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**S.R. 2017-2018**

**Date of First Reading:**

**A Resolution to be entitled – “A Resolution for the creation and endorsement of a cite and release policy”, whereby police officers will issue citations rather than make arrests, for certain petty offenses**

**WHEREAS:** As the elected representatives of the student body, Student Government has an obligation to uphold the principles of justice, fairness, equality, and rule of law. This is especially true when dealing with areas of campus policy affecting law enforcement and criminal proceedings. In a criminal justice system where structural violence and unfair laws disproportionately target young adults for minor crimes, the Senate has the right and the obligation to take it upon itself to demand accountability from those in power on behalf of the students it represents; and

**WHEREAS:** Under Federal, State, and Local law several criminal acts entail non-violent behavior and/or victimless offenses, which despite their illegality constitute only minor misconduct and do not present the imminent or substantial threats to the safety of the community which defines more serious crimes. Many crimes, such as low-level marijuana possession, petty theft under $500, and driving with an invalid license fall into this category and it is a common occurrence for students to be charged with such crimes; and

**WHEREAS:** Currently, students will be arrested for these offences. In addition to spending time in jail, people who are arrested may face a significant financial burden in posting bond and in fighting their case, often spending thousands of dollars even in instances where the ultimate outcome results in them being found not guilty. Furthermore, employers for certain jobs, notably government positions, may bar applicants from positions even in instances where the arrest did not result in a criminal conviction; and

**WHEREAS:** This has a substantial negative impact on social mobility and the ability of students to adequately prepare themselves to reach their fullest potential. Something as simple as a minor mistake, a false accusation, or a corrupt police officer can limit people’s career potential based on mere accusations of only minor crimes. Furthermore, the time and resources consumed in making arrests for nonviolent offenses would be better focused on addressing more serious crimes; and

**WHEREAS:** Minorities, most often African American and Hispanic people, are disproportionately targeted for these low-level offenses. They are most likely not only to be arrested for them, but also to receive disproportionately severe punishments that have serious legal, financial, and social repercussions down the road; and

**WHEREAS:** One of Texas State University’s goals is to promote the success of all students, ensuring that they are prepared for successful careers and fulfilling lives after graduation; and

**WHEREAS:** As authorized by H.B. No. 2391, several cities have adopted a cite and release policy, choosing to issue citations instead of making arrests for certain low-level petty offenses; and

**WHEREAS:** As an institution valuing diversity, equality, and justice, Texas State University ought to discourage practices which perpetuate structural violence, institutional oppression, abuse of police power, and racial bias particularly in instances where people’s rights to life, liberty, and the pursuit of happiness are affected by the outcomes of the policies in question, therefore;

**BE IT RESOLVED:** That Texas State University Student Government supports the University Police Department issuing citations in lieu of arrests, for the following crimes

1. Marijuana possession of 4 ounces or less
2. Class B or C theft, criminal mischief, property damage, and theft of service under $500
3. Class B driving with an invalid license
4. Minor in Consumption of Alcohol
5. Minor in Possession of Alcohol

**BE IT FURTHER RESOLVED:** That this cite and release policy shall not apply in instances where:

a) The suspect is so intoxicated the officer reasonably believes they could be a threat to themselves or others

b) The suspect is engaged in violent or belligerent behavior

d) The suspect has an outstanding arrest warrant

**BE IT FURTHER RESOLVED:** That Student Government officially endorses the implementation of a cite and release policy on the municipal and county levels

**BE IT FURTHER RESOLVED:** This legislation be forwarded to the Student Body President for further action.