

# Cite and Release Program

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# Code of Criminal Procedure

## Article 14.06c

- ▶ Allows peace officers to charge a person with certain Class A or B Misdemeanors by issuing a citation in lieu of taking the person to jail.
- ▶ Harris County has created a Cite and Release Court located on the 1<sup>st</sup> floor of 49 San Jacinto. Note, this does not apply to Fort Bend or Montgomery Counties.

# Offenses Permitting a Citation in Lieu of Arrests:

- ▶ Possession of Substance in Penalty Group 2-A less than 4 ounces
- ▶ Criminal Mischief \$100 - \$750
- ▶ Graffiti \$100 - \$2,500
- ▶ Theft \$100 - \$750
- ▶ Theft of Service \$100 - \$750
- ▶ Contraband in a Correctional Facility (Class B)
- ▶ Driving While License Invalid

# Procedures

1. Officers must positively identify the suspect. Then, they shall check for warrants and criminal history.
2. As with all charges, Officers consult with the District Attorney's Office to discuss probable cause. The eligibility for the Cite & Release Program will also be discussed.
3. Officers shall present the defendant with the opportunity to participate in the Cite & Release Program, and with agreement, get the suspect's signature on the citation as a promise to appear in court. The officer will issue the citation by providing the suspect with the yellow copy of the citation.
4. Lastly, the suspect will be released from custody, an offense report will be completed, and charges will be filed.

# Disqualifications for suspects to take part in the Cite and Release Program:

- ▶ Suspect is to be charged with Misdemeanor Possession of Marijuana (handled through Misdemeanor Marijuana Diversion Program)
- ▶ Suspect is not a resident of Harris County
- ▶ Suspect is younger than 17 years of age
- ▶ Suspect demands immediate appearance before a magistrate (program is voluntary)
- ▶ Suspect has outstanding warrants
- ▶ Safety (to self or others) is jeopardized by their release
- ▶ Suspect is in need of immediate medical attention

# Disqualifications continued:

- ▶ Suspect is combative. As such, officers have to physically respond to their resistance to ensure they stay at the scene and/or cooperate in the investigation.
- ▶ Suspect refuses to sign Cite and Release Citation.
- ▶ If the officer cannot positively ID the suspect (by government identification, AFIS or other reasonable means).
- ▶ If non-qualifying Cite and Release charges are also filed.
- ▶ There is reason to believe the suspect would not appear in court. The basis for this determination shall be specifically stated in the offense report (e.g. suspect has a history of *capias pro fines* and/or bond forfeiture). A supervisor's approval is necessary and the supervisor's name will be documented in the report.

# Disqualifications, continued:

- ▶ If a Driving While License Invalid and suspect is the at fault driver in a crash.
- ▶ Upon discussion with the ADA in Intake, if the charge is enhanced due to a prior conviction.
- ▶ Suspect is on parole for any crime.
- ▶ If an officer believes that offering Cite and Release to an otherwise qualified suspect is not the best course of action, the officer shall contact a supervisor for approval to withhold the offer and document the name of the supervisor who provided the authorization to book the suspect in the offense report.

**HOUSTON POLICE DEPARTMENT  
CITATION AND NOTICE TO APPEAR IN COURT**

Date: \_\_\_\_\_ Time of Offense: \_\_\_\_\_ Name/Badge #: \_\_\_\_\_

Location of Offense: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ OR # \_\_\_\_\_ DA Log # \_\_\_\_\_

**PERSONAL INFORMATION**

Last: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_

DL/ID Number: \_\_\_\_\_ State: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell  Home  SPN: Yes  No 

Email: \_\_\_\_\_

Consent for Text: Yes  No  Consent for Email: Yes  No **VIOLATION (Check all that apply):**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Possession of Marijuana<br>(0 – 4 oz) | <input type="checkbox"/> Possession of Controlled<br>Substance (PG2-A 0 – 4 oz) | <input type="checkbox"/> Criminal Mischief \$100 -<br>\$750                 | <input type="checkbox"/> Graffiti \$100 -<br>\$2500       |
| <input type="checkbox"/> Theft \$100 - \$750                   | <input type="checkbox"/> Theft of Service \$100 - \$750                         | <input type="checkbox"/> Contraband in a Correctional<br>Facility (Class B) | <input type="checkbox"/> Driving While<br>License Invalid |

I have received this written notice to appear at my first appearance on \_\_\_\_\_ at \_\_\_\_\_. I promise to appear at **49 San Jacinto, Houston, Texas 77002** on the date and time designated in this citation to receive further admonishments and, potentially, have additional conditions of my release set in accordance with Local Rule 9.

I understand that my presence is required. If I do not show for this first appearance, I must report to the next available Open Hours Court. Open Hours Court is held every Thursday and the schedule will be posted at the courthouse, 1201 Franklin, Houston, Texas, at the jail, 700 North San Jacinto, Houston, Texas, and on the following website <http://www.ccl.hctx.net/criminal/>.

If you miss your first appearance, meaning that you have not appeared in court within one hour of the time set for your first appearance or by the time the docket has concluded, and good cause does not exist for the nonappearance, then a warrant for your arrest shall be issued. However, even if a warrant issues, you are encouraged to appear at Open Hours Court or in the assigned court to reschedule the missed first appearance. If you voluntarily appear in the assigned court or in the Open Hours Court after a warrant has issued for failing to appear at first appearance, the warrant will be recalled, and you will be permitted to reschedule the missed first appearance. An assistant public defender or private appointed counsel will be available at the Open Hours Court docket to assist you if you do not have a lawyer and wish to be represented by counsel. Questions about Open Hours Court dates and location may be directed to 713-274-HELP (4357).

**THIS IS NOT A PLEA OF GUILTY OR ANY ACKNOWLEDGMENT OF GUILT.  
THIS IS MY PROMISE TO APPEAR FOR MY FIRST APPEARANCE.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

In the event you would like to make a compliment or register a complaint with regards to this officer, please contact us at: **Houston Police Department 1200 Travis St., Houston, TX 77002, (713)308-0040 or online at: [houstonpolice.org](http://houstonpolice.org)**.

# Questions

- ▶ Remember, the Cite and Release program applies only to Harris County Incidents involving:
  - ▶ Possession of Controlled Substance in Penalty Group 2A (Kush) up to 4 ounces
  - ▶ Criminal Mischief (Class B only)
  - ▶ Graffiti (Class A and B Misdemeanors)
  - ▶ Theft (Class B only)
  - ▶ Theft of Service (Class B only)
  - ▶ Driving While License Invalid
- ▶ Questions?