

Office of Community Police Oversight
City of Dallas

TONYA D. McCLARY, ESQ.
POLICE MONITOR

Dear Mayor Johnson, Members of the Dallas City Council, City Manager Broadnax, Chief of Police Eddie Garcia, and Members of the Community Police Review Board:

The national conversation about reimagining policing and public safety has grown since the deaths of George Floyd, Breonna Taylor, Tony McDade, and countless others at the hands of law enforcement officers. Communities continue to scrutinize policing practices and police interactions that engender police violence. With the recent beating death of Tyre Nichols at the hands of predominantly African American officers in Memphis, Tennessee, that scrutiny is continuing. What the Nichols case highlights for many communities is the systemic problem of policing and police practices. The fact that most of the officers involved in Mr. Nichols's death were African American highlights that it is the race of victims of police brutality that is at the center of the brutality.

In the city of Dallas, the police department's crime reduction efforts have focused on violent crime. However, the Office of Community Police Oversight (OCPO) clearly heard from residents of Dallas that misdemeanor enforcement was a problem in Dallas in the ways it is implemented. This evidence also came in the form of complaints from civilians.

In 2021, OCPO presented to the Dallas City Council Public Safety Committee a report that it had co-authored with The Leadership Conference Education Fund, which has been supporting the work of community groups in Dallas looking at a broad range of police reform issues.

The report identified that enforcement of misdemeanor offenses by the Dallas Police Department negatively impacts communities, particularly Black and Latino communities.

That report summarized seven findings that were the result of a three-year study (July 1, 2017-June 30, 2020) on misdemeanor enforcement by the Dallas Police Department. As a result of the report and OCPO working with the Community Police Oversight Board (CPOB), Dallas Police Department General Order 313.05 *Marijuana Possession* was created and adopted. This General Order lessens the impact of arresting individuals for low-level amounts of marijuana, and it reduces the burden on police resources.

OCPO teamed up again with The Leadership Conference Education Fund to look at misdemeanor arrests one year after the release of the first report.

Our second report is attached to this cover letter. This report, like the first one, analyzes enforcement data made publicly available by the City of Dallas and the Dallas Police Department on the city's open portal. There are five findings.

The five findings revealed a picture that is summarized below:

1. Overall arrests and misdemeanor arrests by the Dallas Police Department continue to decrease.

2. Arrests for possession of 2 ounces or less of marijuana have significantly decreased.
3. Overall racial disparities persist in low-level misdemeanor arrests. Racial disparities are particularly stark in marijuana possession and criminal trespass arrests.
4. Drug paraphernalia and public intoxication arrests show that there is more work to be done to reduce the footprint of DPD in the day-to-day lives of Dallas residents.
5. The City of Dallas and the Dallas Police Department's data policies and practices continue to create challenges for transparency, accountability, and analysis.

The report also makes five actionable recommendations to the City Council, City Manager, and DPD. The goal of these recommendations is to lessen the impact of enforcement of these laws on the Dallas community, allow officers to focus on violent crime, and save the City of Dallas tremendous financial resources that could be reallocated to initiatives that address the underlying causes of misdemeanor crime.

Dallas has a unique opportunity to lead the nation and enforce the tenets of President Barack Obama's 21st Century Policing Plan. With OCPO overseeing the eighth largest police department in the country, many in the oversight world will look to us for guidance and to help set a direction for oversight, especially with many cities contemplating creating oversight bodies after the death of George Floyd. Also, with DPD Police Chief Eddie Garcia being elected the President of the Major Cities Chiefs Association, many in the policing world will be looking to him for guidance and to help set a direction for police departments across the country. If OCPO and DPD can work together and include community stakeholders, policymakers, and city officials, Dallas has an opportunity to advance things in the field of policing that will have lasting positive effects.

I want to thank The Leadership Conference Education Fund and their lead strategist for the project, Tamara Neal, for their continued partnership and willingness to share and develop strategies and vision for this report. Thank you to Changa Higgins, founder of Dallas Action, and Antonio Lodico with ASL Analytics who did the data analysis for the report. Thank you to community members who also provided substantial information and assistance. I am also thankful for the high level of collaboration that we experienced as we conducted this second review, which is evident in the number of community groups that have signed on to the report.

Sincerely,



Tonya D. McClary, Esq.
Police Monitor and Director
Office of Community Police Oversight



Office of
**Community Police
Oversight**



The Leadership Conference
Education Fund

A Second Look:

An Analysis of Persisting Disparities

in Dallas Misdemeanor Arrests

May 2023



Acknowledgments

This report is a project of the Office of Community Police Oversight in Dallas, Texas, The Leadership Conference Education Fund, and organizer Tamara Neal. Staff assistance was provided by Bree Spencer and Patrick McNeil. Overall supervision was provided by Kanya Bennett and Corrine Yu. The report was designed by Dave Clark. We would like to thank Changa Higgins of Dallas Action, MEASURE Austin, Faith in Texas, and other organizations for the use of their original research in this report — in addition to ASL Analytics, who performed the data analysis, and Clyde Group, who helped with research and writing.

The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

The authors and the supporters of this report urge the Dallas City Council to implement the recommendations in this report immediately. We thank the following organizations for their support:

American Civil Liberties Union of Texas
Dallas Action
Dallas Community Police Oversight Coalition
Faith Forward Dallas at Thanks-Giving Square
Faith in Texas
ICE Out of Tarrant County
In Defense of Black Lives
MEASURE Austin
Mi Familia Vota
Mothers Against Police Brutality
Next Generation Action Network
North Texas Immigration Coalition
Texas Organizing Project
Workers Defense Project



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I. Executive Summary



Executive Summary

Background and Objectives

In 2021, The Leadership Conference Education Fund (The Education Fund), in partnership with the City of Dallas Office of Community Police Oversight (OCPO), released a report on misdemeanor arrests by the Dallas Police Department (DPD) titled “Public Safety in Dallas: An Analysis of Racial Disparities in Low-Level Arrests.”¹ That report highlighted the disproportionate enforcement of misdemeanor offenses on Black and Brown residents.

Since the publication of that report, there have been encouraging steps taken by DPD to decriminalize misdemeanor marijuana possession based on the report’s recommendation on low-level misdemeanor enforcement.² As of April 2021, DPD introduced a change to their internal General Orders, 313.05, which states that given the right conditions (which include no intent to distribute, no companion charges besides a warrant hold, or there is a companion felony drug charge)³ DPD should no longer arrest or cite an individual with possession of marijuana indicative of personal use, which is considered 2 ounces or less.⁴

As a follow-up to the initial report, The Education Fund has once again partnered with a group of engaged advocates in Dallas to develop this report.

This new publication reviews arrest data from 2018 through 2022 and provides an analysis of the impact of DPD’s instituted general order, which discontinues most arrests of marijuana possession of 2 ounces or less. Like the first report, this one also provides an analysis of other misdemeanor arrests to identify opportunities to minimize police interaction for misdemeanor nonviolent offenses, continue decriminalization of misdemeanor offenses, and eliminate disproportionate police arrests of residents of color by the Dallas Police Department. These insights are useful in order to adjust laws, practices, and procedures to align with a more fair and equitable public safety system in Dallas.

Findings

Finding #1: Overall arrests and misdemeanor arrests by the Dallas Police Department continue to decrease.

Finding #2: Arrests for possession of 2 ounces or less of marijuana have significantly decreased.

Finding #3: Overall racial disparities persist in low-level misdemeanor arrests. Racial disparities are particularly stark in marijuana possession and criminal trespass arrests.

Finding #4: Drug paraphernalia and public intoxication arrests show that there is more work to be done to reduce the footprint of DPD in the day-to-day lives of Dallas residents.

Finding #5: The City of Dallas and the Dallas Police Department’s data policies and practices continue to create challenges for transparency, accountability, and analysis.

Recommendations

In accordance with the findings and challenges in this report, there are five policy recommendations for the Dallas City Council, the DPD, and the city manager to consider. If implemented, these recommendations could lessen the impact of misdemeanor laws on the communities the police are supposed to serve, especially those communities who are disproportionately targeted; focus police efforts on crimes that have a higher impact on public safety; and improve transparency, access, and accountability around police data in the City of Dallas.

Recommendations, continued

1. DPD should expand the marijuana possession de-enforcement policy from 2 to 4 ounces to align with the Dallas district attorney policy.
2. DPD should amend its policies to de-prioritize arrests for other misdemeanors to decrease police interaction with the public around low-level offenses.
3. Dallas City Council should, while operating in the bounds of their legal authority, codify DPD’s marijuana possession policy — making it an ordinance not subject to change by leadership transitions within DPD.
4. Dallas City Council should create a task force that includes public safety, elected, and community stakeholders to explore how to minimize police interactions and arrests for misdemeanors, low-level arrests including traffic stops, and marijuana possession.
5. Dallas City Council should mandate that the Office of Community Police Oversight (OCPO) receive free and unfettered access to police data to help monitor DPD’s data transparency and collection practices and provide the support necessary to ensure that access can be utilized meaningfully.

II. Introduction

Introduction

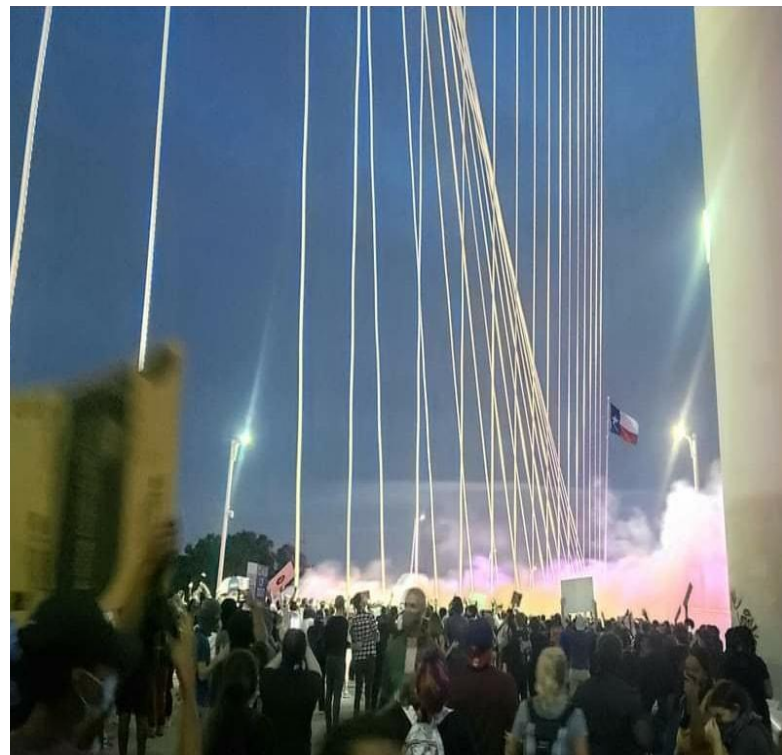
As the country wrestled with the murder of George Floyd in the summer of 2020, cities across the country saw a surge in protests and calls for decision-makers to reimagine public safety and policing reform. Dallas was no different: A historic number of protests lasted more than 100 days along with hundreds of arrests. As with many cities, Dallas residents, organizers, and activists called for the reallocation of the city budget away from the Dallas Police Department (DPD), more oversight and accountability, and the removal of old ordinances that led to increased interactions between the police and low-income, Black, and Brown communities.

In response to the wave of protest energy and demands, the Dallas City Council and managers held conversations and developed action plans to implement changes in policing.⁵ Some council members spoke out in support of shifting a portion of DPD's budget into social services.⁶ Despite the comments of support, the landscape of policing has seen little change.

As calls for reallocation of police budgets and new policies gained traction in some city governments, state legislators began to push back on behalf of police departments and organizations. For example, in August 2020, the city of Austin voted for the largest shift of police funding to social services in the country.

In response, state legislators and the governor moved to make it illegal for large counties in Texas to cut police budgets without seeking voter approval through a ballot measure.⁷ Many members of the Dallas City Council, who had become vocal proponents of reallocating police funding to other services, began to change their stance and are now largely quiet on issues of policing reform.⁸

In this climate, OCPO partnered with The Education Fund and began to look at solutions to minimizing police interactions for low-level, misdemeanor offenses. Research has shown that misdemeanor arrests



disproportionately criminalize and impact marginalized communities, especially people of color. In cities like Atlanta, arrest data were used to repeal quality-of-life ordinances that have historically criminalized low income people and people of color. The previous report sought to understand how and whether this could be done in Dallas.

Misdemeanor Arrests and Dallas Today

In the first report, an analysis of publicly available arrest data found that there were unequal patterns of enforcement for low-level arrests and significant disparities in Black and Brown communities. The report provided concrete data from the police department that city leaders could not ignore.

In 2021 and 2022, there were several high-profile killings of Black and Brown residents of Dallas by police. For example, in May 2022, DeeDee Hall, a transgender woman experiencing a mental health crisis, died in DPD custody after she was forcibly restrained and a “spit hood” was placed on her head.⁹ In August 2021, Kyle Dail was killed by police while actively disarming himself in an encounter over suspected drug dealing.¹⁰ Sometimes police engagement turns unnecessarily violent and deadly. Where there are opportunities to reduce the presence of DPD in the day-to-day lives of Dallas residents, the city should prioritize reducing DPD engagement and enforcement. This report focuses on those areas.

Chief Eddie Garcia, the sitting police chief of Dallas, took over the role in February 2021. He has consistently expressed an admiration for and adherence to 21st century policing.¹¹ This report is a tool that DPD, OCPO, city officials, and community members can use to ask important questions about the status of 21st century policing in Dallas.

Minimizing Marijuana Arrests

The first report showed that Black and Brown citizens of Dallas were far more likely to face arrest for misdemeanor violations than their White counterparts — despite data suggesting that the rates of violation are comparable. The report outlined the detrimental effects that this unequal policing had on the residents of Dallas and offered recommendations to address some of those inequities.

This data-driven analysis contributed to a meaningful policy change by the DPD. As of April 2021, DPD changed its internal policy to de-enforce possession of marijuana indicative of personal use, which is considered 2 ounces or less.

This policy change significantly reduced the number of arrests for marijuana possession, though Black people are still disproportionately impacted.

While the reduction in arrests for 2 ounces or less of marijuana possession represents a positive change, racial disparities in DPD’s low-level arrests remain a concern. Also concerning is the apparent shifting of enforcement from small simple possession toward other low-level charges like drug paraphernalia. For de-enforcement to have the desired effect of reducing law enforcement presence in the day-to-day lives of Dallas residents, DPD must not simply shift charges in a way that hides enforcement.

It is against this backdrop that transparency and accountability of DPD arrest and data practices become so much more crucial — and why this report and its recommendations are so important.

III. Methodology

The purpose of this report is to gain insight into the following questions:

- Have arrest patterns changed since the introduction of the policy in April 2021 to reduce enforcement of marijuana possession to 2 ounces or less?
- Do disproportionate arrest patterns persist for Black and Brown residents in relation to low-level offenses?
- What other changes have occurred since the DPD policy change in April 2021?¹²

This report is based on available DPD data found on the City of Dallas' Open Data portal and analyzes arrests and arrest charge datasets (with additional location data supplemented by the incident report dataset) from the beginning of 2018 through 2022. The data on the DPD portal website focus on empirical data and analyzes 29 categories from DWI to trespassing, etc. Analysis in this report is a descriptive analysis that focuses on the number and type of low-level misdemeanor arrests and the role of race in DPD misdemeanor enforcement over the past five years.

Additionally, this report analyzes DPD arrest data published from the City of Dallas' Open Data portal from the beginning of 2018 through 2022 for marijuana possession arrest and arrest charge data from three datasets:

- Police Incidents¹³
- Police Arrest Charges¹⁴
- Police Arrests¹⁵

Based on available DPD data, this report defines the following offenses as low-level offenses:

→ **Low-level Class A:**

- Possession of controlled substance in penalty group 2-A > 2 oz < or equal 4 oz (Cannabinoid)
- Possession of marijuana < 2 oz *drug-free zone*
- Possession of marijuana > 2 oz < or equal 4 oz

→ **Low-level Class B:**

- Criminal trespass
- Possession of controlled substance in penalty group 2-A 2 oz or less (Cannabinoid)
- Possession of marijuana < 2 oz (B)

→ **Low-level Class C:**

- Disorderly conduct (C/B)
- Possession of drug paraphernalia
- Public intoxication

Data Access and Limitations

Data limitations for this report stem from a lack of access to raw data from DPD. The Open Data portal has allowed this work to continue, but not without challenges. When the first misdemeanor report was shared with the city council, advocates were questioned about why they used information from the portal rather than data requested from DPD. The answer that advocates gave in 2021 is the same given with the release of this report: DPD did not provide the data requested.

In the past three years, DPD failed to fulfill multiple open records requests, first through OCPO and from the authors of this report. Importantly, even though this work was conducted in partnership with OCPO, there was a lack of direct access to DPD data. As of this report's publication, OCPO does not have a meaningful, expedient, and direct pipeline to DPD's data, which means that OCPO is stymied when it comes to fulfilling its mission.

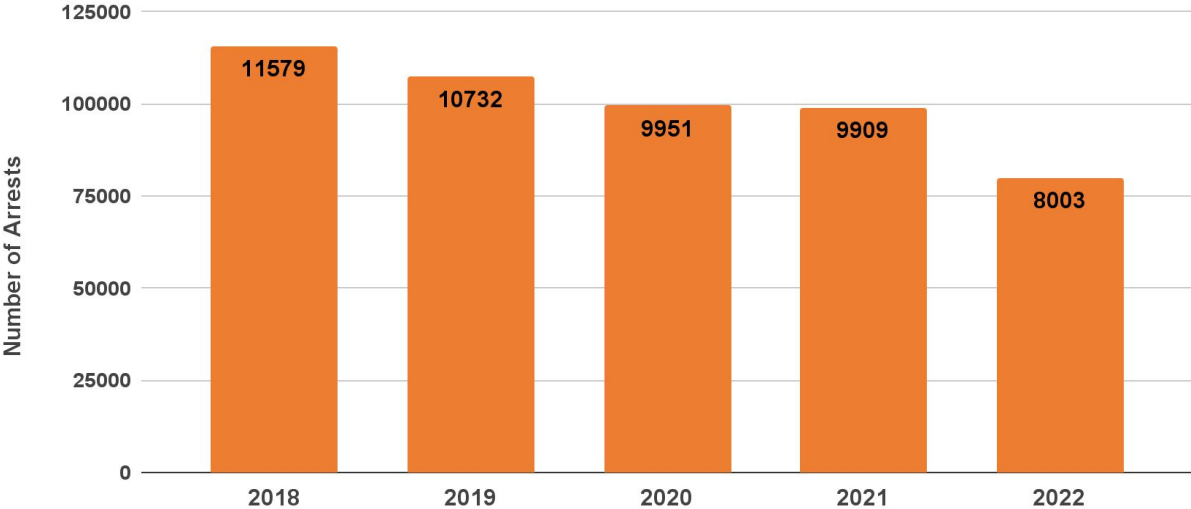
IV. Findings



Finding #1: Overall arrests and low-level misdemeanor arrests by the Dallas Police Department continue to decrease.

Arrests overall have continued to decrease, which is part of a larger trend over the last five years. From 2018 to 2022, there were 50,174 arrests combined. That number has continued to decline year over year.

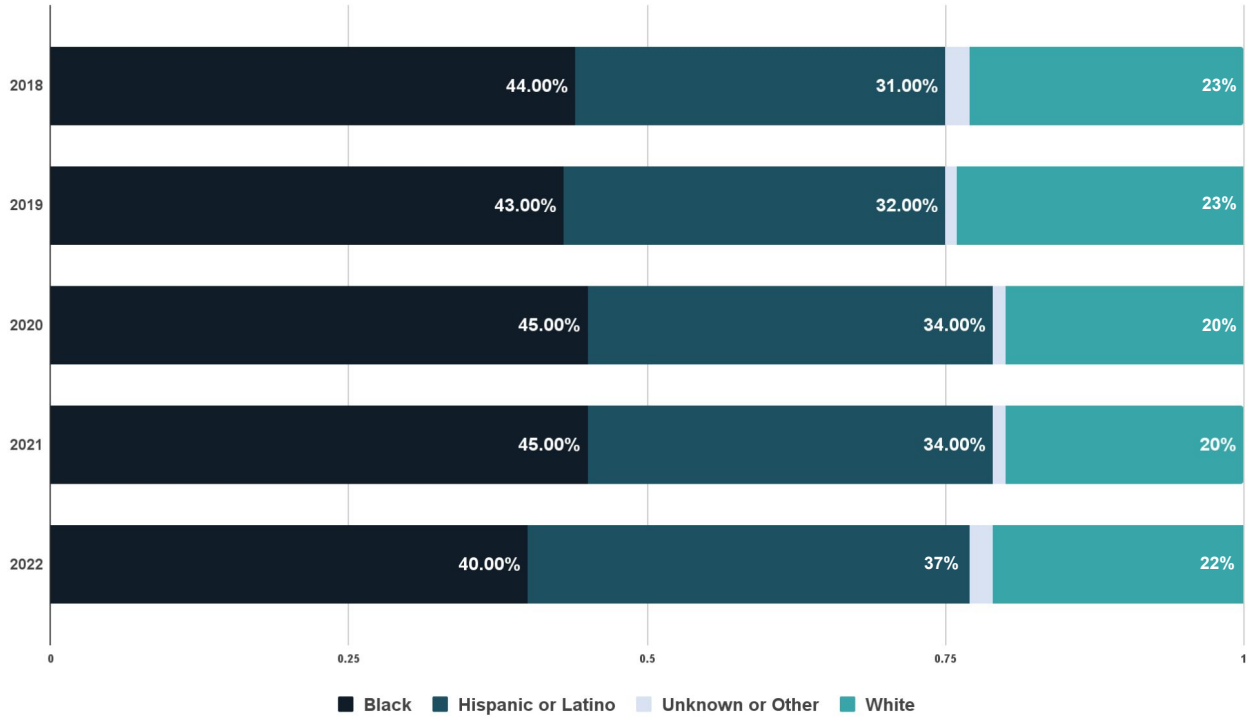
Count of Arrests in Dallas
2018-2022





Despite the drop in arrests, Black residents of Dallas still make up a disproportionate number of overall arrests. Although Black people account for 24 percent of the Dallas population,¹⁶ they account for 40 percent or more of overall arrests each year from 2018 to 2022.

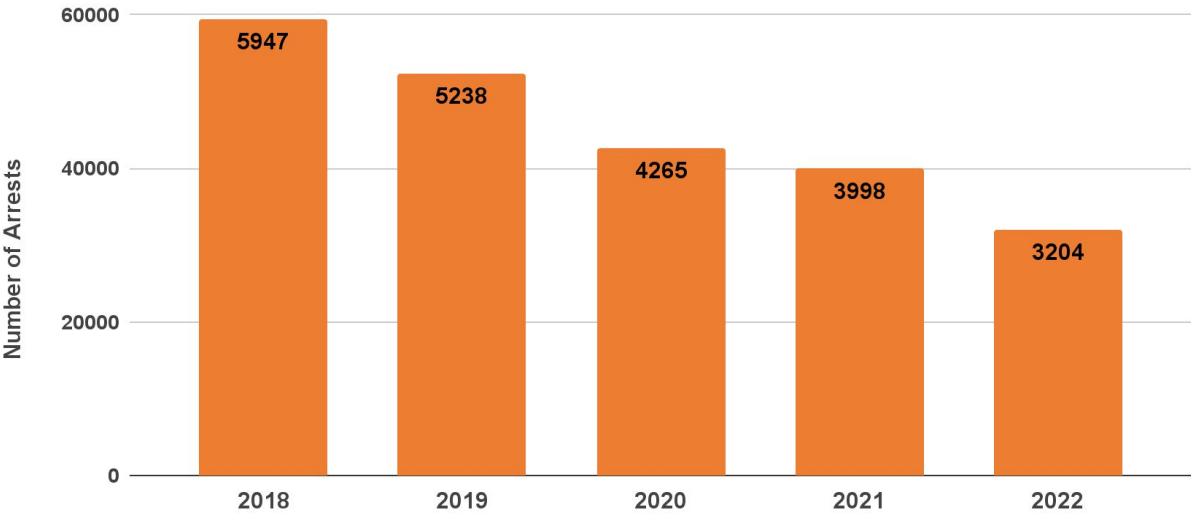
Race and Ethnicity as a Percentage of Total Arrests 2018-2022





Similar to overall arrests, low-level arrests have also been decreasing over time. Decreases in arrests are indicative of a move in the right direction because they reflect a decrease of law enforcement engagement with Dallas residents at least via formal enforcement mechanisms like arrest.

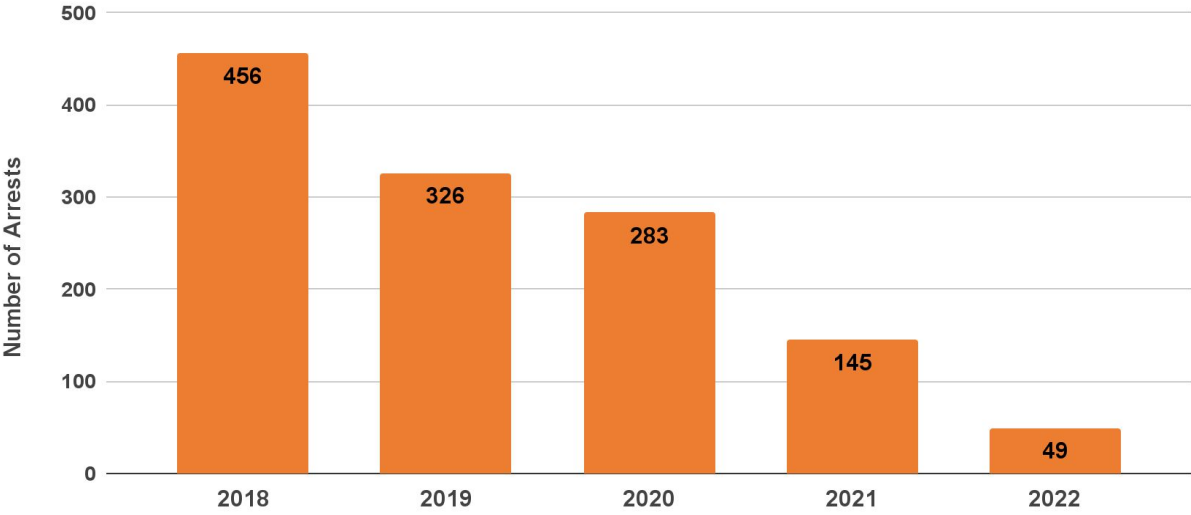
Count of Low Level Arrests in Dallas 2018-2022



Finding #2: Arrests for possession of 2 ounces or less of marijuana have significantly decreased.

In April 2021, DPD Chief Eddie Garcia enacted General Order 313.05, which stopped arrests for possession of 2 ounces or less of marijuana. The order was a significant step in decriminalizing low-level marijuana offenses and follows national and state trends, with city governments across the country exploring ways to minimize police interactions. Since the implementation of this DPD general order, there has been a sharp drop in arrests of people solely for 2 ounces or less of marijuana possession. From 2018 to 2022, DPD made 1,259 arrests for the possession of 2 ounces or less.¹⁷

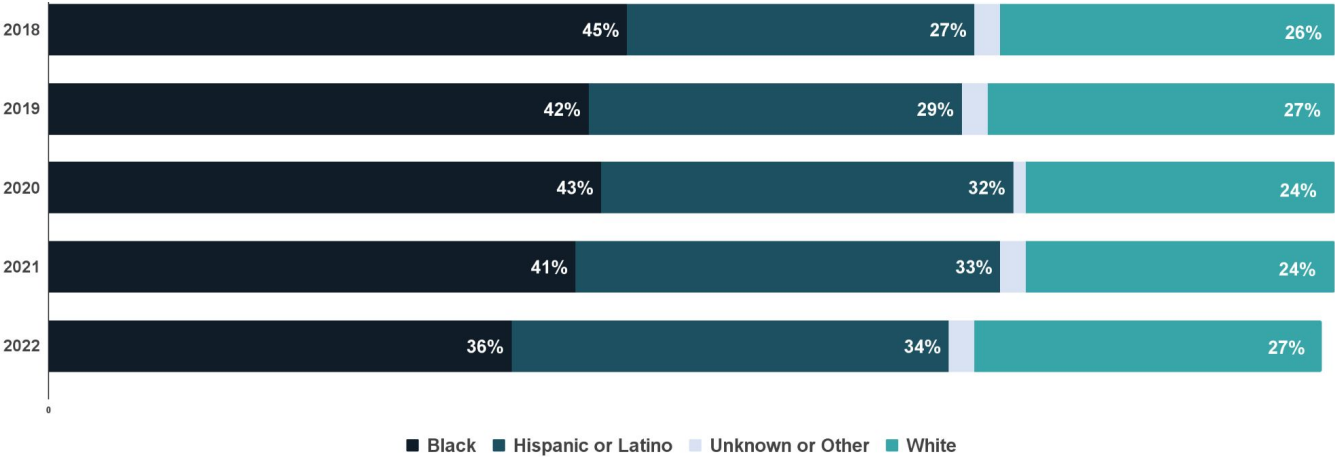
Count of Small Marijuana Possession (<2oz) Arrests in Dallas
2018-2022



Finding #3: Overall racial disparities persist in low-level, misdemeanor arrests. These disparities are very clear in marijuana possession and criminal trespass arrests.

Overall, racial disparities in arrests are clear in low-level misdemeanor arrests.

Race and Ethnicity as a Percentage of Low Level Arrests in Dallas
2018-2022



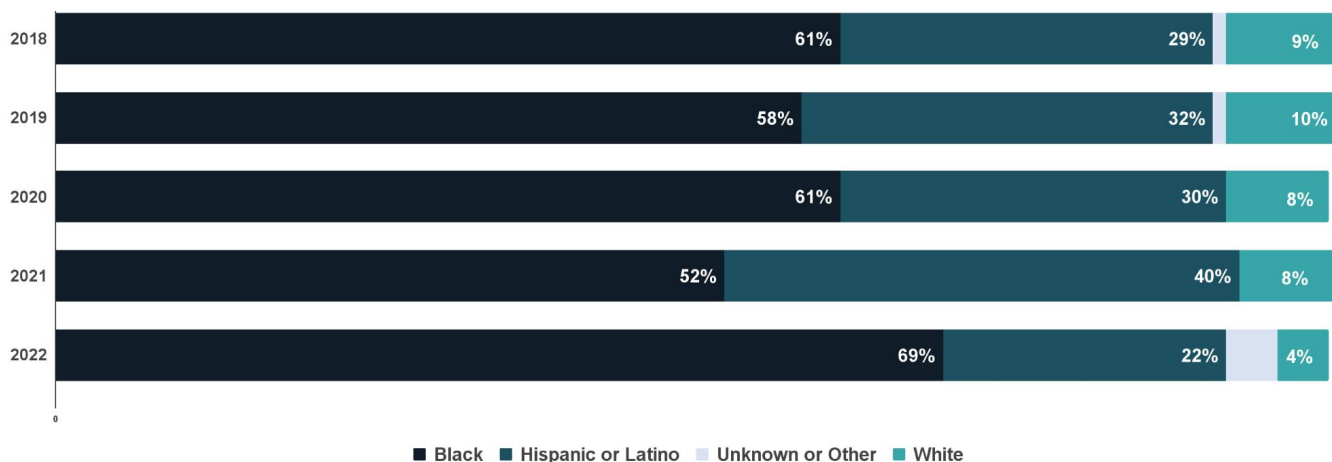
Marijuana Possession

While DPD de-enforcement policy achieved the intended impact of reducing low-level marijuana arrests, other areas of concern arise when arrests are analyzed by race. The racial disparity of arrests of Black residents has increased, despite consistent research that has shown racial groups consume marijuana at comparable rates — with rates of marijuana use roughly equal between Black and White people.¹⁸

With this research in mind, the over-representation of Black and Brown people in the arrest data for 2 ounces or less of marijuana possession is significant and outlines a clear and consistent pattern of over-policing of Black and Brown communities in Dallas based on marijuana possession.

Race and Ethnicity as Percentage of Small Marijuana Possession (<2oz) Arrests in Dallas

2018-2022

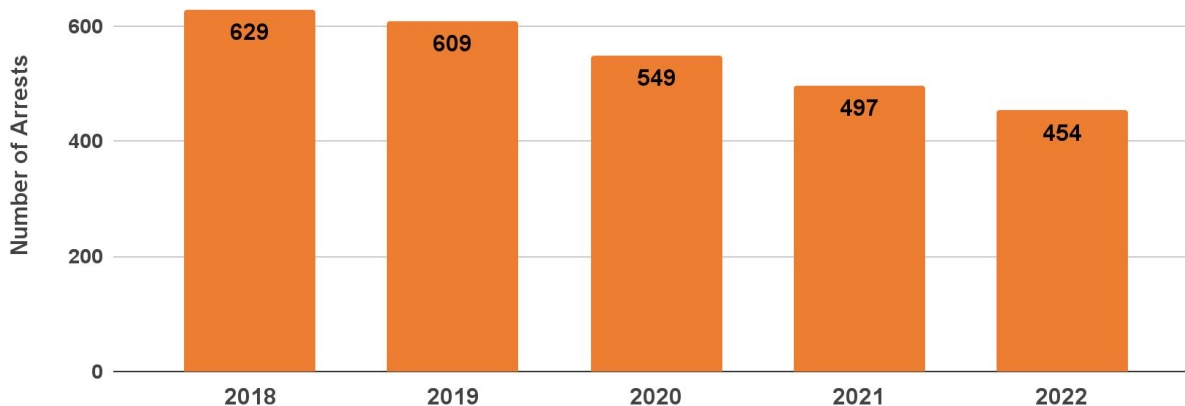


Criminal Trespass

Criminal trespass remains concerning both in overall number of arrests and in the levels of racial disparity in who is being arrested. In 2022, there were 454 criminal trespass arrests, with Black residents of Dallas representing 272 — or 60 percent — of the arrests, even though Black people only make up 24 percent of the Dallas population. Criminal trespass is a charge frequently used to manage and control public spaces that are being used by the unhoused. This means that in addition to racial disparity concerns, criminal trespass arrests likely represent criminalization of homelessness and unnecessary interactions between members of the public and the police. Even with a decrease over time in criminal trespass arrests, the decrease is happening at a much slower pace than other low-level arrests. Criminal trespass is a low-level misdemeanor that community advocates, DPD, and the city should pay attention to and find alternative approaches to improve outcomes for the Black and Brown residents of Dallas.

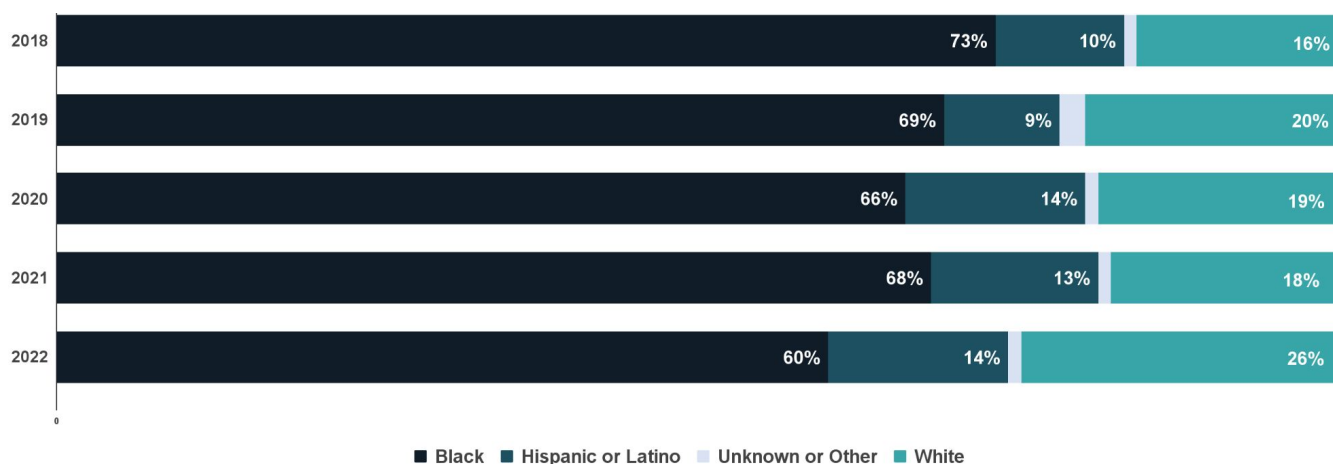
Count of Criminal Trespass Arrests in Dallas

2018-2022



Race and Ethnicity as Percentage of Criminal Trespass Arrests in Dallas

2018-2022



Finding #4: Drug paraphernalia and public intoxication arrests show that there is more work to be done to reduce the footprint of DPD in the day-to-day lives of Dallas residents.

Drug Paraphernalia

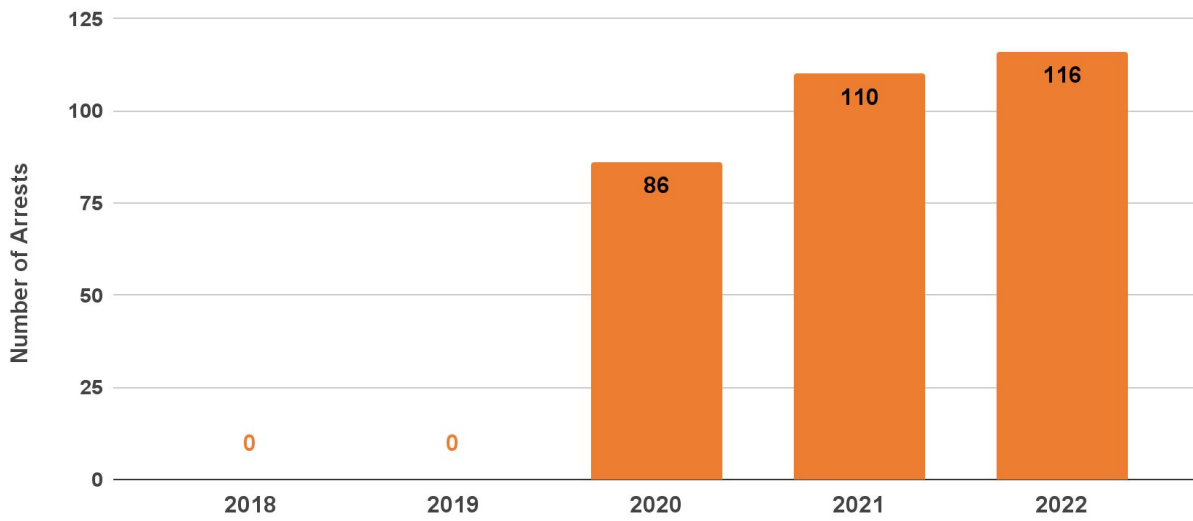
When monthly arrest totals by DPD for low-level drug offenses are separated by charge type, new trends become apparent. In our previous report, Black residents accounted for 49 percent of possession of paraphernalia arrests from July 1, 2017 to June 30, 2020.¹⁹ However, current Open Data portal data show that Dallas Police made no arrests for possession of drug paraphernalia in 2018 to 2019. At the time of this report, we were not able to ascertain if arrests for these years are missing from the data portal because of discrepancies in the way the data are reported, or some other factor. Since tracking the change in drug paraphernalia from 2018 to 2022 isn't possible, the focus will be on the data that were available when the report was written. It is relevant to note that in February 2020, charges increased to approximately 25 people per month.²⁰

Unlike the other low-level arrest categories discussed in this report, the number of drug paraphernalia arrests have been increasing. Racial disparities in arrest are also apparent. Despite Black residents comprising 24 percent of the population, they represented almost half of the arrests from 2020 to 2022. This is compared to White residents who represent less than 25 percent of the arrests, while comprising 54 percent of the population.

While this trend is new, the rise in paraphernalia arrests and the ongoing disparities deserve further analysis. The uptick in drug paraphernalia arrests corresponds with the change in DPD de-enforcement policy, and it is possible the DPD has started to arrest people for drug-related charges to get around the marijuana possession de-enforcement policy.

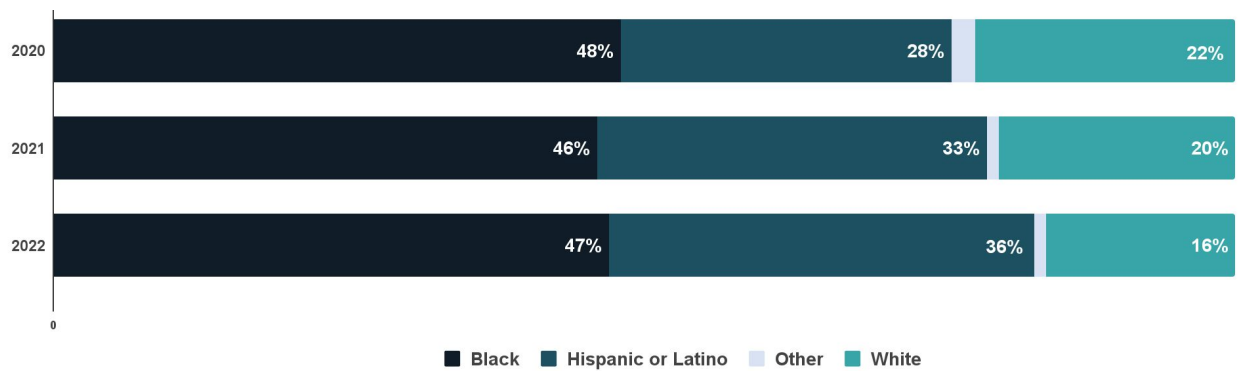
Count of Drug Paraphernalia Arrests in Dallas

2018-2022



Race and Ethnicity as Percentage of Drug Paraphernalia Arrests in Dallas

2018-2022*

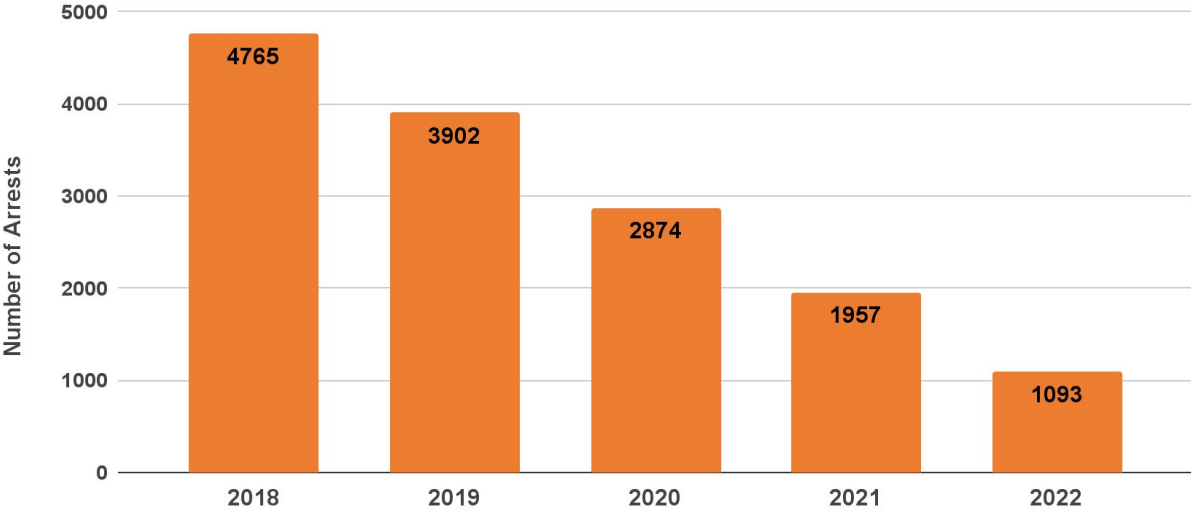


*(2018-2019 there were no reported drug paraphernalia arrests)

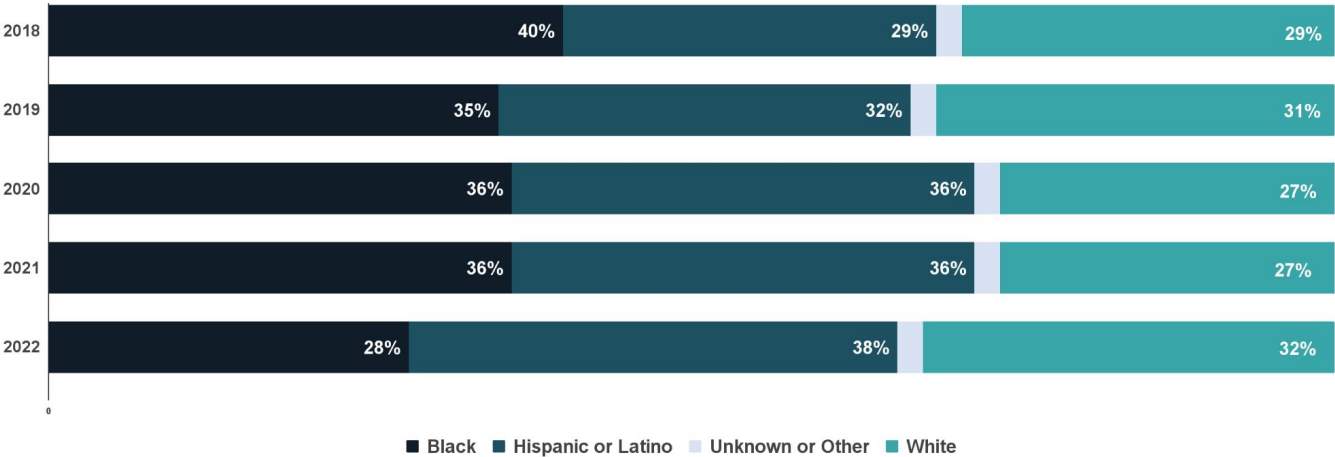
Public Intoxication

Public intoxication arrests are decreasing year over year, but they still make up a significant portion of low-level arrests. Of the 22,652 low-level arrests that occurred from 2018 to 2022, 14,591, or 64 percent, were for public intoxication. Black residents are over-represented in these arrests: Black people make up 28 percent of the people arrested for public intoxication while comprising only 24 percent of the Dallas population. There has been some momentum in Dallas to take a non-criminalization approach to public intoxication.²¹ These data show that efforts to reduce public intoxication arrests are a worthwhile endeavor — as both arrests and disparity are decreasing over time.

Count of Public Intoxication Arrests in Dallas
2018-2022



Race and Ethnicity as Percentage of Public Intoxication Arrests in Dallas
2018-2022



Finding #5: The City of Dallas and the Dallas Police Department’s data policies and practices continue to create challenges for transparency, accountability, and analysis.

During the research for this report, it was discovered that there were arrest records in the open data portal that have no charges associated with them. Specifically, there are 1,888 arrest records with no charges associated with them between the years of 2018 and 2022. This represents 4 percent of all available arrest records in this timeframe. That means that for 4 percent of the arrest records available on the open data portal there is no information about why the person was arrested.

There are also arrest record numbers with charges attached — but no actual arrest associated with the record. Specifically, there are 2,806 arrest record numbers that have charges with no corresponding arrest record associated with them between the years of 2018 and 2022. This represents 6 percent of all available arrest records in this timeframe. That means that for 6 percent of the available records, charges are associated with a record number but there is no information about the actual arrest that occurred. These types of gaps in the data are concerning. Data collected should be accurate, complete, and made available to the public.

Another area of significant concern is the City of Dallas and DPD’s ongoing challenges in providing OCPO access to critical data regarding police activities. In recent years, there have been several issues that have exposed problems with the City of Dallas and DPD’s data collection, reporting, and storage practices. In 2019, during an audit of DPD’s complaint process, an investigation revealed hundreds of missing or deleted files from complaint systems, including use of force, firearm discharge, vehicle pursuit, procedural violations, vehicle accident, discipline, foot pursuit, consent to search, non-consent search, and system generated alerts.²²

In March 2021, DPD announced that a city employee accidentally deleted 22 terabytes of department data.²³ The department lost images, video, audio, case notes, or other items collected by DPD personnel in the course of their routine daily duties.

Transparency should be at the center of a fair and equitable policing system. Furthermore, a police department that requires its own oversight body to use Freedom of Information Act (FOIA) requests to access critically important public safety data is in need of serious reform.

V. Recommendations

We urge the Dallas City Council to immediately implement the recommendations in this report.

1. DPD should expand the marijuana possession de-enforcement policy from 2 to 4 ounces to align with the Dallas district attorney policy.

The Dallas City Council should heed the call of the communities who have been working for decades to ensure that all Dallas residents are free from police violence and harassment. City council can build on the success of DPD's 313.05 policy and shift de-enforcement from 2 ounces to 4 ounces of marijuana based on current recommendations from district attorneys across the state. This would be a tremendous stride toward ending the criminalization of people of color and people living with low incomes.²⁴ The sheer volume of arrests and significant racial disparities warrant immediate action by the city council.

In a presentation to the Community Police Oversight Board (CPOB) on August 11, 2020, Dallas County Criminal District Attorney John Creuzot outlined the cost savings to the City of Dallas resulting from his policy to decline the prosecution of first-time possession of marijuana cases.²⁵

Not only do these arrests and prosecutions fail to address homelessness, substance use, or employment, which often underlie low-level offenses, they divest money from the social services and other programs that actually address these needs.²⁶

2. DPD should amend its policies to de-prioritize arrests for other misdemeanors to decrease police interaction with the public around low-level offenses.



Dallas city policymakers have already set the stage to continue the trend to decrease low-level arrests. In 2017, the Dallas City Council approved a pilot program by which the DPD could issue citations for Class A and B low-level marijuana offenses instead of making arrests. However, the pilot program excluded other low-level offenses also eligible for citation-only enforcement under state law.

3. Dallas City Council should, while operating in the bounds of their legal authority, codify DPD’s marijuana possession policy — making it an ordinance not subject to change by leadership transitions within DPD.

The creation of a new ordinance to codify the enforcement of small simple marijuana possession will guard against variability of DPD policy and behavior, which often changes when police leadership changes. As an ordinance, it will also be safeguarded, at least in part, from the political changes within the city council. See Appendix for a sample ordinance that could be adapted to include de-enforcement of marijuana possession.

4. Dallas City Council should create a task force that includes public safety, elected, and community stakeholders to explore how to minimize police interactions and arrests for misdemeanors, low-level arrests including traffic stops, and marijuana possession.

5. Dallas City Council should mandate that the Office of Community Police Oversight (OCPO) receive free and unfettered access to police data to help monitor DPD’s data transparency and collection practices and provide the support necessary to ensure that access can be utilized meaningfully.

The OCPO cannot do its job if it doesn’t have all the information that it needs from the police department. In failing to provide efficient and consistent data access to the OCPO, the City of Dallas is ensuring that the OCPO provides the appearance of accountability without actually being able to hold DPD accountable.

DPD has a data stewardship and transparency problem, which has seriously decreased community trust in DPD.²⁷ The data products that are created and curated by DPD do not change or improve trust. Here are some key actions the DPD can take to address community concerns about data completeness, accuracy, transparency, and access in the future:

- DPD can and should provide open access to the OCPO when it comes to data and department policies. Anything the oversight office would like to see should be available for review.
- DPD must do a better job of collecting complete data when making arrests. Many arrests in the data made available to the public through the city’s Open Data portal do not have corresponding charges associated with the arrest. Similarly, there are many charges in the data set that do not correspond with an arrest. This incomplete data set creates a significant challenge for researchers, activists, and decision-makers. It also represents an information gap for the DPD.

As noted in the “New Era of Public Safety” report, “Robust data collection allows leaders to evaluate policies and practices and to modify or eliminate those that are ineffective or have unintended negative consequences.



- Collecting and sharing data are important steps toward achieving transparency, as they allow communities to see what officers and departments are doing and enable community members to hold officers and departments accountable.”²⁸
- In addition to collecting better quality and complete data, as well as providing more transparent access to the data, DPD must work to gain back the public’s trust in the department’s ability to be good stewards of the data after the egregious data loss in the spring of 2021.²⁹ As noted in the “New Era of Public Safety” report, “Departments that serve multiple constituencies sometimes face conflicting demands. To ensure that policies and practices do not disproportionately impact marginalized groups, departments should analyze data to identify how particular communities are impacted and seek input and collaboration from them when evaluating policy and practice.”³⁰

The New Orleans Police Department has a robust data policy. It requires the deputy superintendent to analyze data about programs and activities on an annual basis to ensure they are not applied or administered in a discriminatory manner. The data include complaints involving discrimination, uses of force, stops, and arrests, and geographical deployment tactics and strategies that may be based on stereotypes or biases toward residents.”³⁴

One useful resource for police departments that are working to improve their data transparency and data stewardship, along with other helpful recommendations, can be found in “New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing”³¹ from The Leadership Conference on Civil and Human Rights. Another resource from The Leadership Conference that may be of use to local advocates is the “Vision for Justice” platform³² and the “New Era of Public Safety” advocacy toolkit.³³ Below is a relevant excerpt from “New Era of Public Safety” that speaks to departmental best practices around data collection and analysis:

“Data analysis enables departments to identify disparities, patterns, and trends that may warrant intervention, as well as statistical outliers (i.e., officers who receive more complaints than their peers).

VI. Conclusion



This report highlights the unequal treatment faced by people before the law, and it reaffirms our call for systemic changes to make Dallas a more equitable city for all its residents. Additionally, recommendations outlined in this report can benefit DPD and city budgets by further reducing the time and resources needed to make these low-level misdemeanor arrests.

In light of the findings in this report that show the negative impact on certain residents of the community, particularly Black residents, the

Dallas City Council should reconsider the way in which authorities measure the perceived benefits of strictly enforcing ordinances related to low-level, nonviolent offenses.

The enforcement of low-level offenses has resulted in negative and deadly interactions for the Black and Brown people of Dallas, as seen in the recent cases discussed in this report. It is clear that such enforcement has significant racial disparities and disproportionately criminalizes people of color. To address this problem, we encourage Dallas



officials to revisit their commitment to reallocate funds into community-based services as a non-criminalizing way to invest in under-resourced areas. This can also help to eliminate systemic factors that lead to increased police interactions and have been shown to be ineffective strategies for the reduction of violent crime.³⁵

We encourage the Dallas City Council to implement DPD policies, such as citing and releasing low-level, nonviolent offenders and updating DPD's enforcement goals to deprioritize low-level arrests for nonviolent offenses. We also urge DPD to release detailed accounts of all their arrest and citation information, as this is a key step towards ensuring accountability and ultimately improving life for everyone.

We also want to emphasize the importance of community organizing and activism in this work. Over the past few years, the community has demanded a different approach to public safety — one that reduces unnecessary police interactions, especially for Black and Brown Dallas residents who bear the brunt of the consequences of over-policing and criminalization. This advocacy has made a difference. A group of dedicated organizers, data analysts, and engaged Dallas residents came together with some support from an established civil rights organization and were able to impact policing in Dallas through our initial report. We are encouraged that the City of Dallas and DPD have continued to create policies and initiatives to minimize unnecessary police interactions and racial disparities.

Finally, we recommend that DPD demonstrate leadership, courage, and openness to change by improving its data collection and transparency practices. Transparency is an essential feature of building trust between the public and the police.

“We also want to emphasize the importance of community organizing and activism in this work.”

One way that DPD can significantly improve transparency is through full approval of the OCPO's data requests. This will allow the oversight office to have a deeper understanding of DPD's data collection, storage, and dissemination practices. This will also allow OCPO to more fully do its job and help ensure that DPD is doing everything it can and should to adhere to the principles of 21st century policing.

VII. Appendix

Model Ordinance Repealing Low-Level Offenses

ORDINANCE NO. _____

An ordinance relating to the City’s Code Ordinances, repealing Chapter 31, Article I, § 31-13 (Sleeping in Public Spaces), Chapter 30, § 30-4 (Loudspeakers and Amplifiers), and Chapter 28, Article VIII, § 28-63.1 (Prohibiting Crossing in Central Business District Other Than at Crosswalk)

WHEREAS, it is in the best interest of our local community to minimize unnecessary and costly arrests that separate families and funnel vulnerable communities into incarceration; and

WHEREAS, the City wishes to uphold constitutional protections to eliminate any racial disparities associated with discretionary arrests, and to ensure the efficient and equitable use of City resources; and

WHEREAS, reducing arrests for low-level offenses would have a positive budgetary impact on the City, thereby increasing the resources available to achieve other local needs, goals and priorities.

WHEREAS, the city council finds that it is in the public interest to the aforementioned ordinances; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Dallas, Tex., Code of Ordinances ch. 31, Art. I, § 31-13 (Sleeping in Public Spaces) is repealed.

SECTION 2. That Dallas, Tex., Code of Ordinances ch. 30, § 30-4 (Loudspeakers and Amplifiers) is repealed.

SECTION 3. That Dallas, Tex., Code of Ordinances ch. 28, Art. VIII, § 28-63.1

(Prohibiting Crossing in Central Business District Other Than at Crosswalk) is repealed.



Data Analysis Approach & Methodology

This report analyzed arrest data from the Dallas Police Department (DPD) for the years 2018 to 2022 using the programming language R and the Dallas Open Data portal (www.dallasopendata.com). The data were cleaned and standardized to ensure accuracy and continuity with the 2021 report.

Unused features were removed and formatting for dates was standardized. The data were then filtered to include only the years 2018 to 2022, as data collection practices prior to 2018 had more blanks, errors, and different coding. The city feature was also corrected for typos, and categories for the “Race [of person arrested]” feature were combined for better visualization and continuity with the standards and procedures used in the 2021 report. Arrest records with higher level offenses — including felonies, Class A and B misdemeanors not on the list of low-level offenses studied, and records where the person arrested was “Released” or “Cited” — were also filtered out.

Charge Features

Features relevant to the low-level offenses studied were identified, and arrests associated with these charges were tagged based on arrest numbers. Factors that would disqualify arrested persons from eligibility for cite and release if they were found to have 2 ounces or less of marijuana in their possession were also tagged, including a catchall for any of these factors. However, factors indicating intention to distribute were not recorded by the DPD, so they would only be reflected in the analysis if listed as a companion charge.

Dallas Police Department Concerns and Responses

During the development of this report, the authors met with DPD, submitted FOIA requests, and worked to have an open line of communication with the department and the City of Dallas through the OCPO and Dallas City Council.

In response to the creation of this follow-up report, DPD has already shared some of their concerns. It is important to note that all of the concerns shared with the authors of this report are typical police department responses when community members and researchers ask questions and advocate for changes to police policy. The failure of police departments and city decision-makers to make change — with the urgency that matches the breadth of harm police departments are having in Black and Brown communities — is reflected in DPD’s pushback on efforts like this project.

DPD Concern/Pushback

Disparity in arrests should not be measured by looking at the general population, but rather measured by looking at who gets arrested.

Authors' Response

We chose not to compare against arrests because we know that Black and Brown people experience over-policing often through targeted police activity in areas where Black and Brown people live. Neighborhoods, typically populated by Black and Brown residents, have experienced chronic disinvestment at the municipal level. Many cities have chosen to use police as a proxy for lasting, meaningful, safety-building investment.³⁶ Black and Brown people in Dallas experience a type of consistent and intense engagement with police that is rooted in racism in the United States and, as a consequence, the people who live in overpoliced and underserved areas interact with the police more consistently than other people. One result of over-policing is high numbers of arrests, thus making arrests the wrong yardstick to use when looking at disparity. One clear place to see disparity is marijuana arrests. We also know that even though marijuana is used with the same consistency across White and Black communities, it is Black people, not White people, who experience high rates of arrests, charges, and sentences for marijuana possession.³⁷

DPD Concern/Pushback	Authors' Response
<p>Disparity in arrests should not be measured by looking at the general population, but it should be measured or compared to calls for service by geography.</p>	<p>Another critique that we have heard from DPD is that calls for service are a better metric of disparity.</p> <p>DPD wants to utilize this metric to try and assert that Black and Brown communities call DPD more, so of course more arrests are happening where calls are happening. Here is the problem with that claim: “The vast majority of 911 calls do not involve crime or violence.”³⁸</p>
<p>The data used for this report is incomplete because it comes from the Open Data portal.</p> <p>and/or</p> <p>The data from the report is complete because it comes from the Open Data portal, but DPD disagrees with the analysis. DPD analysts would have done it differently.</p>	<p>DPD has not provided the necessary information for this report in response to FOIA requests, so the data had to come only from the City of Dallas Open Data portal. DPD has pushed back on the quality of the data used until it learned that the data came from the Open Data portal. Then the pushback shifted. DPD wished that their analysts could have looked and helped to interpret the data from the portal.</p> <p>True transparency and accessibility will be available to Dallas residents when the Open Data portal data are complete and accurate and when researchers can use the data without special interpretation or help from DPD.</p>



Endnotes

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¹¹ Simek, Peter. "Dallas Hires San Jose's Eddie Garcia as New Police Chief." *D Magazine*. December 2020.
<https://www.dmagazine.com/frontburner/2020/12/dallas-hires-san-joses-eddie-garcia-as-new-police-chief/>.

¹² Between the initial report release in 2021 and this report released in 2023, there have been some changes that will impact analysis. For instance, the available info in the data portal changed since the last report. Some data was excluded from findings, which are detailed in the individual findings and limitations sections. Much of this was due to lack of clarity from DPD regarding their data collection practices and their unwillingness to share full datasets with the public. For more information on dataset methodology, see the Appendix.

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<https://www.dallasopendata.com/Public-Safety/Police-Incidents/qv6i-rr17>.

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