



Street Smart El Paso: Know Your Rights!



Street Smart El Paso: Know Your Rights!

585-5100.

This is the first publication of Street Smart El Paso. It has been prepared by Texas C-BAR, a project of Texas RioGrande Legal Aid.

We have developed this booklet to provide useful information about laws that may affect people who are homeless in El Paso, Texas. Specific questions and incidents can be addressed by contacting Texas RioGrande Legal Aid, at 1331 Texas Avenue, El Paso, Texas 79901 or (915)

This document is not a substitute for the advice of an attorney. The materials and information contained in this document may not reflect the most current legal developments.

This guide is made possible through the time and expertise of Rachel Burlage, as well as generous donations of Texas C-BAR supporters. If you have suggestions or corrections, please contact <u>info@texascbar.org</u>.

Copyright 2009 Texas RioGrande Legal Aid

Back cover photo provided by: Alan Pogue Texas Center for Documentary Photography www.documentaryphotographs.com

Table of Contents

1.1	Blocking a Sidewalk or Public Accessway3
2.1	Jaywalking3
3.1	Loitering4
4.1	Criminal Trespass4
5.1	Criminal Mischief5
6.1	Disorderly Conduct5
7.1	Public Lewdness and Indecency6
8.1	Assault7
9.1	Weapons7
10.1	Sleeping and Camping8
11.1	Urinating or Defecating in Public9
12.1	Bathing9
13.1	Panhandling or Asking for Work From People in Vehicles9
14.1	Prostitution10
15.1	Public Park Rules and Curfews10
16.1	Glass Containers12
17.1	Alcoholic Beverages and Controlled Substances12
18.1	Littering14
19.1	Smoking14
20.1	Dealing with a Police Officer15
21.1	Warrants17
22.1	Municipal Court17
23.1	Reporting Police Misconduct18
24 1	Resources

1.1 Blocking a Sidewalk or Public Accessway

- $\underline{\textbf{1.2}}$ El Paso city code prohibits the building or maintaining of a fire in any street, square, or alley in El Paso. 1
- 1.3 You may not place anything on the sidewalk in a way that will block the ability of other people to move on the sidewalk.²
- **1.4** El Paso city code prohibits selling things (including food, drinks, goods, or anything of value) on the sidewalk, alley, or any right of way subject to a few exceptions. The exceptions are for things like garage sales, businesses selling goods directly outside their stores, and a few other exceptions. ³
- <u>1.5</u> Placing an article or substance on the sidewalk or any public road or alley is also a nuisance.⁴
- **1.6 Penalty for all of the above:** Class C misdemeanor, which may be punished by a fine up to \$500.

2.1 Jaywalking

- **2.2** If you cross the road somewhere other than a crosswalk or intersection, you must yield the right-of-way to vehicles on the road.⁵
- **2.3** Pedestrians must cross the street in the shortest route possible, usually by walking directly across the street at a right angle to the curb.⁶
- **2.4** In business districts or the central traffic district, you must use crosswalks to cross the street. Where a tunnel or an overhead pedestrian crossing is available, you may not walk across the road instead. If there are lights at either end of the block you are on, you must cross at an intersection.⁷

¹ El Paso Municipal Code 13.20.010

² El Paso Municipal Code 13.20.030

³ El Paso Municipal Code 13.20.040

⁴ El Paso Municipal Code 9.16.010

⁵ El Paso Municipal Code 12.32.010

⁶ El Paso Municipal Code 12.32.020

⁷ El Paso Municipal Code 12.32.030

- 2.5 Penalty for all of the above: Class C misdemeanor.
- 2.6 If there is a sidewalk near you, you must use the sidewalk and not walk in the street.8
- **2.7 Penalty:** Between \$1 and \$200.⁹

3.1 Loitering

- 3.2 El Paso city code states that you may not loiter if you intend to or engage in prostitution. 10
- 3.3 Loitering is also prohibited if you are engaging in drug-related activity or if a police officer has reason to believe you are intending to engage in drug-related activity. 11
- 3.4 A public place includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, buildings open to the public such as stores or restaurants, and the doorways and grounds around these buildings. 12
- 3.5 El Paso city code also specifically prohibits loitering on school grounds or in a school building while school isn't in session. It is not loitering if a person or group has permission to use the building. 13
- 3.6 Penalty for all of the above: Class C misdemeanor.

4.1 Criminal Trespass 14

- 4.2 You commit criminal trespass when you enter onto another's property without permission and:
 - · There is a fence or other enclosure designed to exclude:
 - · There is a "No trespassing" sign; or
 - · You stay on the property after someone tells you to get off.

⁸ Texas Transportation Code § 552.006(a) 13 El Paso Municipal Code 10.12.040

⁹ Texas Transportation Code § 542.401

¹⁰ El Paso Municipal Code 10.12.030(A)(1)

¹¹ El Paso Municipal Code 10.12.030(A)(2)

¹² El Paso Municipal Code 10.12.030(B)(1)

4.3 Penalty: Class B misdemeanor, which may be punished by a fine up to \$2,000 and/or 180 days in jail. 15

5.1 Criminal Mischief

- **5.2** You commit criminal mischief when you do the following to someone's property without their permission:¹⁶
 - Destroy;
 - · Damage;
 - · Tamper with; or
 - · Make markings, inscriptions or drawings.

5.3 Penalty: Ranges from a Class C misdemeanor to a felony of the first degree depending on value of property destroyed or vandalized.¹⁷

6.1 Disorderly Conduct

6.2 You may be charged with disorderly conduct if you: 18

- Use vulgar language that will cause a "breach of the peace" (i.e. violence);
- Make a gesture or display that will cause a "breach of the peace;"
- · Create an unreasonable odor or smell;
- Abuse or threaten someone in an offensive manner;
- Make too much noise;
- · Fight with someone;
- · Expose your anus or genitals in a public place;
- Enter private property and look into someone's window; or
- Go into a public bathroom or shower stall and look at someone

<u>**6.3</u> Penalty:** Class C misdemeanor.¹⁹</u>

¹⁵ Texas Penal Code § 30.05(d)

¹⁶ Texas Penal Code § 28.03

¹⁷ Texas Penal Code § 28.03(b)(1)

¹⁸ Texas Penal Code § 42.01

¹⁹ Texas Penal Code § 42.01(d)

6.4 Note: If you expose your anus or genitals, you could be charged with disorderly conduct. However, if you expose your anus or genitals for sexual gratification or arousal, you can be cited for indecent exposure. ²⁰ If you expose your anus or genitals with intent to arouse or gratify the sexual desire of yourself or any other person, knowing a child is present, you may be charged with indecency with a child, which is a felony. ²¹

<u>6.5</u> Penalty for indecent exposure: Class B misdemeanor.²²

7.1 Public Lewdness and Indecency

 $\overline{\textbf{7.2}}$ It is public indecency in El Paso for a person to do any of the following:²³

- Expose or exhibit himself naked or disguised to a person in a public place or in a neighborhood;
- Expose or exhibit himself in an indecent or offensive manner to a person in a public place or in a neighborhood;
- To offensively or insultingly or rudely bother a female;
- To appear in the street or a public place in indecent or lewd dress; or
- To urinate or defecate on a public street or plaza or anywhere people might see.

7.3 It is prohibited to look, peek, or peer into a:

- · Home,
- · Public building,
- · Hotel,
- Apartment,
- · Camp, or
- Anywhere else where people are living in a way that annoys or disturbs the people who live there.²⁴

7.4 Penalty for all of the above: Class C misdemeanor.

²⁰ Texas Penal Code § 21.08

²¹ Texas Penal Code § 21.11

²² Texas Penal Code § 21.11(b)

²³ El Paso Municipal Code 10.16.090

²⁴ El Paso Municipal Code 10.16.110

7.5 It is illegal to do the following in a public place 25 :

- · Have sexual intercourse; or
- Have any sexual contact, which is touching another's genitals or breast in order to arouse.

7.6 Penalty: Class A misdemeanor, which may be punished by a fine up to \$4,000 and/or one year in jail. 26

<u>8.1</u> Assault

8.2 You commit assault when you:²⁷

- · Cause an injury to another, including your spouse;
- · Threaten to injure another person or your spouse; or
- Cause contact you know the other person will find offensive.

8.3 Penalty: Causing an injury is a Class A misdemeanor. Threatening injury or offensively touching someone is a Class C misdemeanor. If you live with or are related to the victim, the penalty could be increased because it is then classified as domestic assault.

8.4 Penalty for domestic assault: Third degree felony, which may be punished by a fine up to \$10,000 and between two and ten years in jail.²⁸

9.1 Weapons

9.2 Unless you are licensed to carry a concealed handgun, it is illegal to carry a gun at a^{29}

- · Public park;
- · Public city meeting;
- Political rally or parade; or
- Non-firearms related school, college, or professional athletic event.

²⁵ Texas Penal Code § 21.07

²⁶ Texas Penal Code § 21.07(b)

²⁷ Texas Penal Code § 22.01

²⁸ Texas Penal Code § 22.01(b)(2)

²⁹ El Paso Municipal Code 10.12.020

- **9.3** It is unlawful to discharge a firearm within the city of El Paso. ³⁰
- 9.4 Penalty: Class C misdemeanor.
- ${ t 9.5}$ Texas state law defines an "illegal knife" as a: ${ t 31}$
 - · Knife with a blade over five and one-half inches;
 - Hand instrument designed to cut or stab another by being thrown;
 - Dagger, including but not limited to a dirk, stiletto and poniard;
 - · Bowie knife;
 - · Sword; or
 - Spear.
- **9.6** Texas state law says that it is illegal to carry the following on or near you 32 (in your pocket, pants, glove compartment, etc.): 33
 - · Handgun;
 - Illegal knife; or
 - Club
 - * A club is defined as:
 - Blackjack
 - Nightstick
 - Mace
 - Tomahawk
- **9.7 Penalty:** Class A misdemeanor or a third degree felony if the weapon is carried on a premise with an alcohol license.³⁴

10.1 Sleeping and Camping

10.2 Camping is prohibited in El Paso parks and playgrounds. This includes setting up tents, shacks or other shelters, or laying out sleeping equipment.³⁵

10.3 Penalty: Class C misdemeanor.

³⁰ El Paso Municipal Code 10.12.010

³¹ Texas Penal Code § 46.01

³² The penal code states "about his person," where "about" has been defined as "near by, close at hand, convenient of access, and within such distance of the person in question that the person could,

without materially changing position, place a hand on the weapon," Courtney v. State, 424 S.W.2d 440 (Tex. Crim. App. 1968).

³³ Texas Penal Code § 46.02

³⁴ Texas Penal Code § 46.02(b) and (c)

³⁵ El Paso Municipal Code 13.24.060

11.1 Urinating or Defecating in Public

11.2 It is a nuisance to defecate or urinate on streets, alleys or public grounds, or in any place that may be seen from a private residence or by persons passing by.³⁶

11.3 Penalty: Class C misdemeanor. 37

<u>12.1</u> Bathing

12.2 Swimming, bathing, and wading in the Franklin Canal within the city limits is prohibited, unless the person is rescuing a person or animal from danger.³⁸

12.3 Penalty: Class C misdemeanor.

12.4 Bathing, swimming, and wading in the canal is prohibited within the area between a line directly across the irrigation canal and the Rio Grande at the downstream end of the intakes into the city water treatment plant and a line directly across the canal and the river one-half mile upstream.³⁹

12.5 Penalty: Class C misdemeanor. However, the fine may be up to \$2,000 per violation.

13.1 Panhandling or Asking for Work From People in Vehicles

13.2 It is prohibited to stand in the road to sell or distribute material to people in cars waiting at a stoplight. You may sell or distribute material as long as you remain on the sidewalks, medians, island, or shoulder. Stepping into the street is prohibited.

13.3 Drivers are prohibited from giving money to or buying things from a person on the public roadway, but may give to a person who is remaining on the sidewalk, median, island, or shoulder.⁴⁰

³⁶ El Paso Municipal Code 9.16.010

³⁷ El Paso Municipal Code 9.16.040

³⁸ El Paso Municipal Code 10.08.060

³⁹ El Paso Municipal Code 15.12.070

⁴⁰ El Paso Municipal Code 12.32.060

13.4 El Paso city code prohibits a person soliciting the occupants of vehicles at a stop light from touching or hitting or using something to touch or hit the car. 41

13.5 You may <u>not</u>:

- · Stand in the street to ask for a ride, money, or a job from any person driving a car. 42
- Stand on or near a highway/street to offer to watch or guard a vehicle parked or to be parked on the highway/street.43

13.6 Penalty: Class C misdemeanor.

14.1 Prostitution

14.2 Prostitution is defined as offering, agreeing, or engaging in sexual conduct for a fee. 44

14.3 Penalty: First offense is a Class B misdemeanor. Second or third offense is a Class A misdemeanor. A fourth offense is a state jail felony. 45

14.4 El Paso prohibits loitering in or near a street or public place in a way that shows the person is intending to engage in prostitution. It must be obvious to the police that the person trying to get people to stop is doing so in an effort to engage in prostitution. 46

Also see Section 3.1 Loitering.

15.1 Public Park Rules and Curfews

15.2 City parks are closed from 10:00 p.m. until 6:00 a.m. Some recreational centers or athletic fields may be allowed to remain open until 1:00 a.m.⁴⁷

15.3 Penalty: Class C misdemeanor. 48

⁴¹ El Paso Municipal Code 12.32.060

⁴² Texas Transportation Code § 552.007(a) 46 El Paso Municipal Code 10.12.030

⁴³ Texas Transportation Code § 552.007(b) 47 El Paso Municipal Code 13.24.040

⁴⁴ Texas Penal Code § 43.02

⁴⁵ Texas Penal Code § 43.02°

⁴⁸ El Paso Municipal Code 13.24.040(C)

15.4 If a street used for general travel goes through a park (which is different from a street that just leads into the park) a person may travel through the park on that street.⁴⁹

15.5 Possessing or drinking an alcoholic beverage in a city park is prohibited in El Paso. It is also prohibited to possess an open container of alcohol or drink an alcoholic beverage on a street or alley or other public way adjacent to a city park. 50

15.6 A person or group renting a park facility may apply for a permit to serve alcoholic beverages at the park. This requires paying a fee and hiring security. 51

15.7 Penalty: Possession or consumption of an alcoholic beverage in the park is a misdemeanor punishable by up to a $$500 \text{ fine.}^{52}$

15.8 Trash may not be left anywhere in a park other than a trashcan. If there is no trashcan, you must take the trash somewhere else to throw it away. ⁵³ Cigarette butts count as litter.

15.9 Penalty: If you are caught dropping a cigarette butt on the ground, fines start at \$321.

15.10 It is prohibited to throw trash in any fountain, pond, lake, stream or any other body of water anywhere in El Paso, including parks.⁵⁴

15.11 It is prohibited in El Paso parks to sell anything in or on a stand, out of a stand, or by laying the goods on the sidewalk. This also applies to Scenic Drive. 55

 $\underline{\textbf{15.12}}$ It is prohibited to take a vehicle, wagon, basket, tray, box, or any other container carrying things to be sold in the park. 56

54 El Paso Municipal Code 9.04.340(A)(4)

55 El Paso Municipal Code 13.24.010

56 El Paso Municipal Code 13.24.010(A)(3)

⁴⁹ El Paso Municipal Code 13.24.040(E)

⁵⁰ El Paso Municipal Code 13.24.130

⁵¹ El Paso Municipal Code 13.24.140

⁵² El Paso Municipal Code 13.24.180

⁵³ El Paso Municipal Code 9.04.340

15.13 Exceptions to this include the sale of newspapers or pamphlets that aren't stored in the park, a city-authorized sale in a park facility, and a mobile food vendor selling food in compliance with other city regulations. ⁵⁷

16.1 Glass Containers

16.2 Glass bottles and other glass containers are not allowed in city parks.⁵⁸

16.3 Penalty: Possessing glass in a city park is a misdemeanor punishable by a fine of up to \$500.

16.4 An exception to this is if a person is carrying a sealed glass container to a building in the park for which he or she has a rental agreement.

16.5 Parks include any place declared a park by the city of El Paso, and all of the buildings, recreation facilities, pools, parking lots, paths, and other areas on that property.

<u>17.1</u> Alcoholic Beverages and Controlled Substances

17.2 It is prohibited for a person to possess an open container of or consume an alcoholic beverage in or on any public street, sidewalk, alley or pedestrian way located in the El Paso central business district.⁵⁹

The El Paso central business district is defined by the area contained within the boundaries defined by I-10 and Campbell Street; proceeding south on Campbell Street to El Paso Times Subdivision; and including El Paso Times Subdivision to Mills Avenue; and proceeding east on Mills Avenue to St. Vram Street; south on St. Vram Street to Olive Avenue; west on Olive Avenue to San Antonio Avenue; east on San Antonio Avenue to Cotton Street; south on Cotton Street to Delta Drive; west on Delta Drive to Virginia Street; south on Virginia Street to Third Avenue; west on Third Avenue to Kansas Street; south on Kansas

⁵⁷ El Paso Municipal Code 13.24.010(B)

⁵⁸ El Paso Municipal Code 13.24.190

⁵⁹ El Paso Municipal Code 10.12.050

Street to the Rio Grande River (International Boundary/El Paso City Limits); west along the Rio Grande River (International Boundary/El Paso City Limits) to Calleros Court; east on Calleros Court to Chihuahua Street; north on Chihuahua Street to Canal Road; northwest on Canal Road to the northern property line of Santa Fe Subdivision, Block H, Lot 18; east along an imaginary perpendicular line to its intersection with the southwestern property line of the Atchison, Topeka, & Santa Fe Railroad Reservation; southeast along the southwestern property line of the Atchison, Topeka & Santa Fe Railroad Reservation to Santa Fe Street; north on Santa Fe Street to Paisano Drive; northwest on Paisano Drive to a point approximately four hundred fifty feet west of the center line of Coldwell Street; then north from such point along an imaginary line (that if extended would intersect Missouri Avenue/Franklin Avenue) to its intersection with I-10; east on I-10 to the point of beginning.

17.3 Penalty: Class C misdemeanor.

17.4 Exceptions to this rule are if a person is attending a city-sponsored event with proper licenses to serve alcoholic beverages, a person is inside a building not owned or controlled by the city, inside a residential structure, or in a building licensed to sell alcoholic beverages.

 $\underline{17.5}$ You may not knowingly possess an open alcoholic beverage in the passenger area of a motor vehicle located on any street or roadway whether the vehicle is in motion or parked. 60

17.6 Penalty: Class C misdemeanor.⁶¹

17.7 You may not appear in public while intoxicated to a degree that you may endanger yourself or another person.⁶²

17.8 Penalty: Class C misdemeanor. 63

⁶⁰ Penal Code § 49.031(b)

⁶¹ Penal Code § 49.031(d)

⁶² Texas Penal Code § 49.002

⁶³ Texas Penal Code § 49.002(c)

18.1 Littering

18.2 Throwing or dropping trash on the street, sidewalk, or any other public place in the city is prohibited. When trash is put in a trash can, it must be put in so that it won't be blown out with the wind. Throwing or dropping trash from a vehicle on any public or private property is also prohibited.⁶⁴ Cigarette butts are considered trash.

18.3 Penalty: Fines start at \$321.

18.4 El Paso city code prohibits spitting on the sidewalk, bus, any part of a public building, and on the paths, grass, seats, or stands of any public park.⁶⁵

<u>19.1</u> Smoking

19.1 Smoking is prohibited in most buildings open to the public in El Paso. This includes stores, restaurants, bars, bus terminals (including the waiting area), sports arenas, school buildings, and lobbies or hallways of common areas of apartment buildings. 66

19.2 All enclosed buildings owned by the city are non-smoking.⁶⁷

 $\underline{\mathbf{19.3}}$ **Penalty:** A person who smokes in a prohibited place may be punished with: 68

- · A fine not exceeding \$100 for the first violation;
- A fine not exceeding \$200 for a second violation within a one year period of the first violation; or
- A fine not exceeding \$500 for an additional violation within a one year period of the first violation.

⁶⁴ El Paso Municipal Code 9.04.340

⁶⁵ El Paso Municipal Code 9.84.030

⁶⁶ El Paso Municipal Code 9.50.030

⁶⁷ El Paso Municipal Code 9.50.070

⁶⁸ El Paso Municipal Code 9.50.130

20.1 Dealing with a Police Officer

20.2 Interfering with a police officer engaged in an official duty, other than making an arrest or service of process, is prohibited by city code in El Paso. Interfering includes using words, sounds, or acts to make it harder or stopping an officer from acting. ⁶⁹

20.3 A person may not tease, hit, kick, beat, injure, disable, or kill a police dog. A person also may not interfere with a police dog in the course of its duties.

<u>20.4</u> Penalty: Class C misdemeanor. ⁷⁰

20.5 Note: Police in El Paso have the authority to arrest, with or without a warrant, anyone found in the act of violating a law or city ordinance. Police also have the authority to arrest a person found in a suspicious place or under circumstances that reasonably show that he or she has committed a felony or breach of the peace or that he or she is about to break the law.⁷¹

20.6 Below are some of the main laws about speaking or dealing with a police officer. These are not all the laws but only a guide.

Texas state law says you may not:

- Refuse to give your name, address⁷² or date of birth, when asked by a police officer after you have been arrested.⁷³
 - * Penalty: Class C misdemeanor.

⁶⁹ El Paso Municipal Code 10.04.040

⁷⁰ El Paso Municipal Code 10.04.050

⁷¹ El Paso Municipal Code 1.16.010

⁷² If you are homeless, you may say you do not have an address.

⁷³ Texas Penal Code § 38.02(a)

- Give a false name, address, or date of birth to a police officer after you have been arrested, stopped (detained), or if you are a witness to a crime.⁷⁴
 - * Penalty: Class B misdemeanor.
- Leave a police officer who is trying to arrest or stop (detain) you.⁷⁵
 - * Penalty: Class B misdemeanor.
- Prevent or obstruct a police officer or a person under the police officer's direction if they are trying to arrest, search, or transport you or someone else. 76
 - * Penalty: Class A misdemeanor.
- Hinder, hide or help someone who is being arrested or detained by a police officer.⁷⁷
 - * Penalty: Class A misdemeanor.

20.7 You have the right:

- After you have given the police officer your name, address and date of birth, you have the right not to answer a police officer's questions even if you're only a witness to a crime.
- You have a right to stop answering questions, even if you have already answered some of a police officer's questions.
- You have the right to object to a search by a police officer,⁷⁹ but do not physically resist the police officer's arrest.
- You have the right to be free from excessive force.⁸⁰

20.8 How do you know when you are under arrest?

- You may be under arrest without the police officer saying the word "arrest."
- You are arrested when the police officer takes you into custody or deprives you of freedom of movement in any significant way.⁸¹
- A police officer may detain you without arresting you.
 The officer may detain you if he suspects you may be involved in criminal activity. After a temporary

⁷⁵ Texas Penal Code § 38.04

⁷⁶ Texas Penal Code § 38.03

⁷⁷ Texas Penal Code § 38.05

⁷⁸ U.S. Const. 5th Amendment

⁸⁰ U.S. Const. 4th Amendment

^{81 &}quot;If You Are Arrested," State Bar of Texas

- detention, a police officer must either arrest you or let you go.
- If you are not sure, ask the police officer if you are under arrest and why!

20.9 A police officer has the right to administer a "pat down" if he/she has a reasonable belief that you are carrying weapons.⁸²

<u>21.1</u> Warrants

21.2 To find out if you have a warrant for your arrest for violation of a municipal code in El Paso, call (915) 546-2980. The phone is answered 24 hours a day, 7 days a week.

21.3 A warrant is an order from a judge instructing the police to arrest an individual accused of violating a law(s).

21.4 A warrant is issued when:

- You fail to make a plea or go to court on the date listed on your ticket;
- You fail to do what the Judge tells you to (i.e. community service); or
- You fail to pay off the ticket.

21.5 If there is a warrant for your arrest, a police officer may stop and arrest you even if the police officer has not witnessed you doing anything illegal.

22.1 Municipal Court

22.2 The Municipal Court's main office is at 810 E. Overland, El Paso, TX 79901 and can be reached at (915) 546-2901. Their hours are 7am to 7pm Monday through Thursday and 8am to 7pm on Friday.

22.3 The Municipal Court's Northeast Annex is at 9600 Dyer Street, El Paso, TX 79924. Their hours are 8am to 6:30pm Monday through Friday.

⁸² Terry v. Ohio, 392 U.S. 1 (1968)

⁸³ Texas Code of Criminal Procedure § 15.01

22.4 If you are issued a citation in El Paso, the first step to resolving it is to appear at your arraignment. An arraignment is when the charge against you is read and you have to tell the judge how you plan to plea (guilty, not guilty, no contest). The date of your arraignment is on your ticket above your signature. If you do not show up for your arraignment, a warrant will be issued for your arrest and you will have to pay an additional \$50 when you pay your fine. On the date of your arraignment, you must appear either between 8:30 and 11:30 am or between 1:30 and 4:30 pm at the Northeast Municipal Annex, 9600 Dyer Street.

22.5 If you plead not guilty, the judge will instruct you as to what the next step in your case is. If you plead guilty, you can pay the fine or do community service and your case will be over.

23.1 Reporting police misconduct⁸⁴

23.2 If you lodge a complaint against a member of the El Paso Police Department, it will be assigned to the Internal Affairs Division, 2211 E. Missouri, Suite W-205, El Paso, TX 79903 for review. The phone number is (915) 544-7633. You can report the misconduct at any El Paso Police Department facility or at the Internal Affairs Division office.

23.3 The Internal Affairs office only deals with administrative matters. Any statements or allegations you make will not have any effect on any criminal charges against you.

23.4 A case normally takes 120 days to be investigated. Once the investigation is finished, the case is sent to the Office of the Chief of Police for review and a decision. When the final decision (disposition) is made you will be notified in writing. If the member of the police department chooses to appeal the decision, you may receive a subpoena or be asked to testify. You do not have to go to the hearing, but if you don't it might affect the outcome of the review.

Texas law requires that all complaints against police officers be in writing and signed by the person making the complaint.85

The El Paso Police Internal Affairs Office will investigate any complaint regardless of how long it has been since the alleged event, but there are time limits on whether an officer will be reprimanded. It is best to file a complaint as

soon after the incident as possible.

23.5 You may be the victim of police misconduct if a police officer inappropriately uses force and inflicts harm on you. All police misconduct should be reported.

If you are a victim of police misconduct, please follow these steps:

1. Immediately after the incident contact Texas RioGrande Legal Aid at (915) 585-5100.

2. Contact the Internal Affairs Division of the El Paso Police Department to file your report at (915)

544-7633.

24.1 Resources

24.2 To apply for legal services or to make referrals, contact:

Texas RioGrande Legal Aid

El Paso Office

1331 Texas Avenue

El Paso, Texas 79901

Phone (915) 585-5100

Toll-free: (800) 369-2792

Fax: (915) 544-3789

For local contact information, visit the website at:

www.trla.org

Notes:							

Notes:			



To apply for legal services or to make referrals, contact:

Texas RioGrande Legal Aid

1331 Texas Avenue El Paso, TX 79901 phone: (915) 585-5100 fax: (915) 544-3789

For local contact information, visit the web site: www.trla.org



Municipal Court

810 E. Overland El Paso, TX 79901 phone: (915) 546-2901