



EXECUTIVE ORDER  
**CITE AND RELEASE PROGRAM**

EO No.	EO 1-68
Effective Date:	Upon Approval

**1. AUTHORITY**

Article VI, Section 7a, of the City Charter of the City of Houston.

**2. PREFACE**

Cite and Release programs, whereby law enforcement officers issue citations to individuals accused of certain low-level, non-violent criminal offenses instead of making an arrest, have been implemented in other cities to reduce the jail population for non-violent offenders, to reduce the time officers spend on jail processing procedures, and to improve response times by getting officers back into service more quickly. It is the policy of the City of Houston (City) to participate in the Harris County Cite and Release Program.

**3. SCOPE**

This Executive Order is applicable to police officers in the Houston Police Department (HPD).

**4. DEFINITIONS**

**Citation:** An official document issued by a peace officer to a Suspect charged with committing an offense, which contains written notice of the time and place the individual must appear in court, the name and address of the individual charged, and the offense charged.

**Cite and Release (CAR) Program:** Procedures instituted by Harris County officials to enable peace officers to charge Suspects by citation in lieu of arresting and booking them through Harris County's Joint Processing Center for certain eligible offenses.

**Eligible Offense:** An offense for which a citation may be issued in lieu of arrest under the CAR Program.

**Suspect(s):** An individual accused of committing an eligible offense in Harris County.

**5. GENERAL PROVISIONS**

5.1. Article 14.06(c) of the Texas Code of Criminal Procedure permits a peace officer charging an individual with certain Class A or B misdemeanor offenses to issue a citation in lieu of taking the individual before a magistrate.

5.2. HPD shall participate in the CAR Program, and HPD officers shall issue citations to Suspects accused of committing eligible offenses instead of arresting and booking the Suspect through the Harris County Joint Processing Center (JPC).

5.3. The following offenses shall be eligible offenses under the CAR Program:

5.3.1. Possession of Controlled Substance in Penalty Group 2-A, if controlled substance is four ounces or less;

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- 5.3.2. Criminal Mischief, if the amount of pecuniary loss is \$100 or more but less than \$750;
- 5.3.3. Graffiti, if the amount of pecuniary loss is \$100 or more but less than \$2500;
- 5.3.4. Theft, if the value of the property stolen is \$100 or more but less than \$750;
- 5.3.5. Theft of Service, if the value of the service stolen is \$100 or more but less than \$750;
- 5.3.6. Contraband in a Correctional Facility, if offense is a Class B misdemeanor; and
- 5.3.7. Driving While License Invalid (DWLI).

5.4. The following circumstances shall disqualify Suspects from the CAR Program:

- 5.4.1. Suspect is to be charged with Possession of Marijuana (four ounces or less), which is handled instead through the Misdemeanor Marijuana Diversion Program (MMDP) as applicable.
- 5.4.2. Suspect is not a resident of Harris County.
- 5.4.3. Suspect is younger than 17 years of age.
- 5.4.4. Suspect demands immediate appearance before a magistrate.
- 5.4.5. Suspect has outstanding warrants.
- 5.4.6. Suspect's release could jeopardize Suspect's safety or the safety of others (e.g. intoxicated, family disturbance incident where leaving the Suspect at the scene might enhance the incident from criminal mischief to violence, etc.).
- 5.4.7. Suspect needs immediate medical attention.
- 5.4.8. Officer must use force to detain the Suspect to ensure the Suspect stays at the scene and/or cooperates in the investigation of the alleged eligible offense.
- 5.4.9. Suspect refuses to sign the CAR citation.
- 5.4.10. Officer cannot positively identify the Suspect (by government identification, Mobile AFIS, or reasonable means).
- 5.4.11. Charges to which the CAR Program does not apply are also filed against Suspect.
- 5.4.12. Officer determines and supervisor concurs that 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 required, and the supervisor's name shall be documented in the report.
- 5.4.13. The offense is DWLI, and the Suspect is the at-fault driver in a crash.
- 5.4.14. Upon discussion with the Harris County Assistant District Attorney in the Intake Division, the charge is enhanced due to prior convictions.
- 5.4.15. Suspect is on parole for any crime.

5.5. An HPD Officer shall undertake the following procedures for a Suspect:

- 5.5.1. Positively identify the Suspect, preferably with a state issued photo identification. If no official

form of photo ID is available, use a reasonable means to confirm the Suspect's identity.

- 5.5.2. Complete a criminal history check for warrants.
- 5.5.3. Contact the Harris County District Attorney's Office, Intake Division, to review probable cause and to confirm the Suspect and charge are eligible for CAR Program.
- 5.5.4. Offer the Suspect the opportunity to participate in CAR Program, and if the Suspect agrees, issue the citation.
- 5.5.5. If the Suspect wishes to participate, the officer shall complete all sections of the citation, one charge per citation. The officer shall explain that by signing the citation, the Suspect promises to appear for their court setting.
- 5.5.6. Release the Suspect and ensure the Suspect departs the scene when applicable. A DWLI Suspect cannot be allowed to drive from the scene. The vehicle must be parked, towed or driven by another licensed individual.
- 5.5.7. If the Suspect declines to participate, the officer shall book the Suspect at the Harris County Joint Processing Center per standard procedure.
- 5.5.8. If an officer believes that offering the CAR Program 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 booking authorization in the offense report. The basis for this determination shall be specifically stated in the offense report.

#### 5.6. REPORTING

- 5.6.1. The Chief of Police shall collect information pertaining to the issuance of citations under this program, including the race and/or ethnicity of the suspect, and prepare a monthly and annual report of such information, including:
  - 5.6.1.1. Total number of citations issued;
  - 5.6.1.2. Total number of citations for each offense category;
  - 5.6.1.3. Total number of no-shows at court for the CAR Program;
  - 5.6.1.4. Total number of warrants issued as a result of no-shows in court; and
  - 5.6.1.5. Case status totals for each category (i.e., Active, Inactive, Disposed).

#### 5.7. IMPLEMENTATION

- 5.7.1. The Chief of Police shall develop policies and procedures to implement this Executive Order which shall be consistent with this Order.

#### 5.8. CONFLICT

- 5.8.1. This Executive Order is cumulative of and in addition to all other General Orders and written directives of the Houston Police Department and Chief of Police. In the event of a conflict between this Executive Order and any federal or state law, statute, or regulation, the federal or state law, statute or regulation supersedes this Executive Order. In the event of a conflict between this Executive Order and any General Orders and written directives of the Houston Police Department and Chief of Police, this Executive Order supersedes such General Order or written directives of HPD or the Chief of Police.