

A Step in the Wrong Direction: Examining Houston's New Cite and Release Policy

George Floyd's killing in the summer of 2020 revived national calls for police reform, particularly in metropolises such as his hometown of Houston. The city's first substantial change came in the form of a new cite and release program, which allows officers to issue citations to offenders of low-level crimes instead of arresting them. As Mayor Sylvester Turner signed the bill into effect, surrounded by the police chief and other dignitaries, he touted that it would give suspects an opportunity to "face responsibility for their actions without having the stain of an arrest."¹ Noble as the policy may seem on the surface, a closer analysis evinces gaping flaws that legislators must have ignored in the name of police reform: it allows offenders to flee justice and threatens to worsen discrimination against minorities.

Upon receiving a citation, suspects in the cite and release program are required to appear in court to face adjudication, but in reality, many fail to do so. In 2009, the Austin Police Department established a program practically identical to Houston's. Over the span of three years, 40% of suspects released with a citation failed to appear in court.² Shannon Edmonds, Director of Governmental Relations for the Texas District and County Attorneys Association, attributes the dramatic increase to fear of facing justice. "You're asking [suspects] to voluntarily show up and subject themselves to a possible jail sentence," she said.³ With a similar crime rate and geographic location, Austin's data provides a warning of how the program may fare in Houston. Even worse, Art Acevedo, who formerly led the Austin cite and release program and

¹ Dylan McGuinness, "Turner Signs Order Launching Cite-and-release; Advocates to Keep Watch on Implementation," Houston Chronicle, last modified September 28, 2020, accessed January 9, 2021, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Turner-to-sign-order-launching-cite-and-release-15602963.php>.

² Tony Plohetski, "In Travis' Cite and Release Program, 40% of Suspects Are No-shows," Statesman, last modified June 16, 2013, accessed January 9, 2021, <https://www.statesman.com/article/20130616/NEWS/306169822>.

³ Plohetski, "In Travis," Statesman.

now serves as Houston's Police Chief, has never taken this issue seriously. "[Suspects who flee] are playing Russian roulette, and if you play long enough, it will catch up with you," he dismissed. Mr. Acevedo's comments make it painfully clear that the Houston Police Department is overlooking the magnitude of increased failure-to-appear. Judges must sign arrest warrants for each no-show defendant, which further clogs Houston's courts and costs taxpayers more than \$120 per case.⁴ Furthermore, until arrested, these evasive criminals are free to cause more theft, mischief, graffiti, and drug-related crimes, all of which endanger the community's safety.

Another flaw in Mr. Turner's order is that the broad brushstroke wording in the bill grants officers nearly unlimited power to discriminate between offenders. Under the statute, officers can arbitrarily choose not to offer the program to an otherwise qualified suspect under the murky guise of it not being "the best course of action."⁵ This hole in the legislation has raised alarm among minority communities who fear it may worsen discrimination. Right2Justice, a coalition that initially supported the cite and release program, rebuked Mr. Turner's version of the policy in a letter co-signed by a number of local activist organizations. "[The policy] gives [officers] even more power to make unnecessary arrests," the group warned. "Failure to take immediate action . . . places the city of Houston at a high risk of worsening . . . discriminatory arresting practices."⁶ These concerns are valid: 2018 data from San Marcos, Texas, shows that, of the 75 black and Asian suspects eligible for cite and release, all were arrested instead of cited.⁷ The

⁴ J.David Hirschel and Charles W. Dean, "The Relative Cost-effectiveness of Citation and Arrest," *Journal of Criminal Justice* 23, no. 1 (January 1995): 10, [https://doi.org/10.1016/0047-2352\(94\)00041-7](https://doi.org/10.1016/0047-2352(94)00041-7).

⁵ Turner, "Cite and Release," City of Houston.

⁶ Right2Justice Coalition to Sylvester Turner, "An Open Letter to Mayor Turner and City Council regarding Cite and Release," September 23, 2020, accessed January 9, 2021, https://49b11118-9ca9-4513-8ab5-1a9a97d83217.filesusr.com/ugd/413c6c_560e6728f0a84e9e905209a3cb0a9844.pdf.

⁷ Chase Rogers, "Concerns Raised over Cite-and-release Data," *The University Star*, last modified September 9, 2019, accessed January 9, 2021,

legislature's ambiguous wording threatens to exasperate racial wounds and chip away at the community's trust in policing.

A popular argument in favor of Houston's cite and release program centers around the cost savings of issuing citations instead of arresting suspects. Using data from Charlotte, North Carolina, one researcher estimated that police departments could save \$100.96 per case.⁸ However, such cost savings are severely outweighed by the decrease in public safety and trust this program can cause. If a cite and release program produces negligible cost savings—0.03% of the annual police budget⁹—but breeds discrimination and allows a dramatic rise in suspected criminals roaming the streets, it should be swiftly rejected. A similar argument can be made for jail space. Supporters of Mr. Turner's order claim that it would free up jail cells for more dangerous criminals. However, fewer than 100 of the 9,000 daily inmates in Houston's jails would even qualify for the program.¹⁰ A 1% reduction in jail population is simply not worth the harms the program will plague Houston with.

Mr. Turner claims the cite and release program was established in the name of fairness and second chances. Yet under scrutiny, it appears like the dangerous product of city officials blindly pursuing police reform while sweeping aside potential consequences. And even if the program has less noble aims—such as cost or jail space savings—those marginal benefits should

https://www.universitystar.com/news/crime/concerns-raised-over-cite-and-release-data/article_bece991e-f8f8-58c7-b7dd-0112f55ac791.html.

⁸ International Association of Chiefs of Police, Citation in Lieu of Arrest: Examining Law Enforcement's Use of Citation across the United States, 18, April 2016, accessed December 26, 2020,

<https://www.theiacp.org/sites/default/files/all/i-j/IACP%20Citation%20Final%20Report%202016.pdf>.

⁹ Houston arrests approximately 3,000 people each year for crimes eligible for the new cite and release policy. Assuming \$100.96 in savings per case, the police department would save approximately \$300,000 each year. This is about 0.03% of the department's annual operating budget of \$964 million.

¹⁰ Harris County, "Jail Population," infographic, Harris County, accessed January 9, 2021,

<https://charts.hctx.net/jailpop/App/JailPopCurrent>.

not, and cannot, compete with public safety and equality. The city of Houston is not a corporation that seeks to maximize profit—it is a government that protects all its citizens.

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