



**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST**

2021 DEC 01 05:22:59  
CITY CLERK

TO: Mayor and City Council  
 FROM: Councilman Manny Pelaez, District 8  
 COPIES TO: Erik Walsh, City Manager; Debbie Racca-Sittre, City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council  
 SUBJECT: CITE & RELEASE PROGRAM  
 DATE: December 1, 2021

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the Governance Committee’s agenda:

San Antonio should, once and for all, consider adoption of a formal cite-and-release (C&R) program as it relates to possession of small amount of marijuana. (as permitted by state law)

I ask for your support in directing the City Manager to present the Governance Committee with a C&R program applicable to cases of marijuana possession that will:

- Reduce overall arrests;
- Reduce intentional and unintentional racial disparities in policing and arrests;
- Reduce police costs;
- Reduce jail population;
- Increase opportunities for offenders to find and keep future jobs;
- Increase opportunities for offenders to access housing;
- Increase opportunities for offenders to access social safety net benefits;
- Increase opportunities for offenders to access student loans and education opportunities;
- Reduce risks to migrants;
- Increase data transparency between local law enforcement agencies and the public.

The C&R program should be informed by input from neighborhood associations, educators, police officers, the Bexar County District Attorney, criminal defense and immigration attorneys, immigrant service organizations, mental health experts, faith community leaders, employers, legal services agencies such as MALDEF and the Bexar County Public Defender’s Office, and other relevant organizations dedicated to serving vulnerable populations potentially impacted by the proposed C&R program.

Lastly, the C&R program should be a continuous improvement endeavor that is regularly measured and adjusted to accomplish the listed goals. The measurement process and the reporting of those metrics should be transparent and trustworthy and should involve active participation of the previously mentioned stakeholders.



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**Brief Background**

- A. **ALLOWED BY STATE LAW:** Texas Code of Criminal Procedure Sec. 14.06 allows local law enforcement agencies like SAPD to issue citations in lieu of arrests for certain low-level offenses. Those listed offenses include violations of Sec. 481.121(b)(1) and (b)(2) of the Texas Health and Safety Code. Subsection (b)(1) applies to possession of two ounces or less of marijuana and is a Class B misdemeanor; while (b)(2) applies to possession of marijuana between two and four ounces and it designated a Class A misdemeanor offense.

Sec. 14.06 has been in effect since 2007. Since then, multiple Texas cities have adopted formal C&R programs that comply with the statute.

- B. **WHY MARIJUANA:** Police departments like SAPD that operate on limited budgets find themselves having to waste time investigating and arresting people for possession of a substance that most states have already decriminalized and that many people believe should be decriminalized everywhere.

And, because all police departments lack the resources to adequately enforce the pointless marijuana possession laws against all 17 million regular marijuana users, the policing of so commonplace an activity invites selective law enforcement that, whether intentional or not, disparately impacts vulnerable populations.

Not only does the public feel that the enforcement of these marijuana possession cases is pointless, but they also know that aggressive enforcement has been harmful. Too many Americans are arrested for these victimless crimes and these arrests remain on their records forever, knee-capping their prospects for jobs, loans, housing, and benefits. And, to nobody's surprise, the most impacted disproportionately are non-affluent people of color.

The volume of police resources dedicated to marijuana is a problem. But what makes the status quo intolerable is the racial disparity. And, even if the charges are dismissed completely, every arrest ends up on a person's criminal record, regardless of whether it led to prosecution or conviction.

We also know that these arrests begin to add up and, before long, a person can have an extensive criminal history that consists only of marijuana misdemeanors and dismissed cases. That criminal history can have lifelong consequences that impede future employment, access to housing, loss of financial aid, and even revocation of immigrant visas.



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We have a responsibility to our taxpayers and the community's conscience to adopt a policy that frees up police resources, reduces inequities, makes San Antonio safer for everyone, and creates opportunities for vulnerable people instead of obstacles that impede their success.

Therefore, I request San Antonio should, once and for all, adopt a formal C&R program as it relates to possession of marijuana.

*Manny Pelaez*

Submitted for Council consideration by: \_\_\_\_\_

Councilman Manny Pelaez, District 8

Supporting Councilmembers' Signatures (4 only)

District

1.		6
2.		4
3.	<i>John Comas</i>	9
4.		1

