



TEXAS CRIMINAL
JUSTICE COALITION

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2021 FACT SHEET

HB 1388

A Common-Sense Approach to Expanding Cite and Release

CURRENT PRACTICE LIMITS ADDITIONAL COST SAVINGS AND ACCESS TO COMMUNITY SUPPORTS

Under current Texas statute, law enforcement officials can only issue a citation for certain misdemeanors,¹ excluding other offenses where a citation can be more effective. This increases the number of unnecessary arrests and prosecutions, contributes to local jail churn, and reduces savings for local taxpayers.

Furthermore, current practice limits the use of pre-arrest diversion programs and access to other community-based alternatives and solutions, which are less costly and provide a more effective approach to addressing the needs of people with substance use disorder, mental health issues, and other traumas. Detaining such individuals results in further barriers and hardships that can lead to devastating collateral consequences, while also failing to acknowledge long-term solutions that can better address public safety concerns and overall community health.

KEY FINDINGS

- In the 10 Texas counties with the largest jail populations, their jails are operating at a high capacity (74% on average)² – a burden that could be relieved by fewer arrests and bookings.
- Current cite and release policies are reducing arrests, providing a safe model for expansion. For example, over the first year that Bexar County implemented cite and release, **2,500** individuals were cited rather than arrested, **4,249** officer hours were saved, and over **\$2 million** were saved in booking and prosecution costs alone.³
- Evidence strongly suggests that embracing alternative approaches to issues such as substance abuse will allow more people to seek the help they need, in turn keeping their jobs and housing, and promoting stronger public safety and community health in the long term.⁴

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1388 BY REPRESENTATIVE INA MINJAREZ

- HB 1388 expands the list of citation-eligible offenses to state jail felony drug offenses and other Class A and B misdemeanors, allowing law enforcement more opportunities to utilize a less harmful and less costly alternative to arrest.

Statewide, the impacts would be significant. In 2019 alone, roughly **104,000**⁵ arrests could have been avoided had the offenses included in HB 1388 already been citation-eligible. Approximately **61.5%** of these arrests were drug-related,⁶ reinforcing the need for community-based approaches that help people get back on their feet.

- HB 1388 provides jurisdictions with means to better promote and address public safety and community health through cost savings that can be targeted toward community needs.

Citations on reverse.

Citations

¹ Article 14.06, Code of Criminal Procedure.

² ACLU of Texas, *Texas Jails Data Dashboard*; <https://txjailsdata.org/>. Individual county capacity levels for January 2021: Harris – 83.85%; Dallas – 62.98%; Tarrant – 80.48%; Bexar – 73.47%; El Paso – 77.55%; Travis – 60.68%; McLennan – 73.3%; Lubbock – 83.62%; Smith – 89.21%; Denton – 54.75%.

³ Bexar County District Attorney’s Office *Cite and Release Annual Report 2019-2020*; see dashboard: <https://www.bexar.org/3322/Cite-Release>.

⁴ PEW, *More Imprisonment Does Not Reduce State Drug Problems*, March 2018, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>; See TCJC et al, *Ending the War on Drugs in Travis County, Texas: How Low-Level Drug Possession Arrests are Harmful and Ineffective*, <https://www.texascjc.org/system/files/publications/Report%20-%20Ending%20the%20War%20on%20Drugs%20in%20Travis%20County%20Texas.pdf>.

⁵ Texas Department of Public Safety, *Criminal History Arrest and Conviction Statistics: 2021 – Arrest Stats by Offense (XLSX)*; *County Arrest Records: Arrest Records: 2015 – 2019*, <https://www.dps.texas.gov/section/crime-records-service/crime-records-reports-and-statistical-information>.

⁶ *Ibid.*