



Legislation Details (With Text)

File #: Ord. 2020-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Individual Consideration
File created: 3/9/2020 **In control:** City Council
On agenda: 4/7/2020 **Final action:**
Title: Consider approval of Ordinance 2020-18, on the first of two readings, supporting the San Marcos Police Department's increased use of the cite and release process, when appropriate, instead of arresting individuals suspected of having committed certain misdemeanor offenses: requiring recordkeeping and reporting of use of the cite and release process and instances in which individuals have been arrested for cite and release eligible offenses; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Article 14.06 memo.pdf, 2. CITE AND RELEASE ORDINANCE - FIRST READING - APRIL 7, 2020, 3. Background Memo, 4. Summary Memo C&R Stats, 5. 2018 Cite and Release Analysis, 6. 2018 Cite Arrest Ineligibility, 7. 2019 Cite and Release Analysis, 8. 2019 Cite Arrest Ineligibility, 9. Final draft 040720.pdf

Date	Ver.	Action By	Action	Result
4/7/2020	1	City Council	approved	Pass
4/7/2020	1	City Council	amended	Pass
4/7/2020	1	City Council	amended	Fail
4/7/2020	1	City Council	amended	Pass
4/7/2020	1	City Council	amended	Pass

AGENDA CAPTION:

Consider approval of Ordinance 2020-18, on the first of two readings, supporting the San Marcos Police Department's increased use of the cite and release process, when appropriate, instead of arresting individuals suspected of having committed certain misdemeanor offenses: requiring recordkeeping and reporting of use of the cite and release process and instances in which individuals have been arrested for cite and release eligible offenses; and providing an effective date.

Meeting date: April 7, 2020

Department: City Manager

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: March 3, 2020 - Council held discussion and consensus was to bring this back in the form of an Ordinance.

October 15, 2019 - Council discussed this item during its regular meeting but did not provide direction to staff. Rather, the Council referred the item back to the Criminal Justice Reform Committee for further work.

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☒ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The San Marcos City Council empaneled a Criminal Justice Reform subcommittee to study local criminal justice reform efforts in parallel with the work being done at the county level. The committee originally consisted of Council Member Mark Rockey Moore (chair), Council Member Lisa Prewitt, and Council Member Dr. Ed Mihalkanin. The committee began meeting monthly in July, 2019. The committee has been working on a draft ordinance that pertains to the use of Cite and Release by sworn law enforcement officers employed by the City. In their regular meeting held on October 3, 2019, the committee developed language for this draft ordinance and presented that language to the Council on October 15, 2019. During that meeting, discussion by the members of Council in conjunction with questions and answers to and from members of staff and the community prompted the Council to send the item back to the committee for further development.

On November 7, 2019, the Criminal Justice Reform (CJR) committee met again and discussed a third version of the ordinance developed by committee members and constituents associated with Mano Amiga. There were substantive changes in this draft that had previously been removed, and there was a lack of consensus on a few of the points. Additionally, a red-lined copy of the ordinance in relation to the prior version was not available. A representative from Mano Amiga volunteered to create the red-lined draft and send that to the committee members and staff representatives. Approximately one week later, staff received a red-lined document for review. That document contained additional wording not previously discussed in any of the meetings, so it became clear that another meeting would need to be held to further discuss what a final draft might look like. The committee did not meet over the Christmas and New Year's holiday time period and reconvened on January 28, 2020. One committee member was new since the November 7, 2019 meeting. Council Member Dr. Marquez replaced outgoing Council Member Lisa Prewitt.

A discussion item about the draft ordinance language was presented to Council during their regular meeting on March 3, 2020. There was consensus among the Council after discussion to bring the item back after Spring Break as an ordinance for consideration. The ordinance language attached to this item is ready for Council consideration. All of the attachments available during the March 3 discussion remain available for Council's review.

Council Committee, Board/Commission Action:

The Criminal Justice Reform committee met multiple times with staff representatives and prepared the attached ordinance language.

Alternatives:

After consideration, the Council may elect to adopt the ordinance language as-is, amend the ordinance, or reject the ordinance entirely.

Recommendation:

When this item was discussed on March 3, 2020 the staff recommendation was to adopt a resolution in support of many of the tenants found in the ordinance language. Staff still believes this to be the best approach but stands ready to implement Council's direction regardless of whether that be in the form of an ordinance or resolution.