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City of Dallas  
COMMUNITY POLICE OVERSIGHT BOARD  
REGULAR MEETING

Public Notice

230549

POSTED CITY SECRETARY  
DALLAS, TX

JUNE 13, 2023 at 5:30 P.M.

Dallas City Hall, 6EN Council Chambers and Videoconference

Video Conference Link:

<https://bit.ly/45Vogke>

Access Code: CPOBJune2023

Telephone: (408) 418-9388, Access Code: 2485 966 8698

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Office of Community Police Oversight by calling (214) 671-8283, three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Office of Community Police Oversight at [Dallascityhall.com/OCPO](http://Dallascityhall.com/OCPO) or call (214) 671-8283, twenty-four (24) hours prior to the meeting date and time.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Office of Community Police Oversight llamando al (214) 671-8283, tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Office of Community Police Oversight en [enlace Dallascityhall.com/OCPO](http://Dallascityhall.com/OCPO) o llamando al (214) 671-8283, veinticuatro (24) horas antes de la fecha y horario de la reunión.

**AGENDA**

**Call to Order**

Jesurobo Enobakhare, Jr., Chair

**Public Comment (Minutes and Action Items)/Open Microphone**

**I. Approval of Minutes – May 9, 2023**

**II. Action Items**

2.

a. Conversation with DPD Internal Affairs Major Irene Alanis and Bob Scales, CEO of Police Strategies LLC Regarding the DPD Use of Force Dashboard [CPOB Chairman Jesurobo Enobakhare, Jr.]

**Attachment:** Memo

b. Guadalupe Frias Review & Decision Regarding Independent Investigation by OCPO [OCPO Special Investigator Williams]

**Attachment:** Memo

c. Presentation on Report: “A Second Look: An Analysis of Persisting Disparities in Dallas Misdemeanor Arrests” [OCPO Director McClary, Leadership Conference Tamara Neal, Dallas Action Changa Higgins and ]

**Attachment:** Memo & Report

d. Discussion of CPOB Training Opportunities with the Dallas Police Department [CPOB Chairman Jesuorobo Enobakhare, Jr.]

**Attachment:** Memo

### III. **Staff Reports/Briefings**

3.

a. REPORT: May 2023 Officer Involved Shooting: Kris Green [OCPO Special Investigator Williams]

**Attachment:** Memo

b. UPDATE: CPOB Annual Report [OCPO Director McClary]

**Attachment:** Memo

c. REPORT: DPD Monthly Arrest Data [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

d. UPDATE: CPOB Chair & OCPO Director Monthly Meeting with the DPD Chief of Police Eddie Garcia [CPOB Chairman Enobakhare, Jr. and OCPO Director McClary]

**Attachment:** Memo

e. UPDATE: Status of Independent Investigations Requested by CPOB: Diamond Ross [OCPO Director McClary]

**Attachment:** Memo

f. UPDATE: OCPO Policy Review of Dallas Police Department Protests and Use of Force and Recommendations [OCPO Director McClary]

IV. **Monthly Activity Report** [OCPO Director McClary]

**Attachments:** Monthly Activity Report Memo  
Monthly Activity Chart

V. **Board Training Schedule** [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

VI. **UPDATE: Board Member Community Engagement** [All]

**Attachment:** Memo

VII. **UPCOMING MEETING**

August 8, 2023

*(The Board Will Be In Recess for the Month of July)*

**Attachment:** 2023 Schedule

**Public Comment/Open Microphone**

**Adjournment**

### **Handgun Prohibition Notice for Meetings of Governmental Entities**

**"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."**

**"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."**

**"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."**

**"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."**

**"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."**

**"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."**

### **EXECUTIVE SESSION NOTICE**

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt . Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

# Memorandum Item 2A



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT Conversation with DPD Internal Affairs Major Irene Alanis and Bob Scales, CEO of Police Strategies LLC Regarding the DPD Use of Force Dashboard

Dallas Police Department Internal Affairs Major Irene Alanis and Bob Scales, CEO of Police Strategies LLC will be joining the Board at its June 13, 2023 board meeting to discuss the new DPD Use of Force Dashboard that the police department launched this spring.

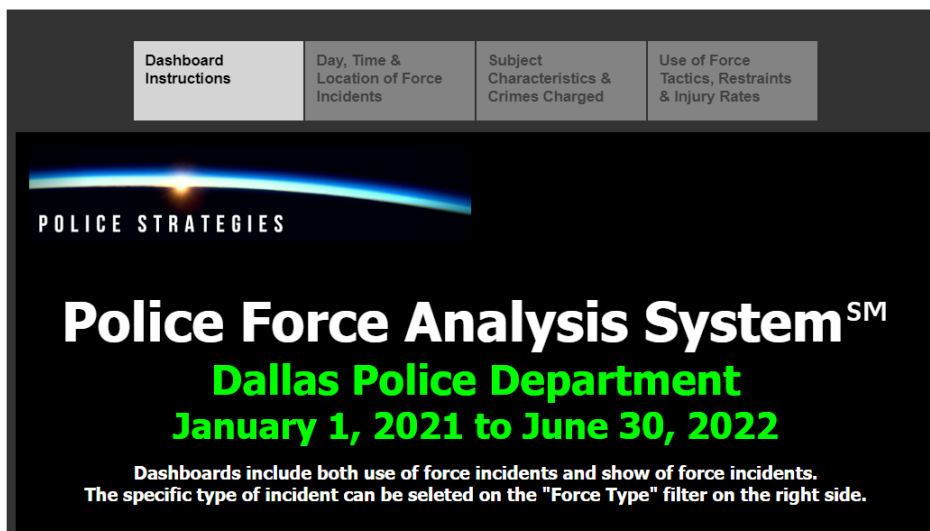
CPOB Chairman Enobakhare, Jr. will lead the discussion and then open it up to the entire CPOB for dialogue with Major Alanis and Mr. Scales and a question-and-answer period.

Below is information from the Dallas Police Department's website regarding the new dashboard.

## Interactive Dashboards

The Department maintains interactive dashboards (below) that allow the user to peruse our Use-of-Force data going back to 2014. Unlike the annual reports, the dashboards are updated on a quarterly basis. The dashboards use maps, charts, and graphs to present Use-of-Force data in a format that can be filtered by single or multiple data fields.

✖ Rectangular Snip



Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 2B



CITY OF DALLAS

DATE June 13, 2023

TO Members of the Community Police Oversight Board

SUBJECT Guadalupe Frias Review & Decision Regarding Independent Investigation by OCPO

Mr. Guadalupe Frias is requesting that the CPOB review his complaint investigation at its May 9, 2023, board meeting. In preparation for the Board's discussion, the OCPO Director provided board members with case information regarding Mr. Guadalupe Frias's complaint.

At the May 9, 2023, Board meeting, OCPO Special Investigator K.A. Williams will give the Board a brief synopsis of the case. After that, Chairman Enobakhare, Jr. will lead the Board in discussing the complaint investigation. Members of the DPD Internal Affairs Department will be available at the meeting to answer specific questions regarding their investigation.

After the discussion, the Board will be asked to vote on this matter. You will decide if you want OCPO to conduct an independent investigation or if no further action is needed.

**Below are basic facts regarding the complaint case:**

**Complainant:** Mr. Guadalupe Frias

**Incident Type:** DPD IAD and PIU Complaint Investigation

**IAD No:** CN 2022-113

**Incident Date:** August 13, 2019

**BWC:** No

**DPD Investigative Departments:** Internal Affairs Division & Public Integrity Unit

**Disposition:** Not Sustained

**Involved Officers:** (1) Police Senior Corporal Christopher S. Hauffe #6683  
(2) Senior Corporal Genaro Hernandez #6703

**Witness Officers:** (1) DPD Police Sergeant Keith Santwan Tayler #7991  
(2) DPD Senior Corporal James Winkler #6013

**Allegation:** Kaufman County Deputy Constable Frias submitted a complaint against Senior Corporal Hernandez stating that he had conducted an improper investigation against him for Tampering with Evidence.

**Synopsis of Incident by Complainant:** On August 13, 2019, Senior Corporal Genaro Hernandez, #6703, Central Division, was investigating a Criminal Mischief offense that was assigned to him. During his investigation, Senior Corporal Hernandez discovered Kaufman County Deputy Constable Guadalupe Frias committed the criminal offense of Tampering with Evidence. Senior Corporal Hernandez subsequently presented his findings to the Dallas County Grand Jury which led to an indictment of Deputy Constable Frias. Deputy Constable Frias alleged Senior Corporal Hernandez conducted an improper investigation.

**DPD Public Integrity Unit Summary:** PIU Memorandum dated August 22, 2022, documents that Senior Corporal Hernandez did not commit the offense of Official Oppression as he did not overstep his authority when he investigated the Criminal Mischief. No evidence of a criminal offense was discovered during the investigation.

**DPD Internal Affairs Investigation Summary:** Senior Corporal Hernandez investigated a Criminal Mischief offense that occurred at 5622 Dyer Street. Through the course of the investigation, Senior Corporal Hernandez determined that Kaufman County Deputy Constable Frias committed the criminal offense of Tampering with Evidence. On March 22, 2022, the Dallas County District Attorney dismissed the criminal case against Deputy Constable Frias.

Based on the testimonial, documentary, and, video evidence collected during the course of this investigation, Senior Corporal Hernandez referred the evidence he had regarding the Tampering with Evidence case against Deputy Constable Frias to the Dallas County Grand Jury who returned with a True Bill. Therefore, the allegation that Senior Corporal Hernandez conducted an improper investigation is classified as "**UNFOUNDED.**"

Tonya McClary  
OCPO Director

cc: T.C. Broadnax, City Manager

# Memorandum Item 2C



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT Presentation on Report: *"A Second Look: An Analysis of Persisting Disparities in Dallas Misdemeanor Arrests"*

**"A Second Look: An Analysis of Persisting Disparities in Dallas Misdemeanor Arrests"**, is a NEW report co-authored by OCPO, The Leadership Conference Education Fund's New Era of Public Safety Initiative, and Dallas Action. The report assesses the impact of misdemeanor arrests and their effects on the community, particularly Black and Latino communities.

The report details five findings, that resulted from a four-year study (2018- 2022) on the Dallas Police Department's misdemeanor enforcement practices. The report also makes five actionable recommendations to the City Council, City Manager, and DPD. Thirteen community organizations signed on to the report.

This report is a follow-up to the report OCPO and The Leadership Conference Education Fund's New Era of Public Safety Initiative released in 2021. Readers will see that improvements have been made since the first report regarding the number of people that have been arrested for 2 ounces or less of marijuana. However, the impact on black and brown communities in terms of policing around misdemeanors generally has not lessened. There is still room for more improvement and OCPO is looking forward to working with its community partners and the Dallas Police Department to see the impact lessened by the next review.

Attached is a copy of the report with a memo from OCPO Director McClary. Director McClary will lead the Board in a discussion on this item. She will be joined by The Leadership Conference Education Fund's New Era of Public Safety Initiative lead strategist for the report Tamara Neal, and Dallas Action Founder Changa Higgins.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager



**Attachment**  
**A Second Look: An Analysis of Persisting**  
**Disparities in Dallas Misdemeanor**  
**Arrests**

**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 21<sup>st</sup> 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,

A handwritten signature in blue ink that reads "Tonya McClary". The signature is written in a cursive, flowing style.

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.”<sup>1</sup> 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.<sup>2</sup> 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)<sup>3</sup> DPD should no longer arrest or cite an individual with possession of marijuana indicative of personal use, which is considered 2 ounces or less.<sup>4</sup>

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.<sup>5</sup> Some council members spoke out in support of shifting a portion of DPD's budget into social services.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> In August 2021, Kyle Dail was killed by police while actively disarming himself in an encounter over suspected drug dealing.<sup>10</sup> 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.<sup>11</sup> 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?<sup>12</sup>

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 Incidents<sup>13</sup>
- Police Arrest Charges<sup>14</sup>
- Police Arrests<sup>15</sup>

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

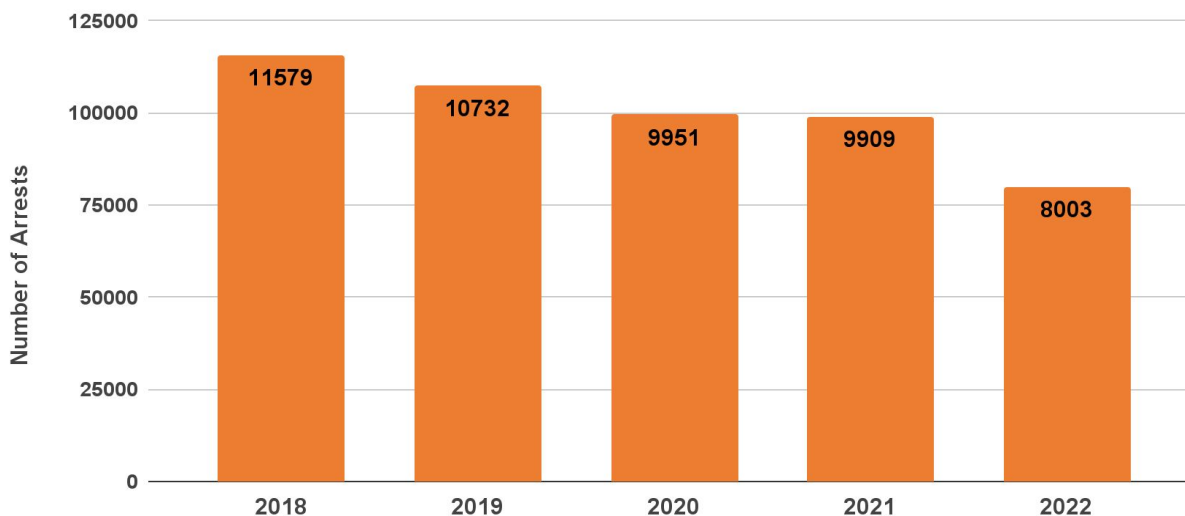




**Finding #1: Overall arrests and low-level misdemeanor arrests by the Dallas Police Department continue to decrease.**

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**

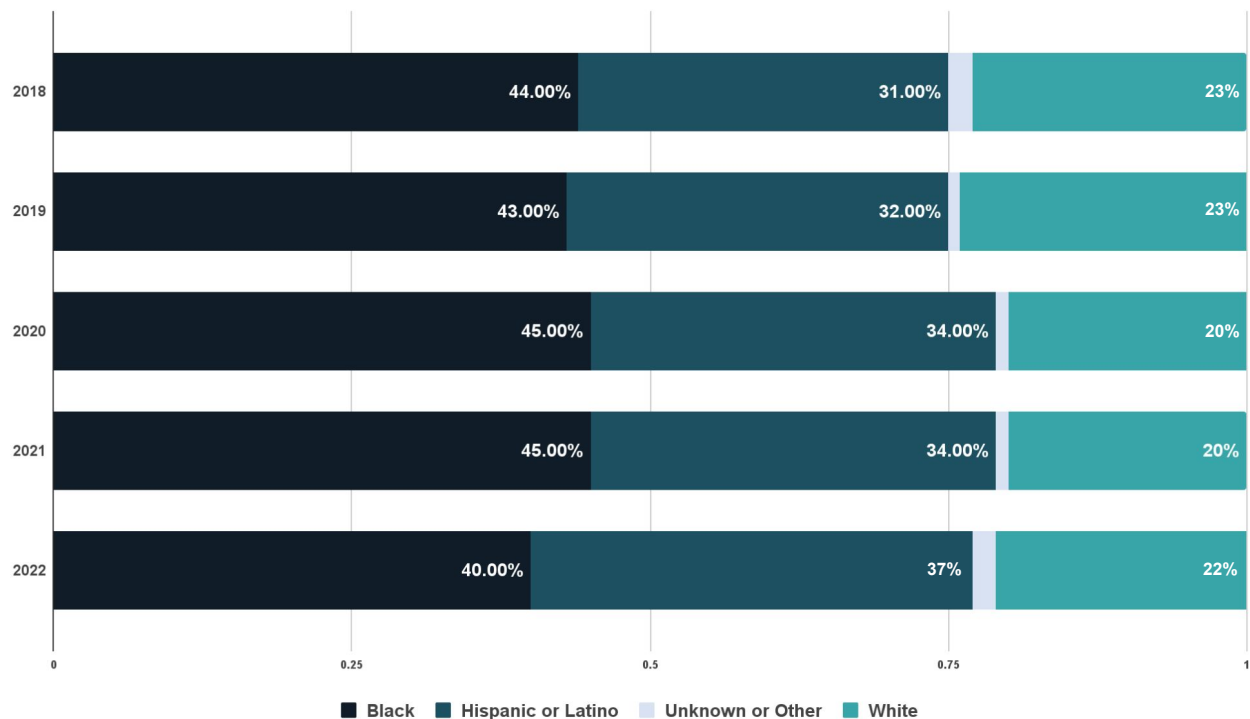




Despite the drop in arrests, Black residents of Dallas still make up a disproportionate number of overall arrests. Although Black people account for 24 percent of the Dallas population,<sup>16</sup> they account for 40 percent or more of overall arrests each year from 2018 to 2022.

### Race and Ethnicity as a Percentage of Total Arrests

2018-2022



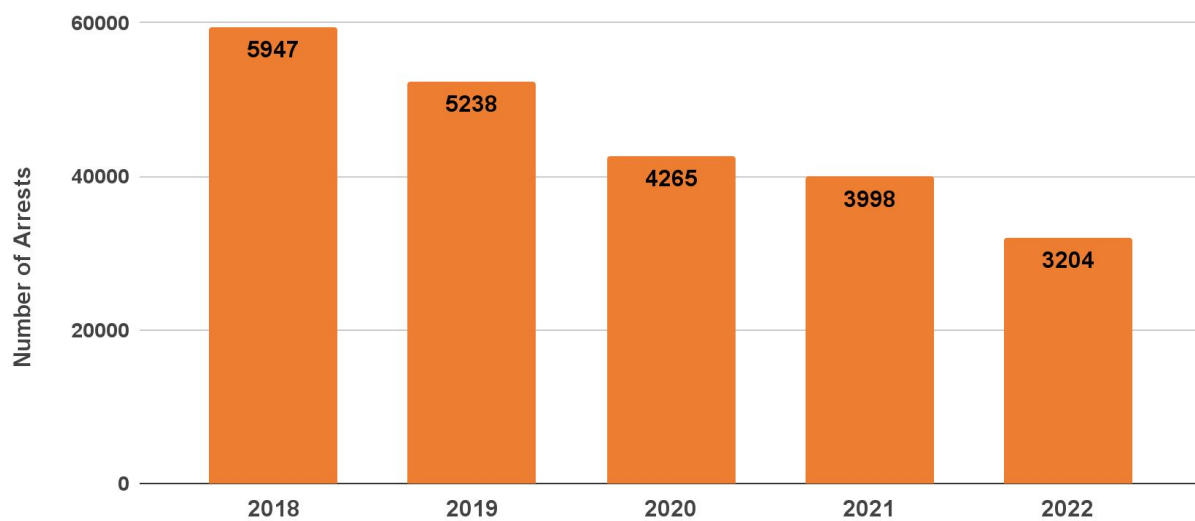




Similar to overall arrests, low-level arrests have also been decreasing over time. Decreases in arrests are indicative of a move in the right direction because they reflect a decrease of law enforcement engagement with Dallas residents at least via formal enforcement mechanisms like arrest.

### Count of Low Level Arrests in Dallas

**2018-2022**

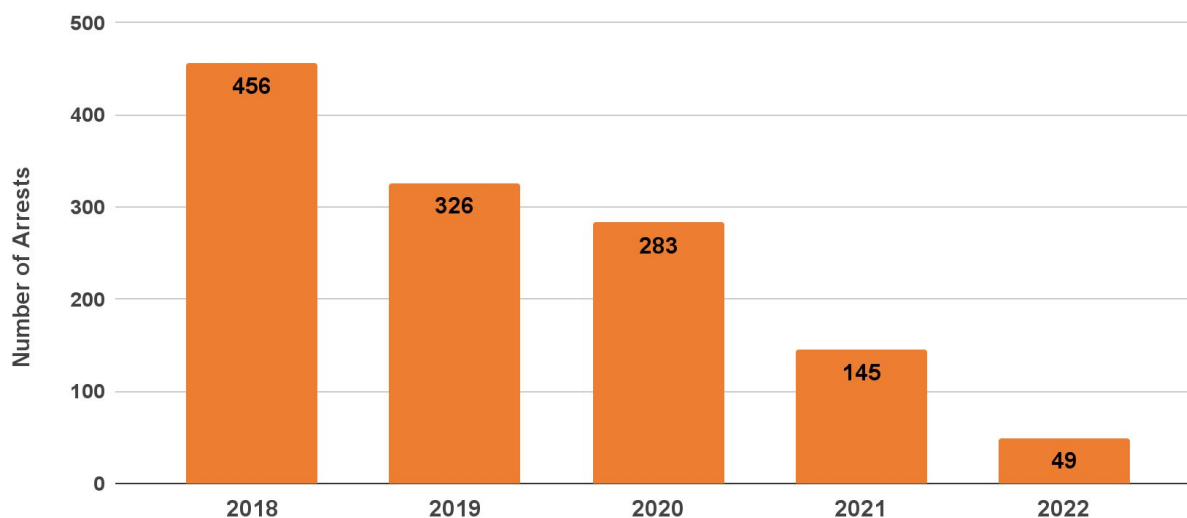


**Finding #2: Arrests for possession of 2 ounces or less of marijuana have significantly decreased.**

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.<sup>17</sup>

**Count of Small Marijuana Possession (<2oz) Arrests in Dallas**

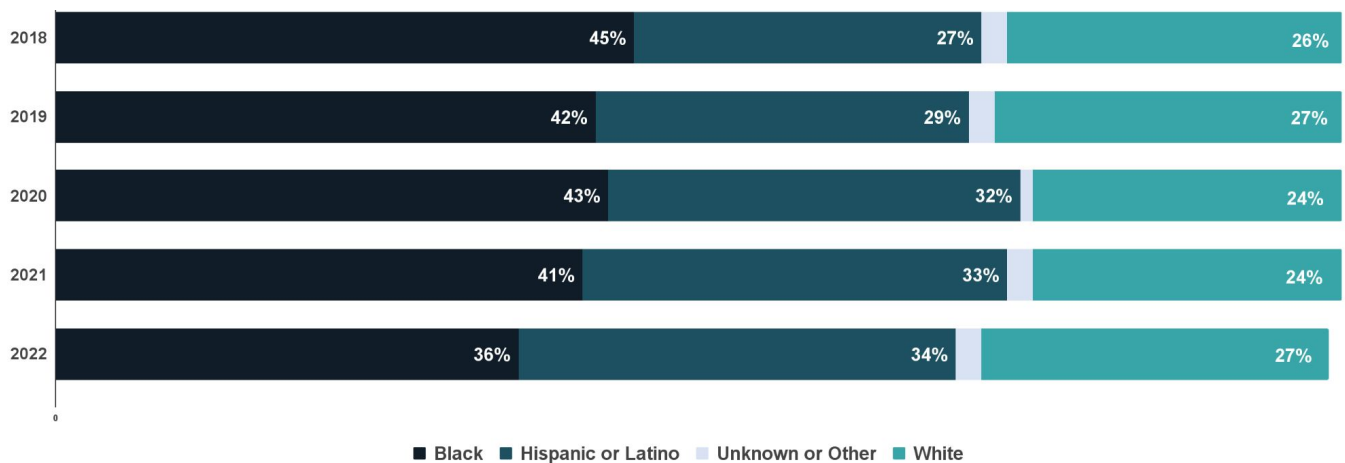
**2018-2022**



**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**

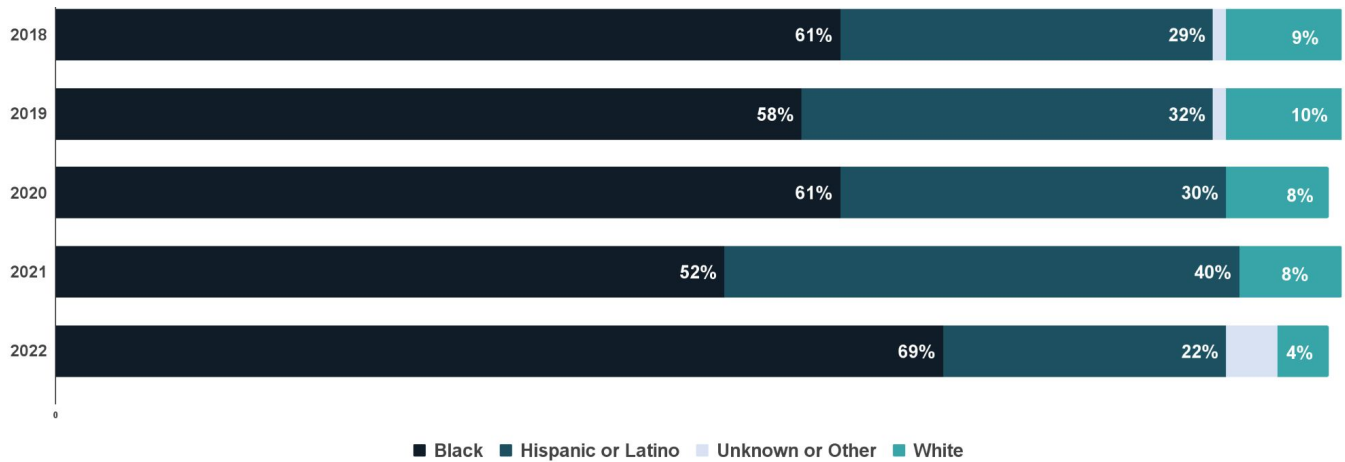


## Marijuana Possession

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.<sup>18</sup>

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.

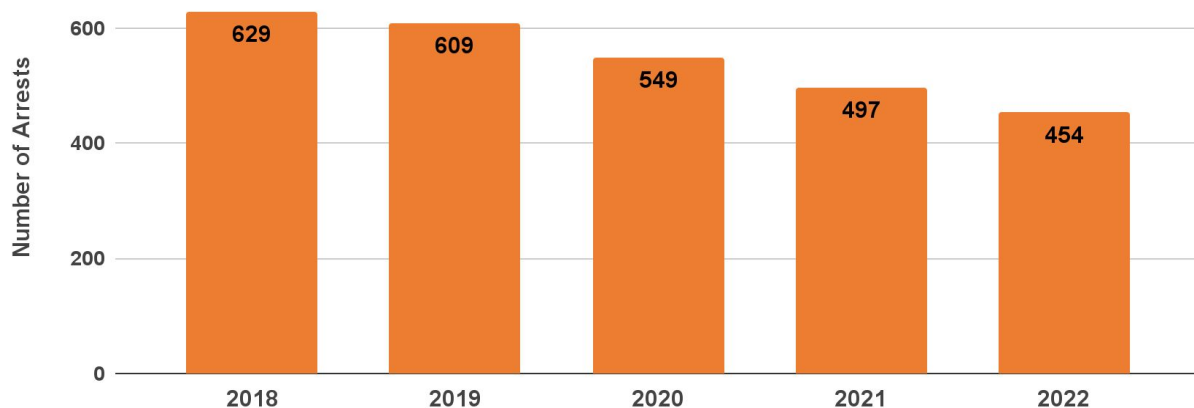
## Race and Ethnicity as Percentage of Small Marijuana Possession ( <2oz ) Arrests in Dallas 2018-2022



### Criminal Trespass

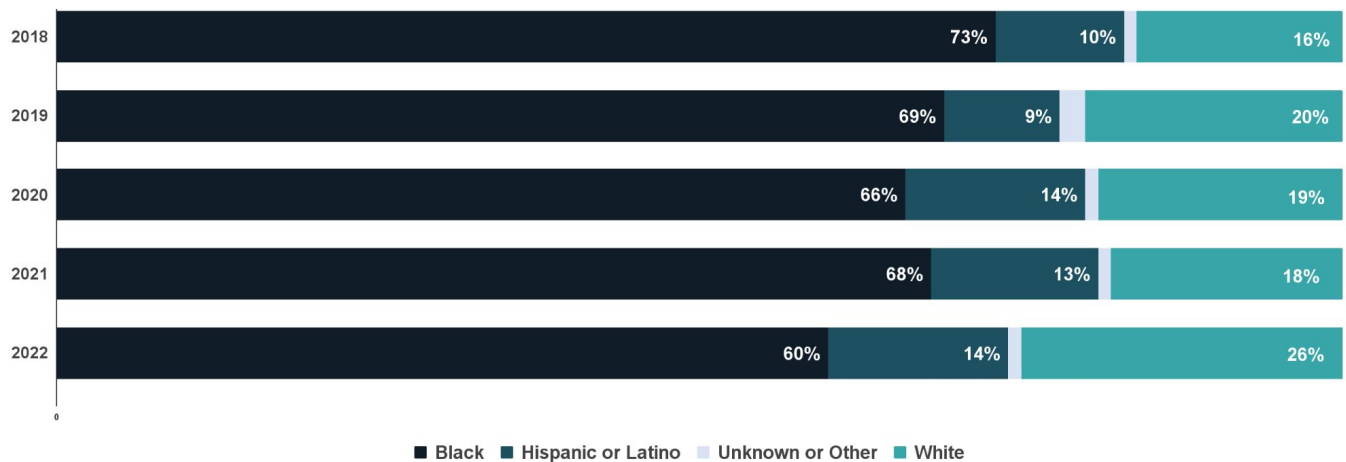
Criminal trespass remains concerning both in overall number of arrests and in the levels of racial disparity in who is being arrested. In 2022, there were 454 criminal trespass arrests, with Black residents of Dallas representing 272 — or 60 percent — of the arrests, even though Black people only make 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

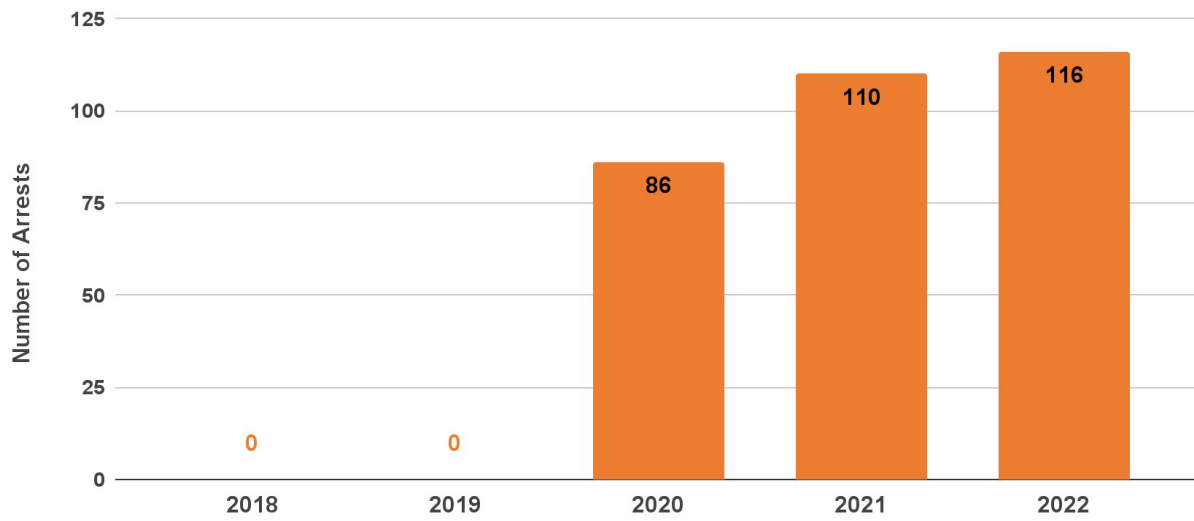
When monthly arrest totals by DPD for low-level drug offenses are separated by charge type, new trends become apparent. In our previous report, Black residents accounted for 49 percent of possession of paraphernalia arrests from July 1, 2017 to June 30, 2020.<sup>19</sup> However, current Open Data portal 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.<sup>20</sup>

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.

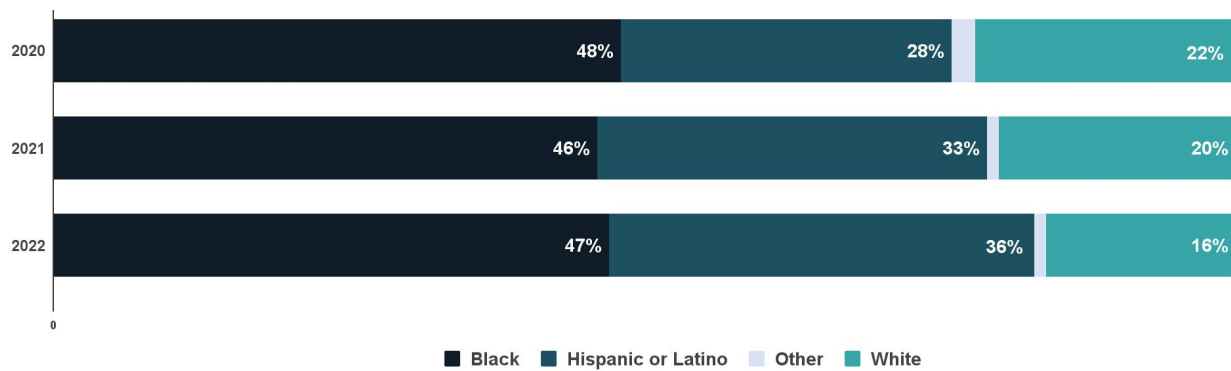
## Count of Drug Paraphernalia Arrests in Dallas

2018-2022



## Race and Ethnicity as Percentage of Drug Paraphernalia Arrests in Dallas

2018-2022\*



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

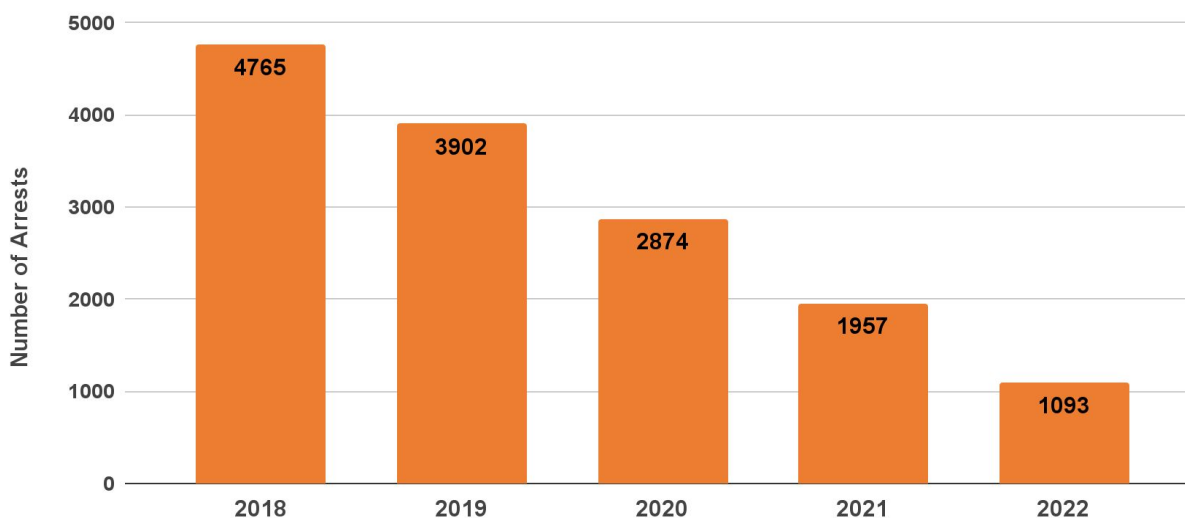


## Public Intoxication

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.<sup>21</sup> These data show that efforts to reduce public intoxication arrests are a worthwhile endeavor — as both arrests and disparity are decreasing over time.

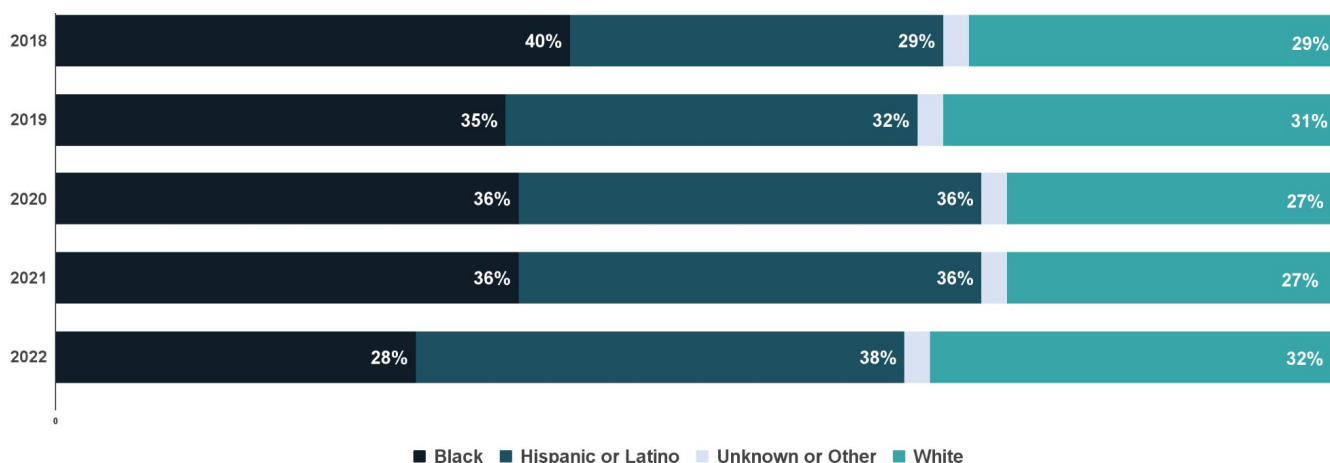
### Count of Public Intoxication Arrests in Dallas

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.<sup>22</sup>

In March 2021, DPD announced that a city employee accidentally deleted 22 terabytes of department data.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

**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.<sup>27</sup> 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.”<sup>28</sup>
- 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.<sup>29</sup> 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.”<sup>30</sup>

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.”<sup>34</sup>

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”<sup>31</sup> 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” platform<sup>32</sup> and the “New Era of Public Safety” advocacy toolkit.<sup>33</sup> 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.<sup>35</sup>

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](http://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	Authors' Response
<p><b>Disparity in arrests should not be measured by looking at the general population, but rather measured by looking at who gets arrested.</b></p>	<p>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.<sup>36</sup> 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.<sup>37</sup></p>

DPD Concern/Pushback	Authors' Response
<p><b>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.</b></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.”<sup>38</sup></p>
<p><b>The data used for this report is incomplete because it comes from the Open Data portal.</b></p> <p><b>and/or</b></p> <p><b>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.</b></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

<sup>1</sup> “Public Safety in Dallas: An Analysis of Racial Disparities in Low-level Arrests.” *Office of Community Police Oversight*. February 2021. <https://dallascityhall.com/departments/office-of-community-police-oversight/DCH%20Documents/FINAL%20Misdemeanor%20Report.pdf>

<sup>2</sup> Recommendation 2(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.” “Public Safety in Dallas: An Analysis of Racial Disparities in Low-level Arrests.” *Office of Community Police Oversight*. February 2021. <https://dallascityhall.com/departments/office-of-community-police-oversight/DCH%20Documents/FINAL%20Misdemeanor%20Report.pdf>

<sup>3</sup> Dallas Police Department. “General Orders.” Last Revised April 2023. <https://dallaspolice.net/resources/Shared%20Documents/General-Orders.pdf>.

<sup>4</sup> Goodman, Matt. “Dallas Cops Will Finally Stop Charging People for Small Amounts of Pot.” *D Magazine*. April 2021. <https://www.dmagazine.com/frontburner/2021/04/dallas-cops-will-finally-stop-charging-people-for-small-amounts-of-pot/>.

<sup>5</sup> City of Dallas. “One Dallas R.E.A.L Change Memo.” June 4, 2020. <https://www.documentcloud.org/documents/6938160-One-Dallas-REAL-Change-Memo-060420.html>.

<sup>6</sup> Kalthoff, Ken. “Dallas City Council Declines Police Budget Increase.” *NBC Dallas Fort Worth*. June 10, 2020. <https://www.nbcdfw.com/news/local/dallas-city-council-declines-police-budget-increase/2386435/>.

<sup>7</sup> Venkataramanan, Meena. “Austin City Council cuts police department budget by one-third, mainly through reorganizing some duties out from law enforcement oversight,” *Texas Observer*. August 13, 2020. <https://www.texastribune.org/2020/08/13/austin-city-council-cut-police-budget-defund/>.

<sup>8</sup> Kalthoff, Ken. “Dallas City Council Declines Police Budget Increase.” *NBC Dallas Fort Worth*. June 10, 2020. <https://www.nbcdfw.com/news/local/dallas-city-council-declines-police-budget-increase/2386435/>.

<sup>9</sup> Pezzulli, Kate. “Advocacy Groups Call for Change After DeeDee Hall’s Death in Dallas Police Custody.” *Dallas Observer*. June 17, 2022. <https://www.dallasobserver.com/news/advocacy-groups-call-for-change-after-deedee-halls-death-in-dallas-police-custody-14228938>.

<sup>10</sup> Reece, Kevin. “Family of man killed by Dallas police officer demands additional, unedited evidence.” *WFAA 8 ABC*. August 2, 2022. <https://www.wfaa.com/article/news/local/family-of-man-killed-by-dallas-police-officer-demands-additional-unedited-video/287-2e2e909d-78d9-4f52-97c7-b416e9509e56>.



<sup>11</sup> 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/>.

<sup>12</sup> 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.

<sup>13</sup> "City of Dallas Open Data Portal." Police Incidents.  
<https://www.dallasopendata.com/Public-Safety/Police-Incidents/qv6i-rr17>.

<sup>14</sup> "City of Dallas Open Data Portal." Police Arrest Charges.  
<https://www.dallasopendata.com/Public-Safety/Police-Arrest-Charges/9u3q-af6p>.

<sup>15</sup> "City of Dallas Open Data Portal." Police Arrests.  
<https://www.dallasopendata.com/Public-Safety/Police-Arrests/sdr7-6v3j>.

<sup>16</sup> "US Census Bureau Quick Facts, City of Dallas." July 1, 2021,  
<https://www.census.gov/quickfacts/dallascitytexas/qf-headnote-a>. Accessed February 10, 2023.

<sup>17</sup> The first level analysis of DPD arrest data shows that charges of small simple possession of marijuana are down significantly since April 20, 2021 when the new policy was announced. Additionally, there is a decline in arrests that include companion charges with possession. The next level of analysis is focused on identifying the remaining arrests that involve simple small possession and identifying patterns within them. So far, we have discovered similar levels of companion charges for firearms violations that are consistent with pre-memo levels, and drastically reduced companion charges around other small drug violations charges. This is consistent with the provisions of the memo.

<sup>18</sup> The Substance Abuse and Mental Health Services Administration (SAMHSA), a federal branch of the U.S. Department of Health and Human Services, conducts nationally representative annual surveys of marijuana use over respondents' lifetime, over the past year, and over the past month. SAMSHA survey data consistently finds that rates of drug use by race do not significantly differ between Black and White populations.  
<https://www.samhsa.gov/>.

<sup>19</sup> City of Dallas. "Public Safety in Dallas: An Analysis of Racial Disparities In Low-level Arrests." *Office of Community Police Oversight*. December 2021.  
<https://dallascityhall.com/departments/office-of-community-police-oversight/DCH%20Documents/FINAL%20Misdemeanor%20Report.pdf>.

<sup>20</sup> Texas Health and Safety Code. “An individual can be charged with possession of drug paraphernalia § 481.125 if they knowingly or intentionally use or possess with the intent to use drug paraphernalia for containing, growing, planting, cultivating, storing, harvesting, compounding, producing, manufacturing, converting, processing, testing, analyzing, or concealing any controlled substance or for the purpose of introducing a drug, chemical, or controlled substance into the human body.” *HEALTH & SAFETY §481.125*. Last updated April 14, 2021.

<https://codes.findlaw.com/tx/health-and-safety-code/health-safety-sect-481-125/>

Texas Health and Safety Code. “Drug paraphernalia in Texas is defined as “any equipment, material, or product used to plant, cultivate, grow, harvest, propagate, manufacture, compound, convert, process, prepare, test, produce, analyze, test, package, repackage, contain, store or conceal any controlled substance, or to otherwise introduce any controlled substance into the human body.” *HEALTH & SAFETY §481.002*. Last updated April 14, 2021.

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<sup>21</sup> Vaughn, Jacob. “Dallas Says Goodbye to Public Intoxication Arrests and Hello to the Drunk Tank.” *Dallas Observer*. October 2021.

<https://www.dallasobserver.com/news/the-city-is-trying-something-new-with-the-publicly-intoxicated-12597306>.

<sup>22</sup> City of Dallas. “Audit of the Dallas Police Department’s Complaint Process.” November 25, 2019.

<https://dallascityhall.com/departments/auditor/DCH%20Documents/Audit%20of%20the%20Dallas%20Police%20Department%27s%20Complaint%20Process%2011-25-2019.pdf>.

<sup>23</sup> Osborne, Ryan. “Law firm releases report on Dallas police data loss, recommends more safeguards.” *WIAA 8 ABC*. February 25, 2022. <https://www.wfaa.com/article/news/local/dpd-dallas-police-data-loss-law-firm-releases-report-on-dallas-police-data-loss/287-1454c65d-088f-4155-b6a8-6a79f052ebea>.

<sup>24</sup> Tsiaperas, Tasha. “Police in Dallas County still making marijuana arrests despite DA policy.” *AXIOS Dallas*. April 20, 2022. <https://www.axios.com/local/dallas/2022/04/20/dallas-county-police-marijuana-arrests>.

<sup>25</sup> “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 \$509,082.00A.” DA John Creuzot Presentation at Office of Community Police Oversight — beginning on page 43. August 2020. <https://dallascityhall.com/departments/office-of-community-police-oversight/DCH%20Documents/Police%20Oversight%20Board%20August%20Agenda.pdf>.

<sup>26</sup> Dallas County Criminal District Attorney Office. “Letter on Marijuana Enforcement.” April 11, 2019. [https://www.dallascounty.org/Assets/uploads/docs/district-attorney/messages-from-da/Official-DACreuzotPoliciesLetter\\_April112019.pdf.pdf](https://www.dallascounty.org/Assets/uploads/docs/district-attorney/messages-from-da/Official-DACreuzotPoliciesLetter_April112019.pdf.pdf).

<sup>27</sup> Jaspers, Bret. “Dallas City Council members grill IT department over data loss.” *KERA News*. October 14, 2021. <https://www.keranews.org/news/2021-10-14/dallas-city-council-members-grill-it-department-over-data-loss>.

<sup>28</sup> New Era of Public Safety. “Chapter 8: Data Information and Video Footage.” *The Leadership Conference on Civil and Human Rights*. 2019. [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf).

<sup>29</sup> Jaspers, Bret. “Dallas City Council members grill IT department over data loss.” *KERA News*. October 14, 2021. <https://www.keranews.org/news/2021-10-14/dallas-city-council-members-grill-it-department-over-data-loss>.

<sup>30</sup> New Era of Public Safety. “xxxiii Important Notes About This Report.” *The Leadership Conference on Civil and Human Rights*. 2019. [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf).

<sup>31</sup> New Era of Public Safety. *The Leadership Conference on Civil and Human Rights*. 2019. [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf).

<sup>32</sup> Vision for Justice. *The Leadership Conference on Civil and Human Rights*. 2019. <https://visionforjustice.org/>.

<sup>33</sup> New Era of Public Safety. *The Leadership Conference on Civil and Human Rights*. 2019. <https://civilrights.org/wp-content/uploads/Toolkit.pdf>.

<sup>34</sup> New Era of Public Safety. “Recommendation 2.7 Collect, Analyze, and Publicly Report Data Relating to Bias-Based Policing p. 65”. *The Leadership Conference on Civil and Human Rights*. 2019. [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf).

<sup>35</sup> Cadoff, Becca, Chauhan, Preeti and Bond, Erica. “Misdemeanor Enforcement Trends Across Seven U.S. Jurisdictions.” Data Collaborative for Justice. October 2020. [https://datacollaborativeforjustice.org/wp-content/uploads/2020/10/2020\\_20\\_10\\_Crosssite-Drift-Final.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2020/10/2020_20_10_Crosssite-Drift-Final.pdf).

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<sup>37</sup> “A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform.” ACLU. 2020. <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>.

<sup>38</sup> “911 Analysis: Call Data Shows We Can Rely Less on Police.” *Vera Institute*. April 2022. <https://www.vera.org/downloads/publications/911-analysis-we-can-rely-less-on-police.pdf>.



Office of  
**Community Police  
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# Memorandum Item 2D



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT Discussion of CPOB Training Opportunities with the Dallas Police Department

The CPOB is committed to continued training in the fields of police oversight and policing. Because of that the Board asked OCPO Director McClary to reach out to DPD to see what trainings are available for the Board to participate in. Below is a list of trainings provided by DPD that are available for the Board to participate in.

- De-escalation scenario training
- Pedestrian Stops
- Traffic & Felony Stops
- Building Search
- Active Shooter
- Burglaries
- Violent Felonies
- ABLE (Active Bystander for Law Enforcement)
- History of Policing
- Implicit Bias
- Procedural Justice
- CIT
- Right Care
- Arrest, Search & Seizure

The DPD Training Academy leadership has indicated they can provide the trainings in 1-2hr presentation blocks where they go through theory and set up a demonstration. They can also set up several 1-2hr blocks to create a half or full day.

Director McClary shared the list of trainings with the CPOB Chair and Vice-Chair. Chairman Enobakhare, Jr. took the list and prioritized it. He will lead the Board in a discussion of this item and share his thoughts on prioritization.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3A



CITY OF DALLAS

DATE June 13, 2023

TO Members of the Community Police Oversight Board

SUBJECT REPORT: May 2023 Officer Involved Shooting: Kris Green

During the month of May 2023, there was one Dallas Police Department officer-involved shooting. This is the 4th Dallas police officer-involved shooting in 2023.

Below is a summary of the facts from DPD:

On May 6, 2023, at 3:11 am, Dallas Police responded to an armed encounter on foot call at 2660 R B Cullum. The preliminary investigation determined when officers arrived, they found a man with a gun.

Officers gave the man repeated commands to drop the gun. The man refused and fired his gun into the air and ran towards an occupied vehicle waiting at a light. Officers fired their weapons, hitting the man.

Officers provided first aid until Dallas Fire Rescue arrived. The man was transported to a local hospital with non-life-threatening injuries. No officers were injured. The investigation is ongoing and will be documented on case number 350955-2023. The investigation is ongoing and is being investigated by the Dallas Police Special Investigations Unit.

The Dallas County District Attorney's office was notified and responded to the scene and will conduct its investigation. The Office of Community Police Oversight was notified and responded to the scene.

At the June 13, 2023 CPOB meeting, Special Investigator Williams will play the video footage that was released by DPD to the public for Board members.

K. A. Williams  
OCPO Special Investigator

Cc: T.C. Broadnax, City Manager



# Memorandum Item 3B



CITY OF DALLAS

DATE June 13, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: CPOB Annual Report

The CPOB decided to issue a multi-year annual report covering years 2020, 2021 and 2022 of the board's work and accomplishments.

OCPO Director McClary plans to finish the report by the end of July instead of June as indicated at the May 9, 2023 meeting. She will continue to work on the report by year. As each year is complete Director McClary still plans to share the drafts with the CPOB Annual Report AD Hoc Committee.

Director McClary plans to have the annual report published by the August 8, 2023 meeting on the City of Dallas, CPOB, and OCPO websites.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3C



CITY OF DALLAS

DATE June 13, 2023

TO Members of the Community Police Oversight Board

SUBJECT REPORT: DPD Monthly Arrest Data

The City of Dallas was the victim of a ransomware attack in May 2023. All city departments were impacted including DPD. Therefore, the May arrest data is not available at this time.

OCPO Director McClary will work with the Dallas Police Department Crime Analysis – GIS Team of the DPD Research & Development Division to get the Board the monthly arrest data as soon as it is available.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3D



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: CPOB Chair & OCPO Director Monthly Meeting with the DPD Chief of Police Eddie Garcia

Every month CPOB Chairman Enobakhare, Jr. and OCPO Director McClary meet with DPD Police Chief Eddie Garcia prior to the monthly CPOB meeting.

Because of conflicts with Chief Garcia's schedule, the June 2023 meeting was canceled. The next two scheduled meetings are July 11<sup>th</sup> and August 8<sup>th</sup>.

CPOB Chairman Enobakhare, Jr. will give the Board highlights from the July and August meetings at the CPOB August 2023 meeting.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3E



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: Status of Independent Investigations Requested by CPOB: Diamond Ross

Below is a current list of cases and their status for independent investigations that the Board has voted for OCPO to conduct:

- 1) **Name of Complainant:** Diamond Ross
  - **Reason For Complaint:**  
(1) Death in Custody
  - **Status of Investigation:** Completed. *However, the case is in litigation and cannot be reviewed by the CPOB until the litigation is complete.*

The office is currently looking at 7 other cases for possible investigations.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 2E



CITY OF DALLAS

DATE June 13, 2023

TO Members of the Community Police Oversight Board

SUBJECT OCPO Policy Review Protests and Use of Force and Recommendations

The CPOB asked the OCPO to do a review of the Dallas Police Department's protests and use of force policies. At the conclusion of the review, OCPO was to bring its findings and recommendations to the CPOB for discussion.

At the May 2023 meeting, OCPO Director McClary presented Part 1 of DPD's use of force policies which consisted of a review of officer-involved shootings and other critical incidents. Part two of the use of force policy review will be completed in July and will focus on the DPD General Order 900.00 series: Response Continuum.

Director McClary developed a set of questions for DPD regarding some of their current policies. She also solicited questions and feedback from the CPOB during the May discussion.

As part of the next steps from the May discussion, Director McClary was supposed to send the questions from her and the Board to DPD for answers and comments. The City of Dallas was the victim of a ransomware attack the first week of May and the systems impacting the police department were severely impacted. Given this reality, Director McClary did not send the information to DPD. She will get this information over to DPD in the next few weeks with the hope that they can answer everything before the August 2023 CPOB meeting.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 5



DATE June 13, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT Board Training Schedule

The CPOB is not only committed to community engagement, but also to continue learning in the areas of oversight, policing, criminal justice, and any other topics the Board deems relevant to its work. Below is the CPOB Training Schedule for 2023.

## 2023 CPOB Training Calendar

### January

- January 28<sup>th</sup> = Parliamentary Procedure (1 hour).

### February

- No training scheduled

### March

- March 14<sup>th</sup> = Community Engagement (30 minutes).

### April

- April 25<sup>th</sup> = NACOLE webinar *Shielded: How the Police Became Untouchable* (1 hour)

### May

- May 18<sup>th</sup> = NACOLE webinar *Bias in Interpretation of Video Evidence* (1 hour)
- May 24<sup>th</sup> = Webinar *Blunt Force Trauma: What Every Attorney/Investigator Needs to Know* (1 hour)

### June

- June 7<sup>th</sup> = NACOLE webinar *Understanding Force Used in Effecting Arrests* (1 hour)



**November**

- November 12<sup>th</sup> -16<sup>th</sup> = 29<sup>th</sup> Annual NACOLE Conference in Chicago, IL

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 6



CITY OF DALLAS

DATE May 9, 2023

TO Members of the Community Police Oversight Board

SUBJECT Board Member Community Engagement

Board members will provide an update on their efforts regarding community engagement.

1. **District 15** = January 31, 2023, *Lemonade with Laurie*: How to work with people in times of disagreement when collaboration seems both imperative and impossible. CPOB Member Davidson was a panelist for this event.
2. **District 3** = (a) February 9-11, 2023 CPOB Chairman Enobakhare, Jr. attend the Alpha Phi Alpha convention in Houston, Texas. During the convention, he moderated a panel and had conversations with attendees about police oversight.  
(b) On February 16, 2023, OCPO hosted a community event with Council Member Thomas at the Thurgood Marshall Recreation Center.
  - CPOB Chairman Enobakhare, Jr. stopped by the event and spoke with participants.
3. **District 12** = February 16, 2023, Council Member Mendelsohn invited Chief Garcia to speak to her residents. She also invited CPOB Member Wadsworth to table at the event and be introduced to the residents.
  - CPOB Chairman Enobakhare, Jr. also attended the event.
4. **Districts 2 & 4** = February 19, 2023, OCPO hosted a candlelight vigil for peace, unity, and healing for victims of police violence at Dallas City Hall.
  - CPOB member Gilbert Smith spoke at the vigil.
  - CPOB member Jonathan Maples attended the vigil.
5. **Districts 2, 3 and 12** = February 27, 2023, OCPO hosted a Black History Month Celebration at Dallas City Hall featuring keynote speaker Opal Lee.
  - CPOB Chairman Enobakhare, Jr., and members Maples and Wadsworth event and were recognized.

6. **District 7** = March 7, 2023 CPOB Vice Chair Jose Rivas attended an event called *"Together We Dine"*. This event was a dinner and dialogue with members of the Dallas Community (primarily District 7 residents) and DPD officers. Vice Chair Rivas was seated with a group of community leaders at the dinner.
7. **District 3** = March 13, 2023 = CPOB Chair Jesuorobo Enobakhare, Jr. participated on a panel entitled, *"Barber Shop Talk"*. He spoke about his work on the Board and other community issues. The host was Dr. Flowers, Dean of the St. Phillips School.
8. **Districts 2 & 3** = March 23, 2023. OCPO co-hosted with the CPOB and CM Casey Thomas an event entitled: Conversations to Move Dallas Forward.
  - CPOB Member Jonathan Maples represented the CPOB on the panel that included oversight practitioners and members of DPD.
  - CPOB Chairman Enobakhare, Jr. also attended the event and spoke with members of the community after the event.
9. **District 3** = April 3, 2023, CPOB Chair Jesuorobo Enobakhare, Jr. participated in a discussion/panel on oversight with the Baltimore, Maryland Oversight Committee. He invited members of the Fort Worth oversight office to join him for the discussion. Chairman Enobakhare, Jr. will be inviting the Chairman of the Baltimore Oversight Committee to join CPOB at an upcoming meeting.

## UPCOMING EVENTS

**June 17, 2023** = Juneteenth Celebration at Klyde Warren Park with Districts 4 and 9 from 10:00 a.m. – 12:00 p.m.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager