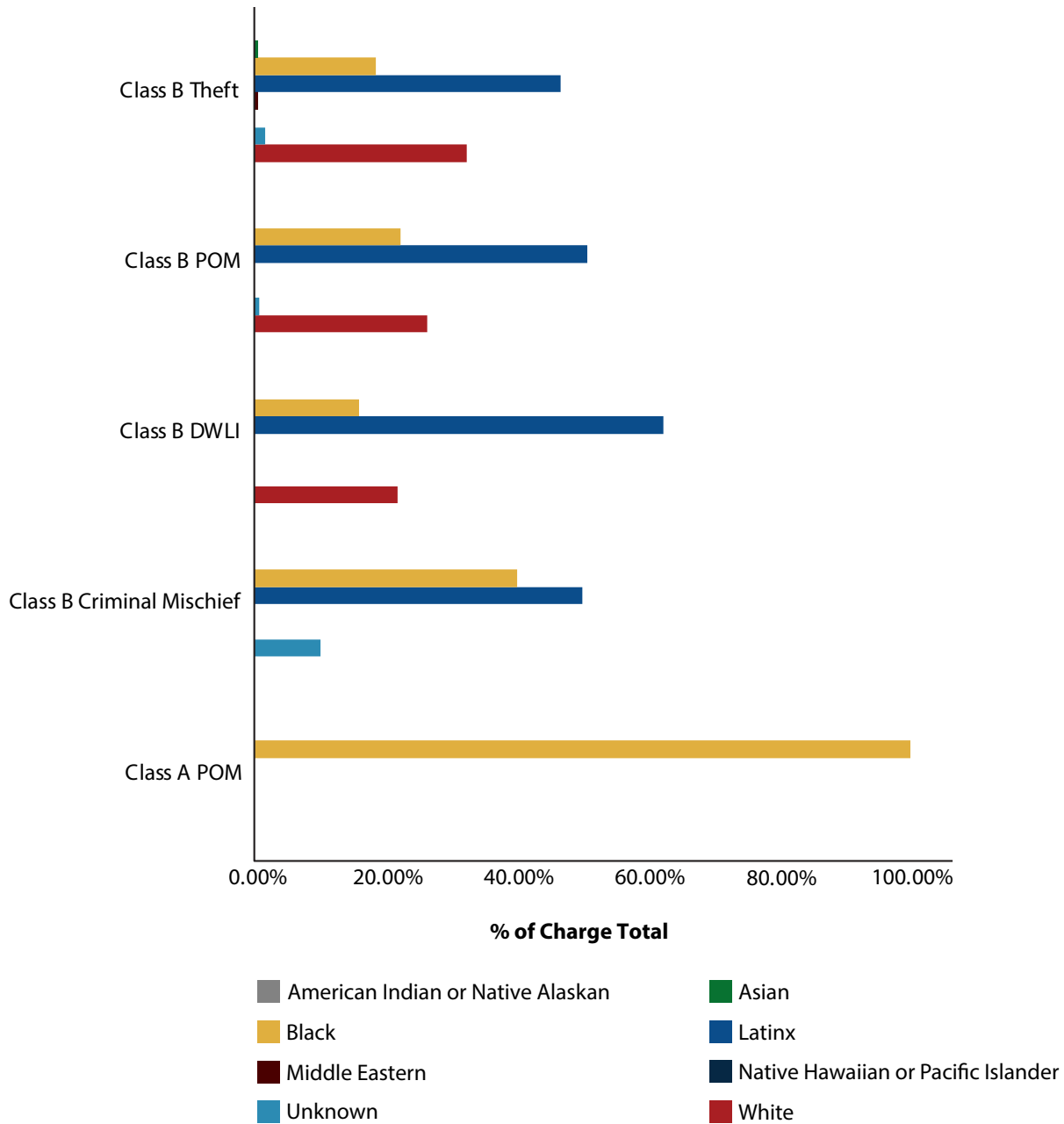
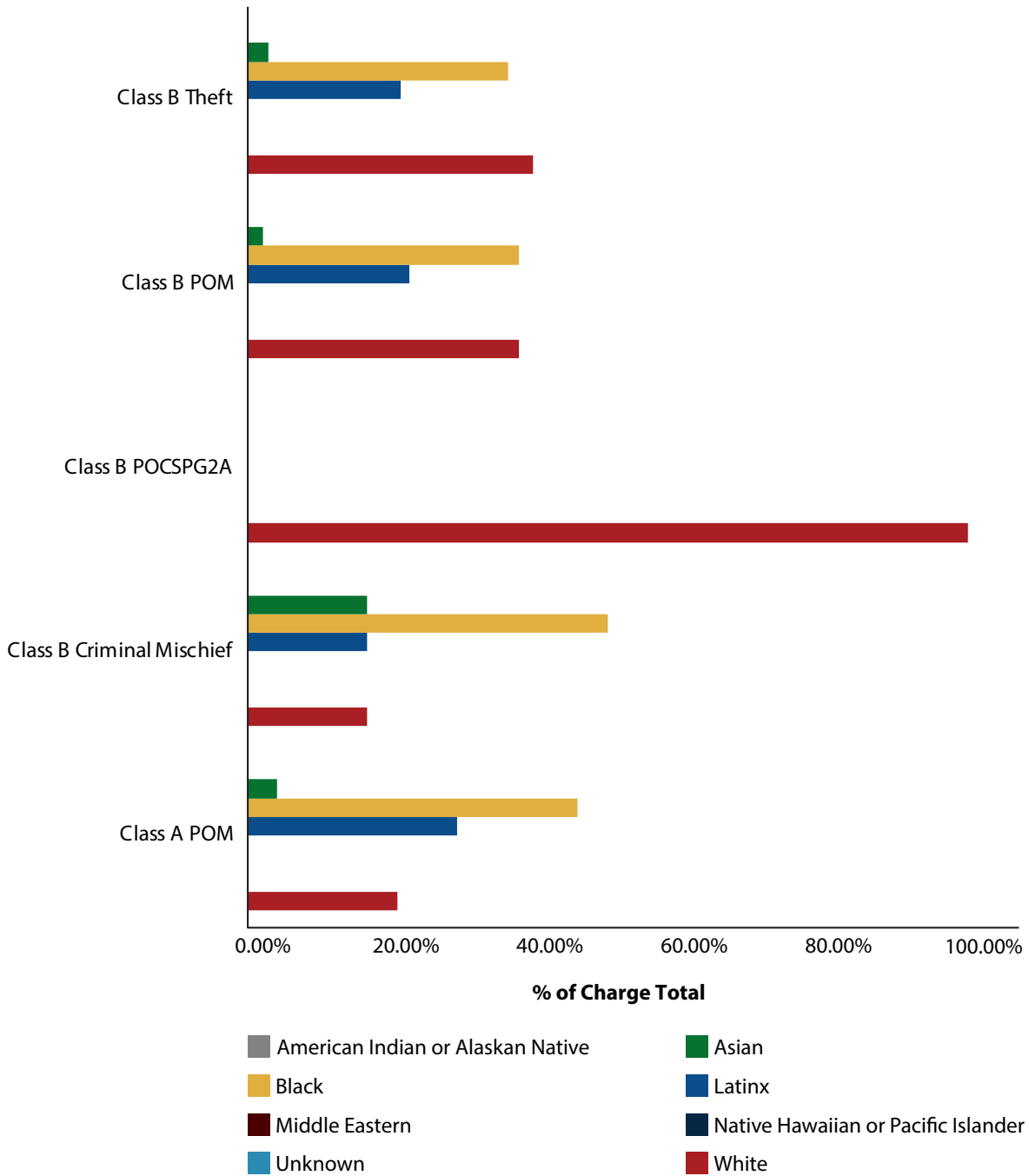


Figure B8: Citation-Eligible Charges Leading to An Arrest in 2019 by Charge Type and Race/Ethnicity (Plano Police Department, n = 489)



APPENDIX C

Overview of Cite-and-Release Procedures for Eligible Misdemeanors by Department

Table C1: Department Policies on Cite and Release Procedures for Eligible Misdemeanors

Department	Does the Department have an explicit cite and release policy relating to Art. 14.06(c) & (d)?	What citation eligible misdemeanors does the Department permit officers to cite for in lieu of arrests?	Notes for Consideration
Austin	Yes ³⁶	Most, excluding, Class A POCS PG2A, Class A Graffiti, Class B POCS PG2A, and Contraband in a Correctional Facility	Since its inception, the cite-and-release policy for APD has evolved, more specifically around how to process POM <4oz. ³⁷
Dallas	No ³⁸	Class A and B POM only	Has a policy around cite and release for Class Cs, and guidance to allow for cite and release for POMs under its own respective section.
Fort Worth	Yes ³⁹	All, except Contraband in a Correctional Facility; and guidance around DWLs are in their own respective section.	In June 2021, FWPD announced that they would begin participating in the cite-and-release “program” adopted by Tarrant County. ⁴⁰
Garland	-	-	Garland PD does not make their General Orders readily accessible to the public without a request for information.

Table C1: Department Policies on Cite and Release Procedures for Eligible Misdemeanors (Continued)

Department	Does the Department have an explicit cite and release policy relating to Art. 14.06(c) & (d)?	What citation eligible misdemeanors does the Department permit officers to cite for in lieu of arrests?	Notes for Consideration
Houston	Yes ⁴¹	All charges, though POMs are alternatively handled through a separate diversion court.	In September 2020, the Mayor of Houston passed an Executive Order implementing a Cite and Release Program for HPD. Though these specifications are not yet reflected in the Department's General Orders. ⁴²
Lewisville	No ⁴³	Class B DWLI only	Has a policy around cite and release for Class Cs, and guidance to allow for cite and release for DWLIs under its own respective section.
Lubbock	-	-	Lubbock PD does not make their General Orders readily accessible to the public without a request for information.
Plano	No ⁴⁴	-	-

REFERENCES

Endnotes

- 1 The figure given is estimated based on the number of citation-eligible arrests present in the data being analyzed, which for only 8 Texas municipal jurisdictions is approximately over 15,000 arrests (including arrests for Class C misdemeanors).
- 2 Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsections (b-d).
- 3 Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsections (a-b).
- 4 Acts 2007, 80th Leg., R.S., Ch. 320 (H.B. [2391](#)), Sec. 1, eff. September 1, 2007.
- 5 Acts 2011, 82nd Leg., R.S., Ch. 170 (S.B. [331](#)), Sec. 7, eff. September 1, 2011; Acts 2015, 84th Leg., R.S., Ch. 1251 (H.B. [1396](#)), Sec. 9, eff. September 1, 2015.
- 6 Brownsville activist accused of defacing Elon Musk-funded mural blasts mayor for Facebook posts of mugshot (February 23, 2022), Houston Chronicle, retrieved from <https://www.houstonchronicle.com/news/houston-texas/space/article/brownsville-activist-elon-musk-mural-mugshot-16940709.php>
- 7 Digard, L., & Swavola, E. (2019). *Justice denied: The harmful and lasting effects of pretrial detention*. Vera Institute of Justice, Vera Evidence Brief (August 2019). Retrieved from <https://safetyandjusticechallenge.org/wp-content/uploads/2021/06/Justice-Denied-Evidence-Brief.pdf> ; Dobbie, W., Goldin, J., & Yang, C. (2016). The effects of pre-trial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. National Bureau of Economic Research (No. 22511). Retrieved from https://www.nber.org/system/files/working_papers/w22511/w22511.pdf
- 8 Ibid; Heaton, P., Mayson, S. & Stevenson, M. (2017). *The downstream consequences of misdemeanor pretrial detention*. Stanford Law Review, 69, 711-794. Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). *Investigating the impact of pretrial detention on sentencing outcomes*. Lauren and John Arnold Foundation. Retrieved from http://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_state-sentencing_FNL.pdf ; Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). The hidden costs of pretrial detention. Lauren and John Arnold Foundation. Retrieved from <https://www.issuelab.org/resources/16457/16457.pdf> ; Stevenson, M. (2018). *Distortion of justice: How the inability to pay bail affects case outcomes*. Journal of Law, Economics, and Organization, (34) 4, 511-42; Leslie, E. & Pope, N. (2017). *The unintended impact of pretrial detention on case outcomes: Evidence from NYC arraignments*. Journal of Law and Economics, 60 (3), 529-557.
- 9 Mazerolle, L., Antrobus, E., Bennett, S. & Tyler, T.R. (2013). *Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice*. Criminology, 51(1), 33-64.
- 10 Tyler, T.R., Phillip, A.G., & MacCoun, R.J. (2015). *The impact of psychological science on policing in the United States: Procedural justice, legitimacy, and effective law enforcement*. Psychological Science in the Public Interest, 16 (3), 75-109.
- 11 Murney, M. (September 9, 2022). As Dallas County Jail population grows, felony judges push

back against commissioners' criticisms. KERA News: News for North Texas. Retrieved from <https://www.keranews.org/government/2022-09-09/as-dallas-county-jail-population-grows-felony-judges-push-back-against-commissioners-criticisms>; Thorn, C. (September 1, 2022). Tarrant County to spend \$18 million to house prisoners in Garza County. Community Impact. Retrieved from <https://communityimpact.com/dallas-fort-worth/keller-roanoke-northeast-fort-worth/city-county/2022/08/31/tarrant-county-to-spend-18-million-to-house-prisoners-in-garza-county/>; Murney, M. (September 9, 2022). State gives Harris County jail 30 days to fix overcrowding problems. The Houston Chronicle. Retrieved from <https://www.chron.com/news/houston-texas/article/harris-county-jail-overcrowding-17430747.php>.

- 12 Texas Penal Code §38.02 and Texas Penal code §49.02 authorize law enforcement to arrest over issuing a citation for these offenses.
- 13 Texas Code of Criminal Procedure §14.03 authorizes an arrest over issuing a citation in these instances.
- 14 Texas Code of Criminal Procedure, Chapter 14, Article 14.06., Subsection (d).
- 15 Population estimates based on the total population estimates by race/ethnicity for all jurisdictions, U.S. Census American Community Survey 2019 5-Year Estimates.
- 16 Ibid.
- 17 Texas Penal code §49.02
- 18 Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsection (d)(1-a).
- 19 Texas Code of Criminal Procedure, Chapter 14, Article 14.06, Subsection (d)(3).
- 20 Brownsville activist accused of defacing Elon Musk-funded mural blasts mayor for Facebook posts of mugshot (February 23, 2022), Houston Chronicle, retrieved from <https://www.houstonchronicle.com/news/houston-texas/space/article/brownsville-activist-elon-musk-mural-mugshot-16940709.php>
- 21 A review of the Texas Commission on Law Enforcement's (TCOLE) data on racial profiling for the year 2021 shows there to be approximately 1,084 law enforcement agencies that are responsible with routinely making stops in the across the state. This data can be retrieved from <https://www.tcole.texas.gov/content/racial-profiling-reports>.
- 22 Williams, S. & Hart, N. (2021). *Perceptions of police activities: Results from the Policing in America Survey by race and ethnicity in Cook County, Illinois, and Dallas County, Texas*. Data Foundation. Retrieved from <https://www.datafoundation.org/perceptions-of-police-activities-report-june-2021>.
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- 25 Texas Code of Criminal Procedure, Chapter 14, Article 14.06., Subsection (d).

- 26 Brownsville activist accused of defacing Elon Musk-funded mural blasts mayor for Facebook posts of mugshot (February 23, 2022), Houston Chronicle, retrieved from <https://www.houstonchronicle.com/news/houston-texas/space/article/brownsville-activist-elon-musk-mural-mugshot-16940709.php>
- 27 Heaton, P., Mayson, S. & Stevenson, M. (2017). *The downstream consequences of misdemeanor pretrial detention*. Stanford Law Review, 69, 711-794.
- 28 Tyler, T.R., Phillip, A.G., & MacCoun, R.J. (2015). *The impact of psychological science on policing in the United States: Procedural justice, legitimacy, and effective law enforcement*. Psychological Science in the Public Interest, 16 (3), 75-109.
- 29 Heaton, P., Mayson, S. & Stevenson, M. (2017). *The downstream consequences of misdemeanor pretrial detention*. Stanford Law Review, 69, 711-794; Dobbie, W., Goldin, J., & Yang, C. (2016). The effects of pre-trial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. National Bureau of Economic Research (No. 22511). Retrieved from https://www.nber.org/system/files/working_papers/w22511/w22511.pdf.
- 30 The rate of arrests per 100,000, for Class C misdemeanors for the jurisdictions examined in this analysis are as follows: Austin= 35.2, Dallas = 131.9, Fort Worth = 461.7, Garland = 429.9, Lewisville = 84.6, Lubbock = 404.2, and Plano = 14.3. These figures were arrived at by using the most common computational formula for arrests, which is (the number of arrests (in this case Class C arrests) ÷ the population of the jurisdiction) X 100,000.
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