

APD Cite and Release – Major Points

- Specific limitations in Texas law govern the use of citations for certain Class A and Class B misdemeanor offenses.
 - Only certain Class A / B offenses are covered:
 - Theft (Class B only)
 - Theft of Service (Class B only)
 - Criminal Mischief (Class B only)
 - Graffiti (Class B only)
 - Possession of Marijuana (Class A or Class B)
 - Driving with Invalid License (Class B only)
 - The offense must be committed in the same county where the alleged violator resides. For example, if the offense is committed in Travis County, only Travis County residents can receive a Class A/B citation. All others will be transported and booked into jail.
- Citations will not be issued for these offenses if the violation involved violence or if the alleged criminal conduct is likely to continue if only a citation is issued. In these situations, an arrest will be made after a Patrol supervisor has approved.
- Although officers are directed by policy to issue citations for these offenses (when possible), there are certain other situations where the officer may confer with a Patrol supervisor to make a custody arrest. Those situations might include the lack of sufficient identification for the alleged violator or the existence of outstanding warrants or other higher charges at the time of arrest.
- Alleged violators will still go through the same process in the criminal justice system as those who are booked. The primary difference is that there is no initial booking process with a citation. This allows officers to remain on the street instead of spending time with the booking process.
- When submitting the citation to the court, the officer also completes an arrest affidavit. If the alleged violator fails to appear in court, the affidavit is executed. An arrest warrant for the violator is then issued.
- The program was not implemented at the same time that the Travis County Sheriff's Office implemented its "Cite and Release" program last year for several reasons:
 - While TCSO has jurisdiction only in Travis County, the Austin Police Department's jurisdiction spans Travis, Hays, and Williamson Counties.
 - APD attempted to develop a policy and procedure for our Patrol officers that was consistent throughout Austin and across County lines.
 - To do so, each County had to first develop a procedure for its County Courts to process these citations; prior to this law, and unlike Municipal Courts, the County Courts did not deal with citations.
 - Travis County Court already had procedures in place to handle TCSO citations; however, neither Hays nor Williamson had yet developed such procedures.
 - After working with both of these Counties, only Hays agreed to process Class A/B citations issued by APD officers; Williamson County refused to do so and stated that any APD Class A/B citations issued in Williamson County would be summarily dismissed.
 - The new APD "Cite and Release" program is only in effect in Travis and Hays Counties.
- APD has developed a new citation form, updated internal policies and procedures, and implemented training on the program for officers.
- The APD Cite and Release program will be implemented on February 22, 2009.