



**City of Dallas**

# **Overview and Analysis of Misdemeanor Offenses by the Dallas Police Department**

**The Office of Community Police Oversight  
February 8, 2021**

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Dallas

# Presentation Overview



- ❖ Background/History
- ❖ Purpose
- ❖ Issues
- ❖ Proposed Action
- ❖ Next Steps



# Background/History



- ❖ Over the past 30 years, there has been a consistent demand from Dallas residents, activists, and organizations for stronger oversight, accountability, and transparency of the Dallas Police Department (DPD).
- ❖ Community demands were amplified again in the summer of 2020, when the murders of George Floyd, Breonna Taylor, Tony McDade, and countless others sparked more than 100 days of historic protests calling for an end to police violence. The protesters demanded fundamental changes to DPD's lack of transparency and discriminatory practices, and the city's approach to addressing social and public health issues.
- ❖ As the national conversation about reimagining policing and public safety has grown, communities have begun to scrutinize policing practices that engender police violence. Among these is the enforcement of misdemeanor offenses that negatively impact communities, particularly Black and Latino communities.
- ❖ OCPO was a part of the local and national conversations around police reform in 2020. OCPO clearly heard from residents of Dallas that misdemeanor enforcement was a problem in Dallas in the ways it was implemented.
- ❖ Some of those discussions were in very targeted settings like public forums and protests, but most of the evidence came in the form of complainants from civilians.



# Background/History (cont.)



- ❖ The Leadership Conference Education Fund's New Era of Public Safety Initiative has been supporting the work of community groups in Dallas looking at a broad range of police reform issues.
- ❖ When OCPO heard about the work they had been doing across the country helping other cities make assessments about the impact of misdemeanor arrests and its impact on the community, OCPO reached out and formed a partnership for this study.
- ❖ OCPO wanted to ensure that the voices of various communities were heard throughout the life of this project. Therefore, it solicited the help and support of the Dallas Community Police Oversight Coalition to ensure that communities in Dallas have input into the work and final project.
- ❖ OCPO is currently meeting with community groups that work on justice and reform issues ranging from policing, immigration, LGBTQ and bail reform.
- ❖ Part of the mandate/function of OCPO is to keep an eye out for policing issues that need to be addressed in the City of Dall. This is the first of many such reports on policing issues that OCPO will bring to the City Council, the Mayor, the City Manager, the DPD Chief and the Community.



# Purpose



- ❖ This briefing discusses the results of an analysis of misdemeanor arrest data from the Dallas Police Department Open Portal.
- ❖ The hope of this briefing is for the OCPO to partner and vision collaboratively with City Council members and stakeholders to create solutions to remedy the issues raised in the report.
- ❖ It is also the hope of OCPO to work with City Manager Broadnax and DPD Chief Garcia to vision collaboratively with the office and the Dallas Community solutions to remedy the issues raised in the report as well.



# Issues/Concerns

Analysis was done to develop insight into the effect of misdemeanor, low-level enforcement on Black, Latino and marginalized communities.

## **The data analysis resulted in 7 Findings:**

- 1: The Dallas Police Department makes nearly 6,000 arrests for low-level offenses every year.
- 2: Arrests for low-level offenses are concentrated in downtown and Southern Dallas.
- 3: Public intoxication is the most common low-level arrest and Black people are overrepresented.
- 4: Black people are significantly overrepresented in low-level, drug-related arrests.
- 5: An overwhelming 85% of low-level drug arrests are for possession of less than two ounces of marijuana.
- 6: Black people are overrepresented in arrests for disorderly conduct and criminal trespass.
- 7: Dallas is wasting money and personnel resources arresting and jailing people for low-level marijuana offenses.

# Issues / Concerns (cont.)



The *7 Findings* revealed a picture that is summarized below:

## Misdemeanor enforcement:

- ❖ Creates unnecessary and negative interactions between police and civilians.
- ❖ Contributes to racial disparities in the criminal justice system.
- ❖ Runs up exorbitant costs for police departments and communities.

**Black people in Dallas are disproportionately impacted by the enforcement and arrests:**

- ❖ Black people make up 24 percent of the City of Dallas population
  - 49 percent of all arrests
  - 57 percent of marijuana possession arrests



# The scope of the report/data analysis:



- ❖ Citation-eligible: low-level offenses, where officers have the authority under state law to issue a citation or ticket.
- ❖ Cite-and-release
- ❖ Class A Misdemeanors
- ❖ Class B misdemeanors
- ❖ Class C Misdemeanors
- ❖ Deprioritizing



# Findings In Detail

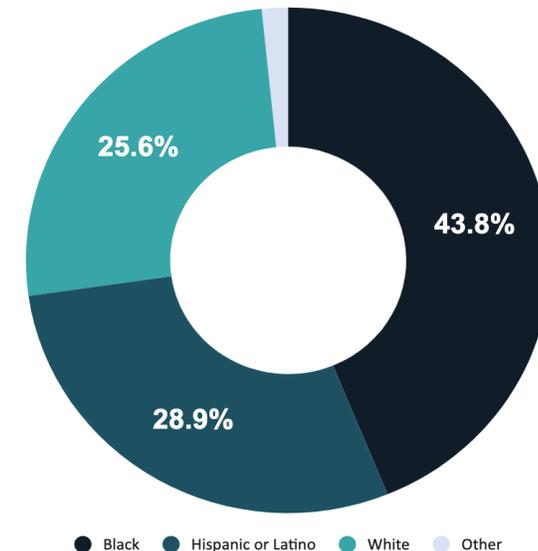


## Finding 1

### The Dallas Police Department makes nearly 6,000 arrests for low-level offenses every year.

- ❖ For the period of July 1, 2017, to June 30, 2020, police made 17,240 arrests where one of the low-level offenses we identified was the primary charge in the arrest.
- ❖ Of these, all but 334 appear to be custodial arrests where the person was taken into custody rather than issued a citation.
- ❖ While residents who identify as Black or African-American make up 24.3% of the population of Dallas, they represent 44% of the low-level custodial arrests during this period.

Race and Ethnicity as Percentage of Total Low-Level Custodial Arrests  
July 1, 2017 - June 30, 2020



## Finding 2

Arrests for low-level offenses are concentrated in downtown and Southern Dallas.

- ❖ While zip codes vary in geographical size and demographic composition, many low-level arrests are concentrated in downtown and southern parts of Dallas, with far fewer in outlying areas in the northern part of the city.
- ❖ Ten of the 105 zip codes in Dallas account for 53% of low-level arrests.

**Race and Ethnicity for Low-Level Arrests by Top 10 Zip Codes**  
July 1, 2017 - June 30, 2020

Zip Code	Black		Hispanic/Latino		Other		White		Total Count of Arrests
	# Arrests	Percentage	# Arrests	Percentage	# Arrests	Percentage	# Arrests	Percentage	
75201	897	48.17%	243	13.05%	43	2.31%	679	36.47%	1862
75202	680	54.97%	186	15.04%	15	1.21%	356	28.78%	1237
75220	139	15.29%	571	62.82%	9	0.99%	190	20.90%	909
75215	684	76.25%	94	10.48%	3	0.33%	116	12.93%	897
75216	712	80.18%	124	13.96%	3	0.34%	49	5.52%	888
75204	234	26.77%	223	25.51%	38	4.35%	379	43.36%	874
75226	212	28.77%	222	30.12%	28	3.80%	275	37.31%	737
75217	300	42.80%	302	43.08%	0	0.00%	99	14.12%	701
75228	242	40.74%	227	38.22%	9	1.52%	116	19.53%	594
75243	353	66.10%	60	11.24%	12	2.25%	109	20.41%	534
<b>Total</b>	<b>4453</b>	<b>48.23%</b>	<b>2252</b>	<b>24.39%</b>	<b>160</b>	<b>1.73%</b>	<b>2368</b>	<b>25.65%</b>	<b>9233</b>

The table shows arrests by racial/ethnic breakdown in these zip codes.

## Finding #2 (cont.)

- ❖ Of the 17,027 arrests within the City of Dallas, around 40% are concentrated in two city council districts: **District 2** (19.02%) and **District 14** (19.47%).
- ❖ In 10 of the 14 districts, White residents are arrested at rates lower than Black and Hispanic/Latino residents, which further shows this citywide nature of the racial disparity in arrest rates.

**Race and Ethnicity for Low-Level Arrests by City Council District  
July 1, 2017 - June 30, 2020**

Council District	Black	Hispanic/Latino	White	Other	Total
1	180	513	127	5	825
2	<b>1306</b>	<b>921</b>	<b>1229</b>	<b>63</b>	<b>3519</b>
3	313	183	53	7	556
4	950	264	73	5	1292
5	203	317	77	0	597
6	423	874	369	23	1689
7	1142	369	176	12	1699
8	736	137	108	2	983
9	165	244	178	8	595
10	394	85	124	21	624
11	212	233	194	18	657
12	131	71	131	8	341
13	211	215	140	16	582
14	<b>1260</b>	<b>637</b>	<b>1406</b>	<b>92</b>	<b>3395</b>



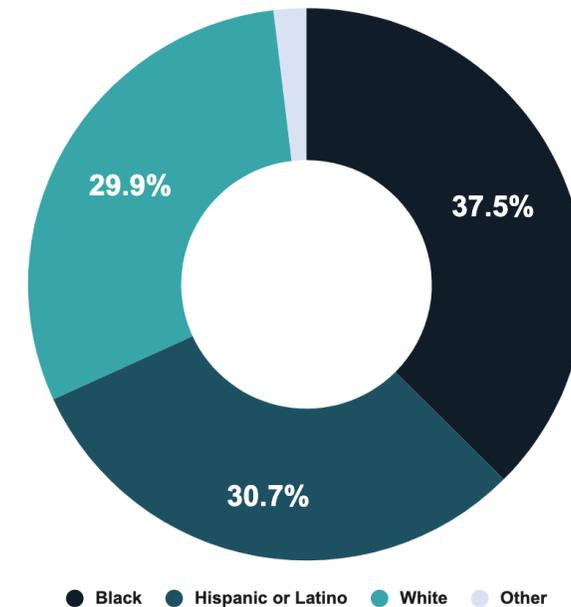
# Findings (cont.)

## Finding 3

**Public intoxication is the most common low-level arrest and Black people are overrepresented.**

- ❖ Public intoxication accounted for 13,078 (75.9%) of the 17,240 low-level offense arrests for the study period.
- ❖ While the Black community makes up 24.3% of the population in Dallas, it accounts for 37.5% of the public intoxication arrests.
- ❖ The percentage of people identifying as White, non-Hispanic arrested for public intoxication (29.9%) is almost exactly their percentage in the overall population (29.1%).
- ❖ Residents who identify as Hispanic/Latino arrested for public intoxication (30.7%) is less than their percentage of the overall population (41.2%).

**Public Intoxication Custodial Arrests by Race/Ethnicity  
July 1, 2017 - June 30, 2020**



# Findings (cont.)

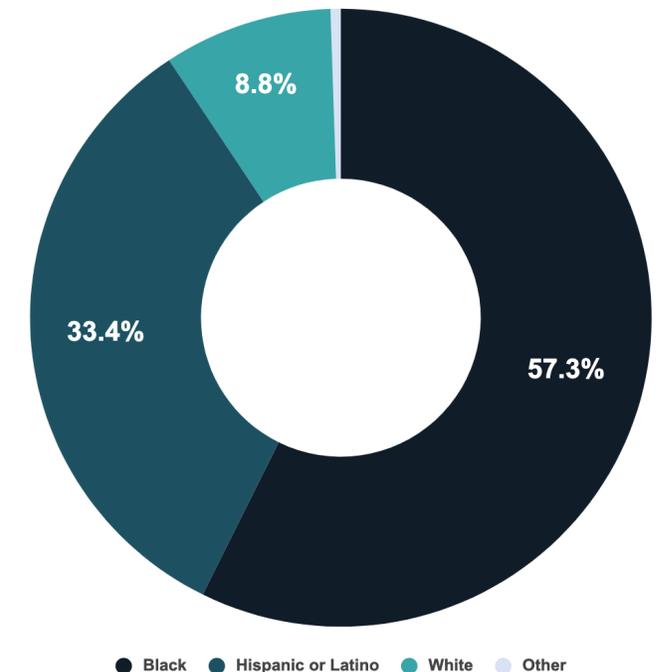


## Finding 4

**Black people are significantly overrepresented in low-level, drug-related arrests.**

- ❖ The Black community makes up 57.3% (2,608) of the arrests for the six drug-related low-level offenses, double their representation in the population (24.3%).
- ❖ White residents make up 29% of the population but only 8.8% (229) of drug-related arrests.
- ❖ The percentage of arrests of Hispanic/Latinos (33.4%) was also lower than their representation in the population (41%).

**Race/Ethnicity as Percentage of Total Low-Level Drug-Related Custodial Arrests  
July 1, 2017 - June 30, 2020**





# Findings (cont.)

## Finding 5

An overwhelming 85% of low-level drug arrests are for possession of less than two ounces of marijuana.

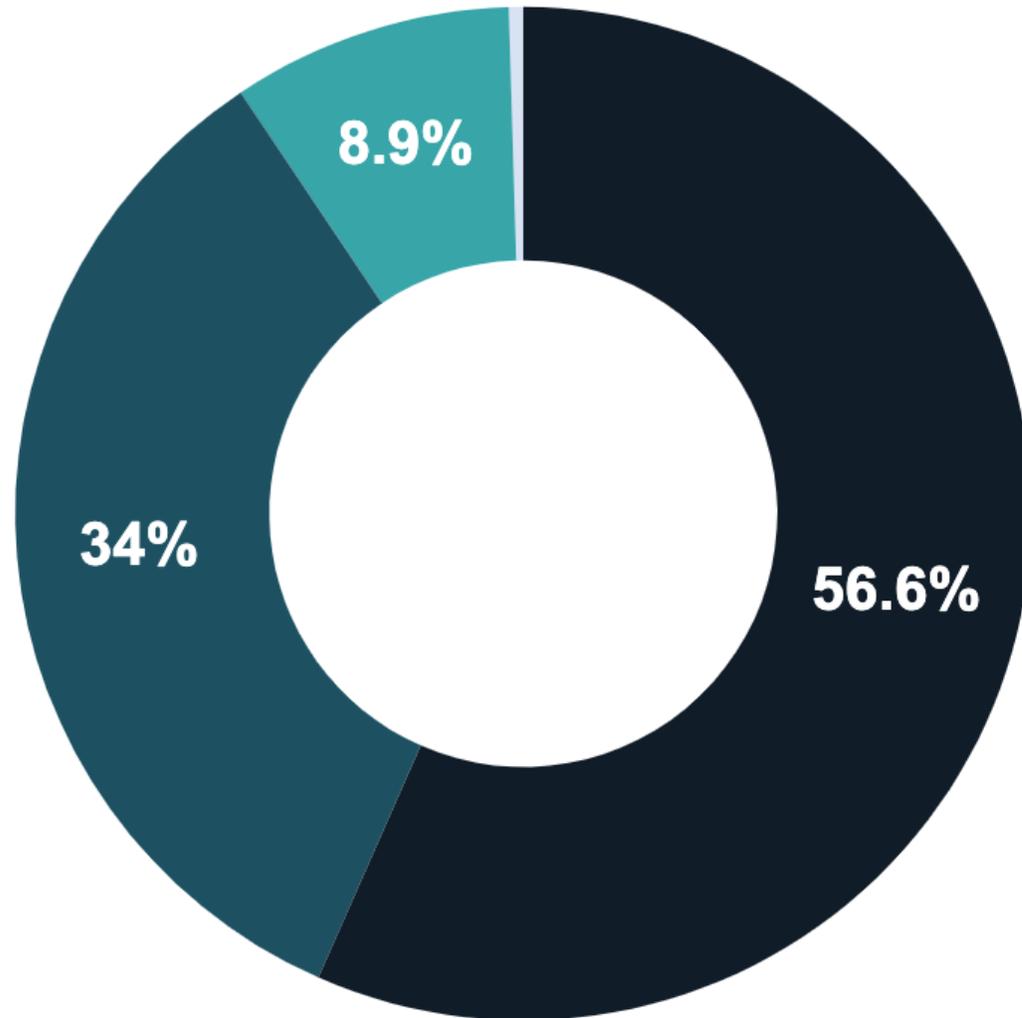
- ❖ Of the 17,240 low-level arrests for the study period, 2,334 were for six categories of drug-related offenses.
- ❖ The most common of these drug-related charges is possession of marijuana of less than two ounces.
- ❖ This offense accounted for 1,982 (85%) of the drug-related offenses.

### Marijuana Related Arrests by Category July 1, 2017 - June 30, 2020

Charge Description	Arrests
Possession of Marijuana <2oz	1,982 (84.9%)
Possession of Marijuana <2oz *Drug Free Zone*	164 (7.03%)
Possession of Cannabinoid 2 Oz or Less	80 (3.43%)
Possession of Marijuana >2oz< or Equal 4oz	70 (3.00)
Possession Of Drug Paraphernalia	36 (1.54%)
Possession Of Cannabinoid > 2 Oz < or Equal 4 Oz	2 (0.09%)
<b>Total</b>	<b>2,608</b>



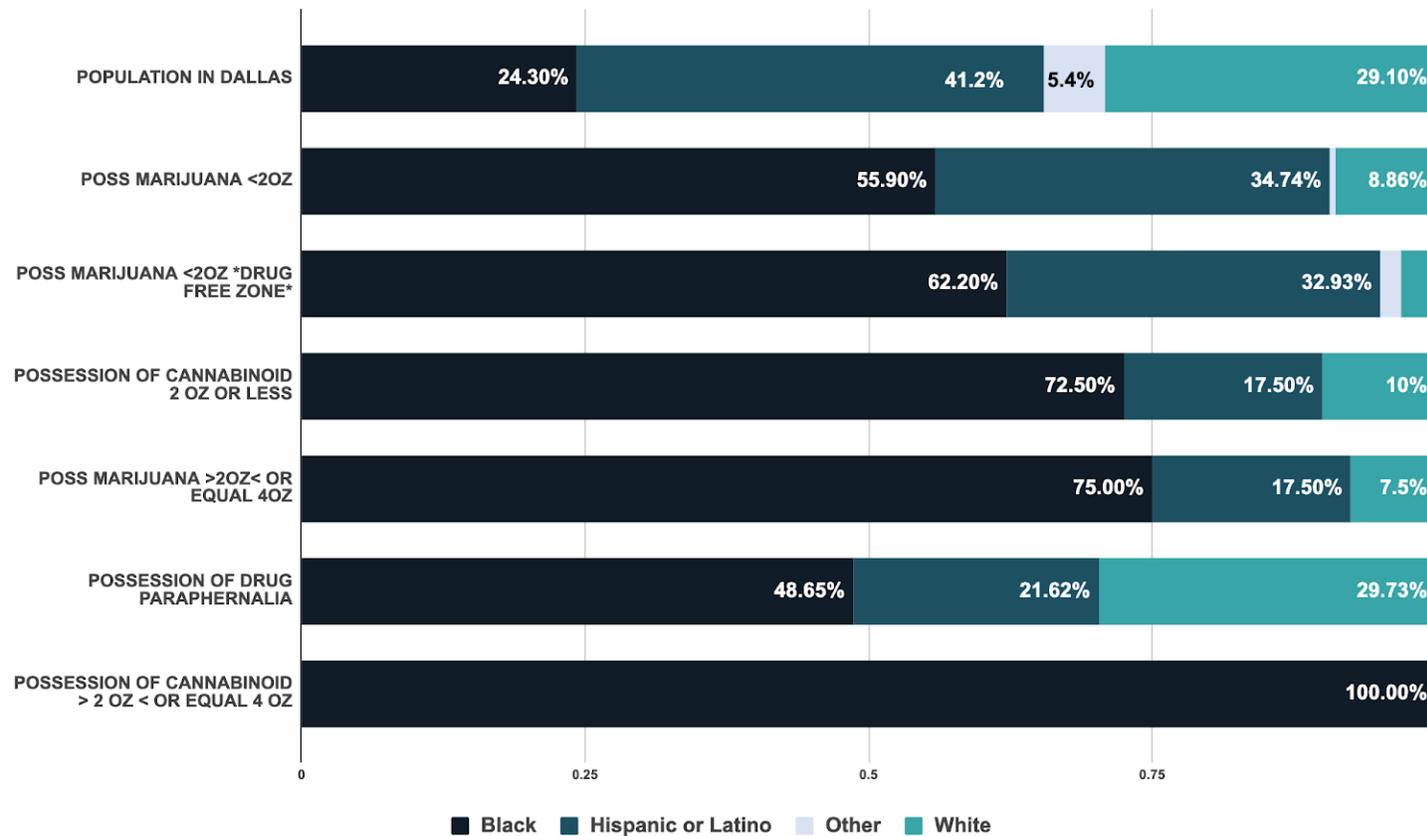
Race/Ethnicity as Percentage of Custodial Arrests for Possession of  
Marijuana < 2oz  
July 1, 2017 - June 30, 2020



## Finding 5 (cont.)

- ❖ Black people represent 56.6% of arrests for possession of marijuana of less than two ounces, during the study period.
- ❖ For the remaining five categories of drug-related offenses, which account for 352 of the low-level arrests during the study period, Black people are overrepresented in every category.

Race and Ethnicity as Percentage of Total Low-Level Drug-Related Arrests by Category  
1 July 2017 - 30 June 2020



The chart shows the percentage of arrests by race/ethnicity in each of the six drug-related categories, as compared to the racial and ethnic representation of the Dallas population (top bar).

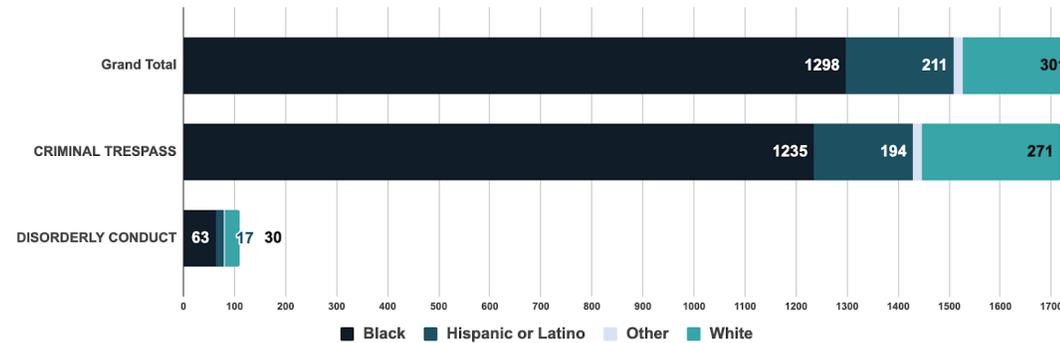
## Findings (cont.)

### Finding 6

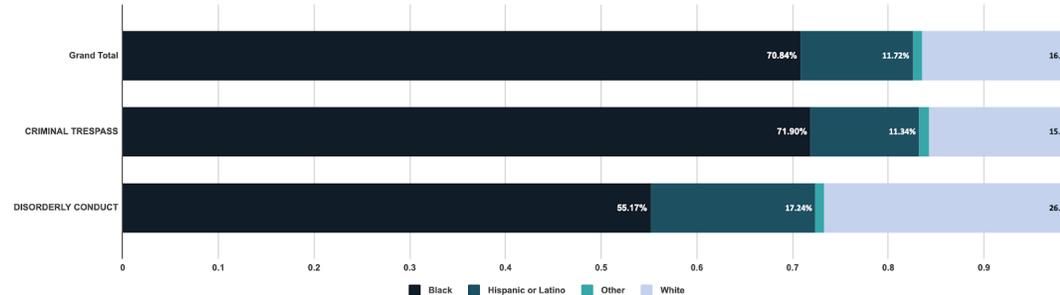
**Black people are overrepresented in arrests for disorderly conduct and criminal trespass.**

- ❖ Of the 17,240 low-level offenses, 1,828 fall into two non-drug related categories: criminal trespass and disorderly conduct.
- ❖ Again, the pattern of disproportionate enforcement against Black residents holds steady — as a group, they represent 71.9% of criminal trespass arrests and 55.17% of disorderly conduct arrests for the time period studied.

Count of Non-Drug Related Low-Level Offense (Not Including Public Intoxication) by Race  
July 1, 2017 - June 30, 2020



Percentage Non-Drug Related Low-Level Arrests (Not Including Public Intoxication) by Race  
1 July 2017 - 30 June 2020





## Finding 7

### Dallas is wasting money and personnel resources arresting and jailing people for low-level marijuana offenses.

- ❖ The City of Dallas uses a significant number of resources to make and process low-level arrests. According to a recent DPD report, an officer spends an average of two hours at the jail for a drug-related custodial arrest, with an additional 30 minutes to one hour to deposit evidence at the property room, coming to **2.5 to three hours** to process a low-level arrest.
- ❖ Conversely, the report estimates that a cite and release citation takes approximately **one to 1.5 hours** to complete, meaning that it takes an officer twice as much time to make a custodial arrest than to issue a citation.
- ❖ Of the 29,722 arrests made by DPD in 2018, only **13%** were for serious charges, with just **5%** representing the most violent charges, including murder, rape, robbery, and aggravated assault.
- ❖ Enforcement of marijuana possession arrests also contributes to slow emergency and call response times for serious crime by removing officers from patrol to process the arrest.



# Finding #7 (cont.)



- ❖ Low-level marijuana enforcement includes costly testing of materials seized from an individual. In June 2019, Texas House Bill 1325, legalized the cultivation of industrial hemp (cannabis containing less than 0.3% tetrahydrocannabinol, or THC). The law also legalized possession and sale of hemp-derived cannabidiol (CBD) products without need for a doctor's approval. Because HB 1325 changed the definition of marijuana, it became necessary for law enforcement to test all contraband seized to determine whether it is marijuana under the new definition. **As a result, prosecutors in the counties of Harris, Tarrant, Bexar, Travis, and several others announced the dismissal of hundreds of marijuana cases and a moratorium on pursuing new charges.**
- ❖ Dallas County Criminal District Attorney John Creuzot has outlined the cost savings to the City of Dallas resulting from his policy to decline the prosecution of first-time possession of marijuana cases. **Under the policy, the District Attorney's Office rejected a total of 2,346 marijuana cases between June 2019 to June 2020. Based on the testing cost of \$217.00 per kit alone, the City saved \$509,082.00.**



# Recommendations



We urge the Dallas City Council to:

## 1. Repeal city ordinances that criminalize people of color for low-level offenses.

- ❖ The municipal-level offenses that are eligible for repeal through ordinances include certain loudspeaker and noise violations, sleeping in public spaces, and jaywalking. These offenses do not pose a public safety threat. Instead, they criminalize youth, people of color, and people experiencing homelessness, and erode trust in DPD.
- ❖ The City should look to Atlanta, Georgia, as a model and pass an ordinance to repeal these offenses. In 2017, Atlanta repealed 40 outdated ordinances that criminalized nonviolent behaviors such as loitering and experienced a drop in the use of force incidents by the Atlanta Police Department and community complaints. *See Appendix A of the report for a sample model ordinance.*



# Recommendations (cont.)



## 2. Stop arrests for low-level state offenses.

❖ The vast majority of low-level offenses enforced by DPD are state-level offenses that cannot be repealed at the municipal level in Dallas. (See Appendix B of the report for the procedure for repealing state ordinances.) The city, however, has multiple mechanisms that could have a similar effect of reducing unnecessary police-community contacts and the negative consequences that flow from these encounters. This includes expanding cite-and-release policies, de-prioritizing arrests, and amending DPD's general orders.

### a. Expand cite-and-release policies for certain state low-level offenses.

- ❖ In 2017, the Dallas City Council approved a pilot program in 2017 by which the DPD could issue citations for Class A and B low-level marijuana offenses instead of making arrests for these offenses. The pilot program, however, *excluded other low-level offenses also eligible for citation-only enforcement under state law.*
- ❖ The Dallas City Council could expand the use of this program to apply to other low-level statutes enumerated under HR 2391, including Class C low-levels and Class B low-level criminal mischief.
- ❖ Notably, other Texas cities have passed ordinances and codified police procedures that account for a broader use of cite-and-release.



# Recommendation 2 (cont.)



**b. Amend DPD's General Orders to de-prioritize arrests for low-level offenses to align the Dallas County District Attorney's priorities and national best practices.**

- ❖ The department could amend its current policies to align with the Dallas County District Attorney's Office's policy to dismiss cases for certain low-level offenses that the office has deprioritized.
- ❖ Specifically, in April 2019, the Dallas County District Attorney issued a memorandum concerning de-prioritizing several low-level criminal offenses, including criminal trespass. Noting that “the jail is not a suitable place for the mentally ill and homeless—those most often charged with low-level criminal trespass,” the district attorney instructed intake prosecutors “to dismiss all low-level criminal trespass cases that do not involve a residence or physical intrusion into property.” DPD's General Orders provide guidelines to police officers concerning criminal trespass offenses, noting that “low-level citations *may* be issued in appropriate cases in lieu of custodial arrest.”
- ❖ The DPD policy, as written, is not explicitly aligned with the Dallas County District Attorney's Office prosecutorial policy. DPD could perform a broad policy review to align its arrest policies with prosecutorial policies concerning low-level offenses.



# Recommendation 2 (cont.)



## c. De-prioritize low-level arrests by removing them from DPD's enforcement goals.

- ❖ The Chief of Police, working together with the City Manager, could establish enforcement goals and policies focusing on de-prioritizing arrests for low-level offenses. The Chief has discretion in defining strategic priorities for the department on a year-to-year basis. The Chief has ultimate responsibility for the administration, command, and external relations of the department, including “develop[ing] and propos[ing] such programs to the City Manager as deemed necessary to maintain a modern, efficient, and effective police department.”
- ❖ By de-prioritizing the low-level offenses reviewed in this report and others beyond, especially state level offenses that cannot be repealed by the City Council, DPD will cease to be the conduit to the criminal legal system for behaviors that do not pose a public safety threat. This would relieve officers from being the enforcers of laws that exacerbate the systemic racial inequities in Dallas and improve community relationships. De-prioritization would also save money spent on arrests and prosecutions, which would be better spent on housing, health care, education, and other social services and programs.



# Recommendations (cont.)



## 3. Reinvest money saved in community-based services.

- ❖ The Mayor and City Council should work to reduce arrests for low-level offenses and to reallocate the astronomical resources consumed by these arrests to community-based services and addressing violent crime. Arresting people for offenses that do not pose a public safety threat costs Dallas millions of scarce tax dollars while ensnaring people in the criminal legal system.

## 4. Publicly report detailed, disaggregated data for arrests and citation of all offenses

- ❖ The report analyzes enforcement data made publicly available by the City of Dallas and the Dallas Police Department on the City's open portal. However, there are serious flaws in the data.
- ❖ It does not reflect the offense charge for all categories of low-level offenses, and it is not possible to match arrests to related use of force incidents.
- ❖ Furthermore, the City has been unwilling to provide data on certain offenses (e.g., jaywalking) to analyze in this report. The Department must improve its collection and reporting practices to promote transparency and accountability.



# Recommendations (cont.)



- ❖ OCPO be integrated into initiatives that are currently being considered by City Council related to policing and criminal justice. For example, the initiative to potentially legalize 2 ounces or less of marijuana.
- ❖ OCPO be included in initiatives from the Office of Integrated Public Safety, and other related public safety offices.



# Proposed Action



- ❖ Schedule another briefing to provide City Council members answers to questions that may not have been addressed during the presentation.
- ❖ Follow-up on any recommendations City Council members have regarding the recommendations in the report.
- ❖ Get report recommendations (and others) ready to be sent to the full City Council with recommendations from the Public Safety Committee.



# Next Steps



- ❖ City Council members provide feedback and/or recommendations regarding the project.
- ❖ City Council members identify any other potential stakeholders that OCPO can contact to give feedback on the project.
- ❖ OCPO work with the City Attorney's Office to draft a model repeal Ordinance for City Council to consider.





# Overview and Analysis of Misdemeanor Offenses by the Dallas Police Department

The Office of Community Police Oversight  
February 8, 2021

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# Appendix A: Thank You!



- The Leadership Conference Education Fund's New Era of Public Safety Initiative.
- Data analysis was conducted by Datapolitan.
- Legal Analysis and Consultation provided by the Law Firm of Gibson Dunn.
- We are grateful to the ACLU of Texas and Texas Appleseed for the use of their original research in this report.
- We are also grateful to Child Poverty Action Lab for their help with the data visualizations.
- Special thanks to Elias Hakim, Susan Kaup, and Max Tinter for their contributions to this project.

