

Memorandum



DATE: August 15, 2008

TO: Members of the Public Safety Committee

SUBJECT: **Citations for Misdemeanor B (M/B) Offenses**

Attached is briefing material on the "Citations for Misdemeanor B (M/B) Offenses" to be presented to the Members of the Public Safety Committee on Monday, August 18, 2008.

A handwritten signature in blue ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

alb

Attachment



Citations for Misdemeanor B (M/B) Offenses



August 18, 2008

House Bill 2391 for M/B Offenses

- House Bill 2391 enacted on September 1, 2007
- Addresses the issue of over crowded county jails
 - The Bill specifically referred to Dallas County and the 700 prisoners released to comply with an order from the Jail Standards Commission
 - Gives local governments the tools to control their burgeoning jail populations
- This Bill allows peace officers to use their time more efficiently

House Bill 2391 for M/B Offenses

House Bill 2391 allows citations for the following seven offenses instead of custodial arrest:

- Class B Criminal Mischief (\$50.00 to \$500.00)
- Class B Theft (\$50.00 to \$500.00)
- Class B Theft of Service (\$50.00 to \$500.00 or repeat offense under \$50.00)
- Class B Theft by Check (\$20.00 to \$50.00 or repeat offense under \$20.00)
- Class A/B Possession of Marijuana (<4oz)
- Class B Graffiti (Less that \$500.00)
- Class B DWLI

DPD Application of House Bill 2391

M/B Citations will only be issued for the following four offenses:

- Class B Criminal Mischief
 - \$50.00 to \$500.00 PC 28.03(b)(2)
- Class B Theft
 - \$50.00 to \$500.00 PC 31.03(e)(2)(A)
- Class B Theft of Service
 - \$50.00 to \$500.00, repeat offense under \$50.00 PC 31.04(e)(2)
- Class B Theft by Check
 - \$20.00 to \$50.00 or repeat offense under \$20.00 PC 31.04(e)(2)

DPD Application of House Bill 2391

- Adult Violators Only
- Offense must have occurred in Dallas County
- Suspect must reside in Dallas County
- Only suspects with valid ID will be allowed to participate
- Suspect must sign the citation and give a thumbprint

DPD Application of House Bill 2391

- Officers will conduct criminal history checks to identify impact offenders or enhanced charges which will result in arrest
- M/C Thefts enhanced to a M/B due to prior convictions are not eligible
- Suspects who receive a citation will be given an information sheet with instructions on how to appear before the County Court

Focus Group Meetings

DPD Officials have met with representatives from area retail businesses.

- These representatives offered suggestions that were incorporated into the policy
- An appointed retail focus group have indicated support for the policy.

Officer Considerations

- DPD officers' decisions regarding enforcement action for shoplift thefts will include information developed from the retail store's loss prevention personnel
- Loss prevention personnel may provide information that results in an arrest rather than a citation
 - The theft is part of an organized retail crime group targeting a particular item(s) for resale
 - The suspect is a “booster” or stealing for resale
- Suspects arrested under the criteria noted above will be interviewed by the appropriate investigative detective

2007 M/B Arrest Statistics

Criminal Mischief	157
Theft M/B	2034
Theft Of Service	9
Theft By Check	3

Total number of arrests in 2007 that could have been issued a citation was **2203**.

Officers will STILL have the discretion of taking the suspect to jail instead of writing the citation.

Training

- Training is being conducted via the Dallas Police Intranet
- Additional training will be provided to all sworn officers so that they can distinguish between the shoplifter and “booster”
- This training will be a joint effort between the Dallas Police Department and area businesses

Questions?