

SAN ANTONIO MUST PURSUE PUBLIC SAFETY SOLUTIONS OUTSIDE OF ARREST AND INCARCERATION



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POLICY BRIEF

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SOLUTIONS FOR SAFE, HEALTHY,
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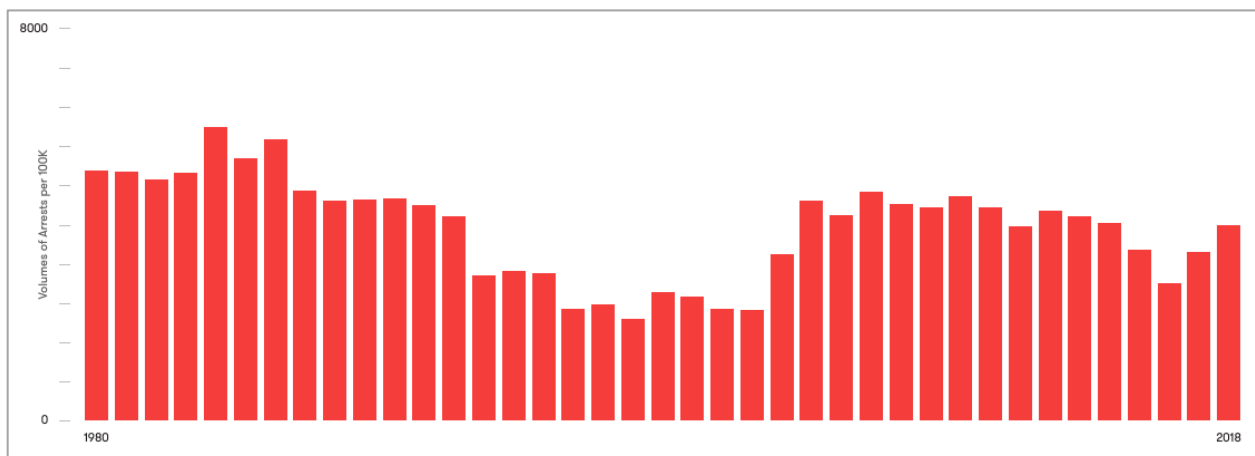
SAN ANTONIO MUST WORK TOWARDS A NEW VISION OF PUBLIC SAFETY

It is clear from America’s failed 40+ year experiment in mass punishment—fueled by a “tough-on-crime,” “law and order” approach rooted in racist policies and institutions—that we must do something radically different. As Jocelyn Simonson, Brooklyn Law professor, noted in her recent article, *Police Reform Through a Power Lens*, “the demands that emerged amid the 2020 uprisings against police violence and white supremacy brought into the national consciousness radical ideas for change in how the state should provide safety and security.”¹

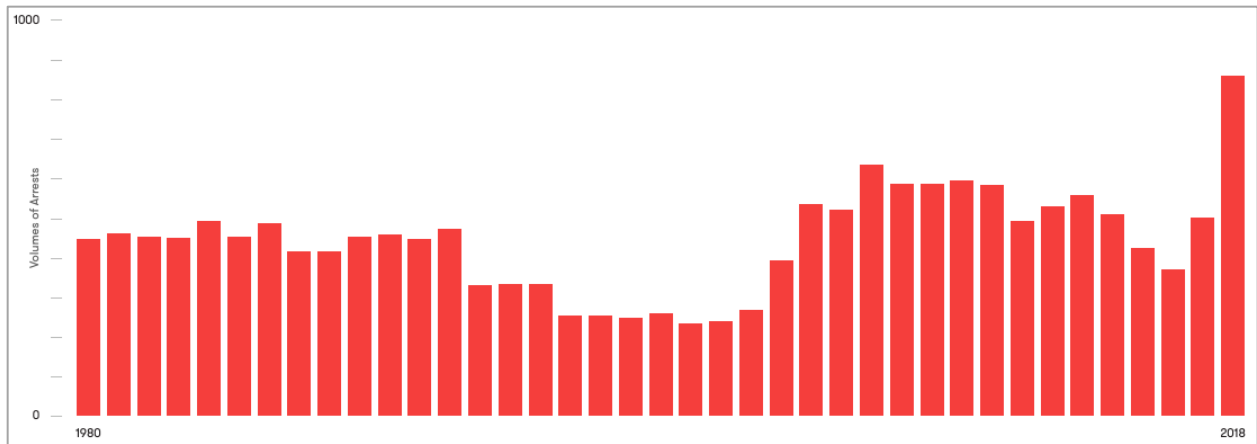
Considering that police interactions are one of the most common ways in which primarily Black, people of color, and other marginalized communities experience state violence, it is here where we must first begin the work of challenging ourselves to imagine solutions that go beyond traditional carceral approaches. **Those communities who have been most impacted by police and state violence are the ones closest to the solution.** That means those communities must be allowed to direct and lead how safety and security are provided, as well as how that safety and security manifest within their neighborhoods, and they must be given the resources and agency that result in accountability rooted in community.

To get a sense of the impact that San Antonio Police Department (SAPD) has on communities in San Antonio, we will be sharing data collected and visualized by researchers at the Vera Institute [3 charts below].²

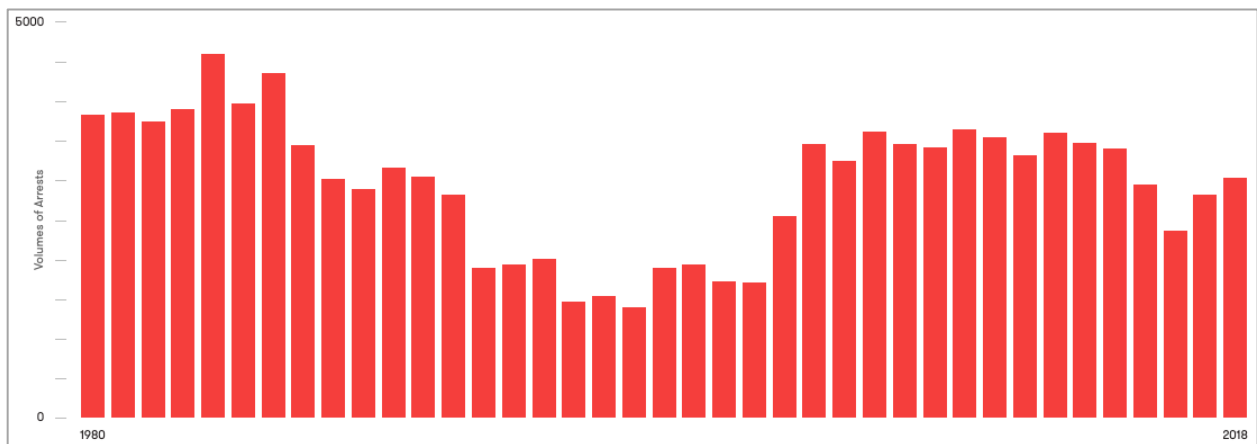
In 2018, SAPD made a reported 61,234 arrests. As the figure below shows, **the rate of overall arrests from 1980 to 2018 decreased by 22 percent.**



However, a comparison of arrest rates across racial categories during that same time period shows that **the arrest rate for Black adults increased by approximately 93 percent**, as seen in the figure below.



In contrast, the arrest rate for white adults decreased by 21 percent, as shown in the figure below.



Overall, **Black people were found to be 3 times more likely than white people to be arrested.**³ Additionally, the Vera Institute found that for charges stemming from alleged drug possession and disorderly conduct—which researchers noted are two of many charges characterized by high officer discretion—**Black people were arrested at rates approximately 4 and 3 times that of white people, respectively.**⁴

Besides the clear racial disparities seen in policing in San Antonio, mounting research also shows that traditional enforcement practices (e.g. arrest, prosecution, and incarceration) do not produce the types of public safety and public health outcomes that communities need.⁵ Instead, they cause lasting consequences and social stigma that can eliminate or strictly limit a person’s and their families ability to access the vital resources and services **proven to have a positive impact on community safety and wellbeing – including affordable and adequate housing, employment, education, and access to behavioral health and treatment services.**⁶

An arrest tends to be a biased event, though the full extent is not clear.

A study of drug and alcohol arrests from 2009-2018 in a southwest US county found that “race/ethnicity is associated with outcomes in drug-related arrests and that overrepresentation of racial/ethnic minorities in the criminal justice system cannot be attributed to greater use of drugs and alcohol in general.”

Ricky Camplain et. al, “Racial/Ethnic Differences in Drug-and Alcohol-Related Arrest, AJPB

This research highlights the need to (1) prioritize the development of true, community-based alternatives that do not rely on traditional carceral responses and institutions; and (2) implement strong pre-arrest diversion measures that aim to reduce or eliminate instances where police officers can make an arrest.⁷ Considering the role that police play as carceral gatekeepers, it is critical that we collectively work to challenge the conflation of policing and public safety so we can work to eradicate this giant entry point.⁸

A BETTER PATH FOR SAN ANTONIO: CITE AND RELEASE

A Comprehensive Cite and Release Ordinance Can Have Positive Outcomes

The SA Stands coalition has proposed a comprehensive cite and release ordinance that establishes—among many other important policy outcomes—clear language that further guides officer discretion, ensuring that officers can only use their immense power to arrest an individual under certain circumstances.⁹

In addition to limiting arrests and excessive “jail churn,” an ordinance can help interrupt the arrest-to-deportation pipeline. A policy brief by Local Progress, co-authored by the Center for Popular Democracy and United We Dream, states that “cite and release policies should be considered one of many ways to reduce the negative impact that criminal arrests have on our communities and immigrants in particular.” The authors further note that “immigrants are particularly vulnerable to the disproportionate profiling and arrests of people of color.” As a solution, the authors recommend that localities look to implement a cite and release ordinance that “should cover as many offenses as possible, include strict limits on police officer discretion about whether to issue a citation or make an arrest and provide for a wide range of acceptable IDs to be sufficient for a citation.”¹⁰

Importantly, **San Antonio’s current cite and release administrative policy has helped keep thousands of people from experiencing the immediate harms of and consequences associated with an arrest, and it has saved Bexar County more than \$3 million** since it was implemented in July 2019.¹¹ However, this administrative policy was only the first step, and because of SA Stands’ work in advocating for the city’s robust Cite and Release

In February 2020, **Cambridge, Massachusetts**, unanimously passed a law to codify the existing practice of issuing a summons to undocumented immigrants driving without a license. The law also prohibits police from asking about a person’s immigration status.

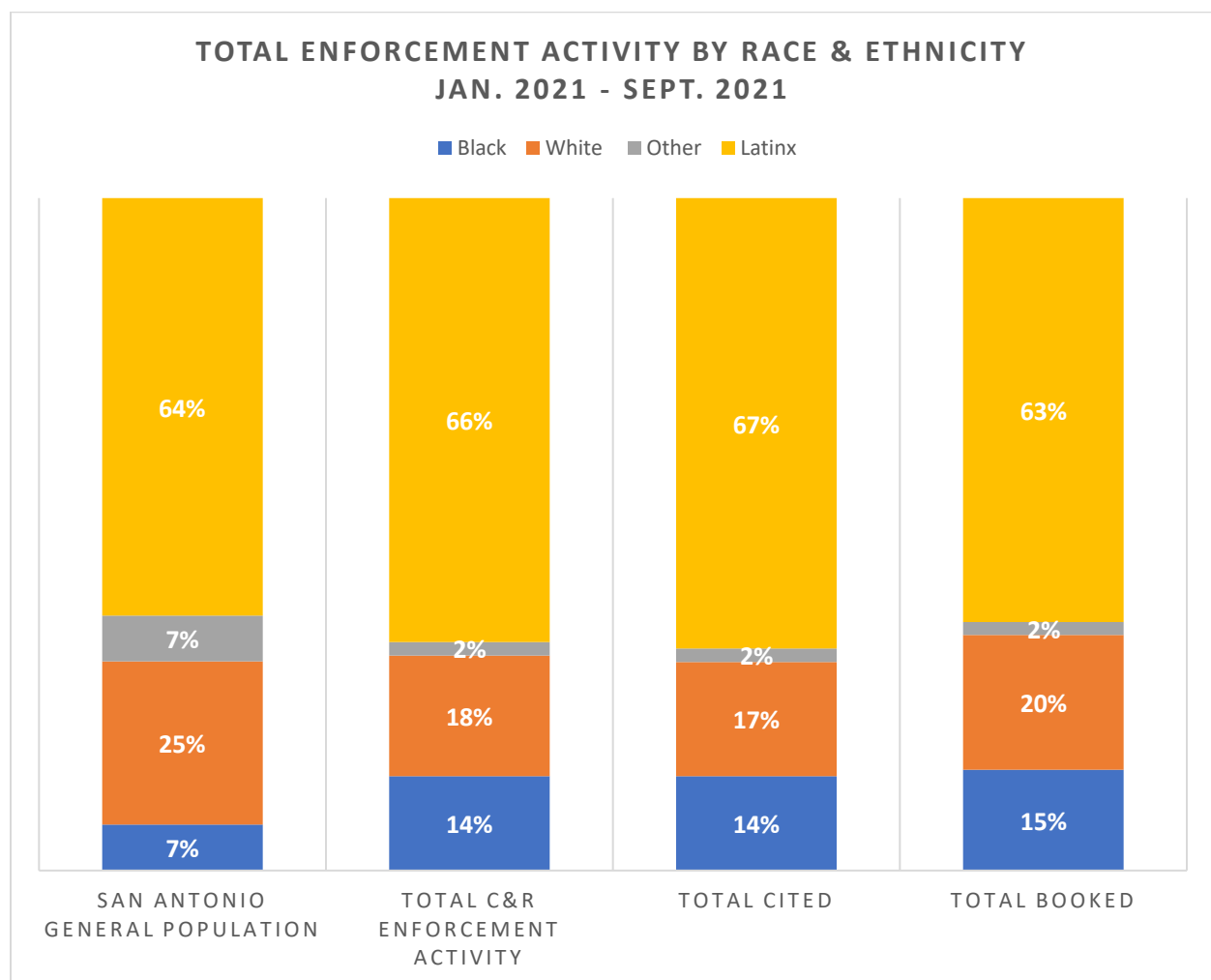
Localities that already have cite and release policies can consider ways to improve their programs. For example, in April 2015, **New York City** announced changes to improve their summons program, including through robocall reminders, clearer forms, and a flexible court appearance option pilot in Manhattan. These changes all aimed to reduce the number of arrest warrants issued due to missed court appearances. **From 2016 to 2017, opt-in text reminders helped reduce missed appearances by 26 percent.**

Dashboard¹²—which has made critical information publicly available—we now know that **more can be done to expand the impact of this policy and further reduce the footprint of policing in San Antonio.**

The Current Cite and Release Policy Continues to Result in Arrests and Racial Inequities

The San Antonio Cite and Release Dashboard data reveals an ongoing reliance on arrests. From January to September 2021, 269 people were arrested and booked into the Bexar County Adult Detention Center for an offense where a citation could have been given (meaning there were no disqualifying charges, active warrants, etc.).¹³

When analyzing the data for people booked into jail for a citation-eligible offense, we find 15 percent were Black, 20 percent were white, and 63 percent were Latinx,¹⁴ as shown in the final column in the figure below.

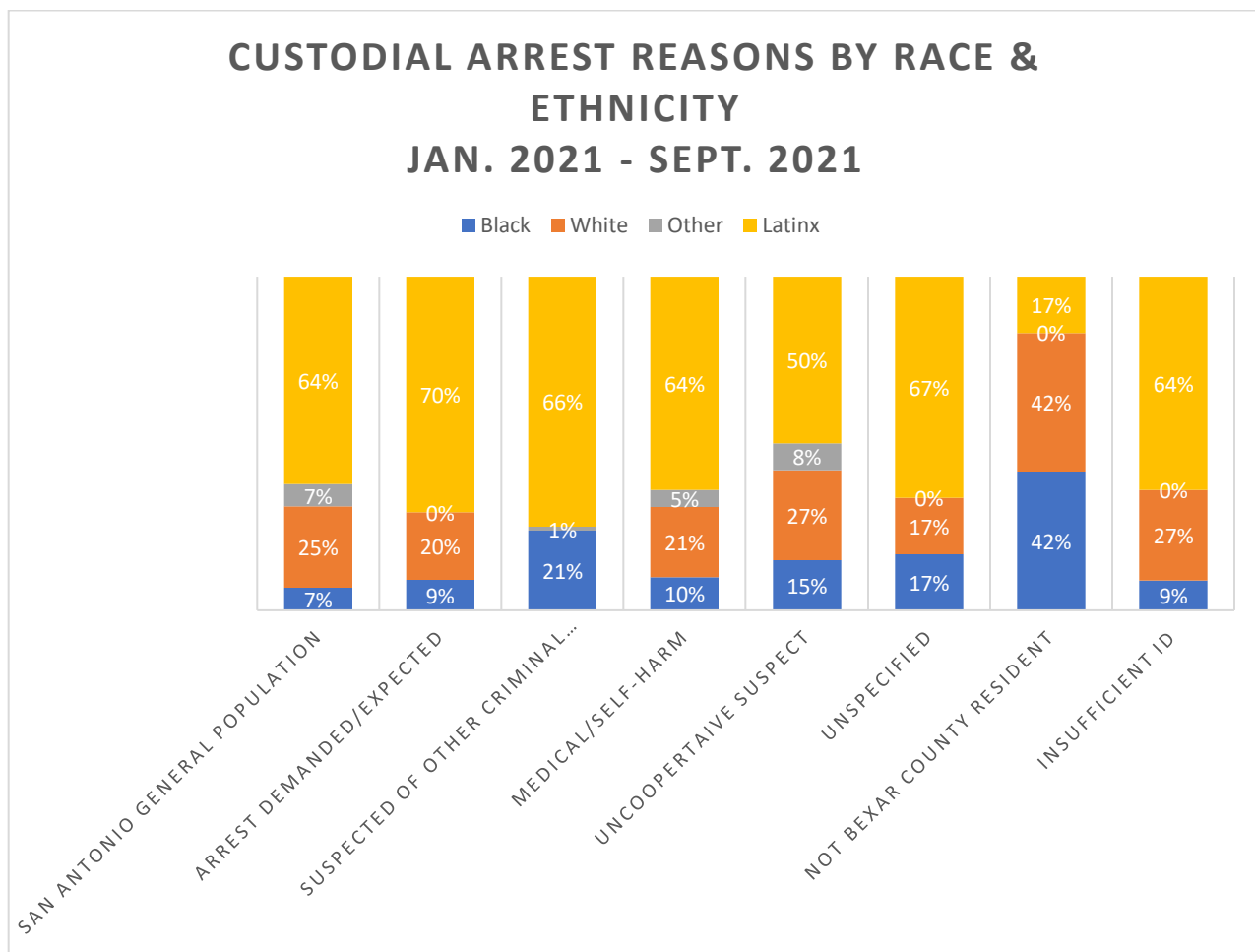


“Total C&R Enforcement Activity” refers to citations and bookings combined for all citation-eligible offenses.

The figure above shows that across cite and release population categories, Black people were overrepresented when looking at (1) the combined population of those cited and booked, (2) those who were only given a citation, and (3) those who were arrested and booked into jail—while white people

were underrepresented across the same categories. Although it has been interpreted as “progress” that more people of color are only being cited versus arrested, it is important to understand that higher rates of citations—just like higher rates of arrests—can stem from police saturation in certain neighborhoods, which carries with it significant ramifications: among them, higher risk of use of force, mistrust of police, and fiscal and human costs associated with increased involvement in the criminal legal system (even for minor offenses and traffic violations), along with the consequent degrading of the neighborhood’s economic resiliency.¹⁵

The figure below further emphasizes inequities in policing, showing the racial and ethnic breakdown of arrests within booking categories for non-mandatory arrest reasons only.¹⁶ While no one should be arrested and jailed for a citation-eligible offense, it must be acknowledged that when an officer did decide to make a non-mandatory arrest, people of color primarily suffered.



It is clear from the figures above, along with the data collected and visualized by the Vera Institute, that racially disparate outcomes in certain groups’ likelihood of arrest and the reasons for arrest exist in policing in San Antonio. This is a systemic and prevalent problem: A 2020 *Washington Post* article provides significant evidence and examples—including from multiple jurisdictions in Texas—of perverse racial disparities within policing and the criminal legal system.¹⁷ San Antonio can and must take a step in the right direction and become a leader in improving community wellness, individual outcomes, and racial equity.

SAN ANTONIO LEADERS MUST ACT NOW AND INVEST IN TRUE PUBLIC HEALTH AND SAFETY

Who is Languishing in Jail in Bexar County?

Although meaningful local jail data is not publicly available, we can piece together an adequate picture of the population languishing in the Bexar County Adult Detention Center—which provides all the more reason to move away from costly carceral policies to effective public health and community wellness strategies.

- According to the Center for Justice Research at Texas Southern University, **roughly one million people cycle through Texas county jails each year.**¹⁸ In Bexar County, there were approximately 50,000 bookings in FY 2020 and 2021,¹⁹ and according to recent data from the Texas Commission on Jail Standards, nearly 72 percent of individuals in the Bexar County jail had not been convicted of a crime.²⁰ That means that thousands of family members and loved ones, despite our constitutional bedrock principle of “innocent until proven guilty,” are forced to remain in cages.
- Unfortunately, we do not have publicly available data that would help provide a more detailed population breakdown for people in the Bexar County jail. What we do know is that 47 percent of the offenses magisterated in Bexar County during FY 2021-22 were misdemeanors, while nearly 52 percent were felonies.²¹ But, even that leaves questions unanswered due to the breadth of offenses that can be considered a misdemeanor or felony. However, we can extrapolate from a Texas Appleseed report on jail bookings across multiple, diverse jurisdictions in Texas, that—at least in the jurisdictions examined—most bookings were for misdemeanors and felonies primarily related to substance/alcohol use, theft, traffic violations, assault, and those who violated the terms of their probation. Importantly, that report found that most jail bookings in the examined jurisdictions were unnecessary and could be avoided.²²
- It can be challenging to adequately capture how race, class, age, and the many other social and economic factors come together to largely determine who is arrested and booked in the Bexar County jail. However, a 2017 national jail data analysis by the Prison Policy Initiative found the following:²³
 - Black Americans are overrepresented among people arrested.
 - Poverty is strongly linked with multiple arrests.
 - Low educational attainment increased the likelihood of arrest.
 - People with multiple arrests are 4 times more likely to be unemployed.
 - Most people arrested multiple times do not pose a safety risk.

This data highlights the deep inhumanity of continuing to rely on carceral policies and intuitions that not only vilify, but have also kept communities in a wasteful, generational, traumatizing cycle of harm and violence. It is past time for San Antonio leaders to give up the driver’s seat and allow the community to take the wheel and use the vast resources available to drive the solutions needed to counter that long and oppressive history of white supremacy and police violence.

Commonly Held Myths About Arrest and Incarceration – Debunked

In 2021, the American Public Health Association published a policy statement, *Advancing Public Health Interventions to Address the Harms of the Carceral System*, which debunked several myths used to support arrest and incarceration:²⁴

- **MYTH: Incarceration increases public safety.**
FACT: “This argument is inconsistent with the available evidence. Higher incarceration rates have not been shown to increase public safety... In addition, this argument does not consider the outsized magnitude of health and safety harms associated directly and indirectly with the carceral system.”
- **MYTH: Punishment through incarceration advances justice and accountability.**
FACT: “The carceral system is often presented as a tool for advancing justice and accountability, essentially conflating punishment with accountability. Yet this punitive paradigm—which operates by disrupting community cohesion, separating families, and warehousing people, with known health consequences—awaits the occurrence of interpersonal harm and punishes it rather than preventing or repairing it.”
- **MYTH: Alternatives to incarceration would not be fair to survivors of crime.**
FACT: “While recognizing that survivors do not have uniform experiences of harm, research seeking to document survivors’ justice goals has identified key critiques of current carceral practices and an interest in non-carceral solutions.”

An Approach Grounded in Community

We recognize that a comprehensive cite and release ordinance is just a small component of the immense effort necessary to drastically reduce arrests and shrink the oversized footprint of the criminal legal system in communities across San Antonio. However, **implementing an ordinance that seeks to make arrests an absolute last resort, expand the use of IDs, and ensure robust and timely data collection and community input, is an important step in charting a more community-centered, compassionate, and responsive path forward.**

At the same time, we must strongly emphasize that while a citation *is* preferable to prevent the immediate harms of an arrest, incarceration, deportation, and other entanglements within the vast criminal legal system, **San Antonio must ultimately push to pursue true, non-carceral responses that give communities the opportunity to make the decisions that are best for them**, including investments in social services and community development that prioritize wellness and equity. Communities deserve an approach that does not criminalize and dehumanize people, nor expose them to the devastating consequences and harms that are all too common with traditional enforcement practices.

We urge San Antonio leadership to adopt the proposed cite and release ordinance as a first step toward reducing arrests and jail churn, while committing to a broader vision of public health and safety—one that gives communities the power to identify solutions that provide meaningful opportunities for resiliency and success.

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Policy Brief: San Antonio Must Pursue Public Safety Solutions Outside of Arrest and Incarceration



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