A DALLAS PROJECT REPORT

Budding Change

Marijuana Prosecution Policies and Police Practices in Dallas County, 2019

SMU | DEDMAN SCHOOL OF LAW

DEASON CENTER

FROM THE DIRECTOR

Across the nation, arrests and prosecutions for marijuana misdemeanors disproportionately impact poor people and people of color. The high volume of these low-level cases imposes substantial costs on local criminal legal systems and the taxpayers who support them.[1]

While legislative decriminalization is one sure way to address this problem, elected prosecutors can also take a stand. By declining to prosecute low-level marijuana offenses, prosecutors can prevent thousands of criminal convictions. Whether police enforcement practices will change accordingly remains an open question. *Budding Change: Marijuana Prosecution Policies and Police Practices* takes a first step in investigating this important issue.

Produced as part of the DALLAS (District Attorney Learning and Leadership through Application of Science) series, *Budding Change* explores what happened when Dallas County District Attorney John Creuzot (DA Creuzot) radically changed his office's policies about the prosecution of first-time misdemeanor marijuana cases. The report concludes that DA Creuzot's 2019 policies were associated with significant reductions in police enforcement of misdemeanor marijuana laws. As a result, marijuana screening caseloads within the District Attorney's Office declined substantially.

Budding Change shows that prosecutorial policies can have a profound impact on policing behaviors. Forthcoming reports in the DALLAS series will study racial disparity in 2019 marijuana case referrals and explore the rates at which the District Attorney's Office accepted or declined prosecution of those cases. We look forward to sharing these reports with criminal legal reform communities in Dallas and across the nation.

Sincerely,

Pamela R. Metzger
Professor of Law, SMU Dedman School of Law
Director, Deason Criminal Justice Reform Center

Executive Summary

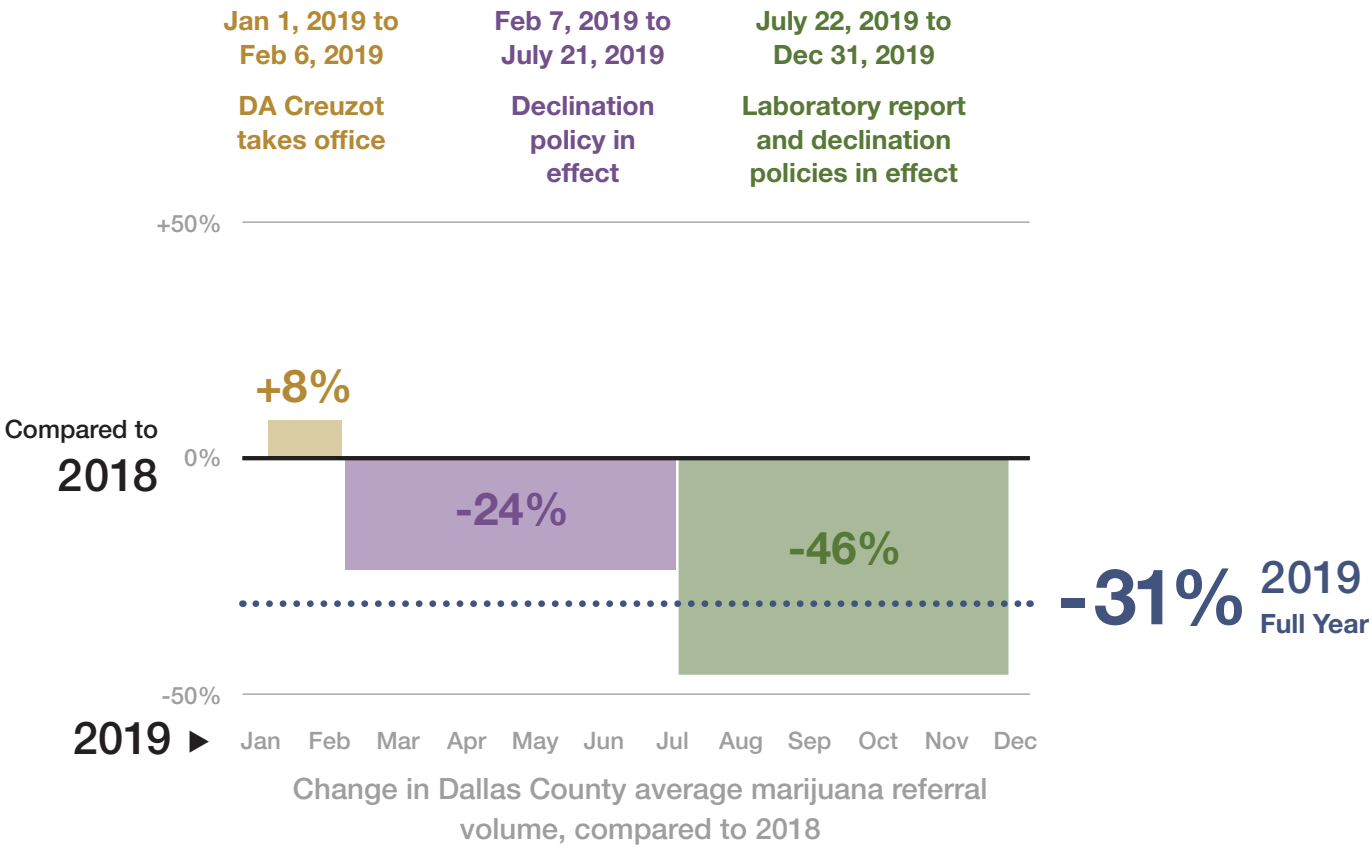
To explore the relationship between prosecutorial policies and police practices, *Budding Change* studies the number of marijuana cases that police sent to the Dallas County District Attorney's Office in 2018 and 2019.

In February of 2019, the DA's Office announced that it would not prosecute most first-time cases of marijuana possession. After this policy change, police referred 24% fewer marijuana cases for prosecution than they did in 2018.

In June of 2019, the Texas legislature legalized hemp, prompting the DA's Office to issue a second policy about marijuana. This July 2019 policy required police to submit a laboratory test with every marijuana referral. A 46% decrease in marijuana referrals followed.

Overall, in 2019, police referred 31% fewer misdemeanor marijuana cases than they did in 2018.

While marijuana referrals declined after the non-prosecution policy, the greatest decrease followed the laboratory test requirement



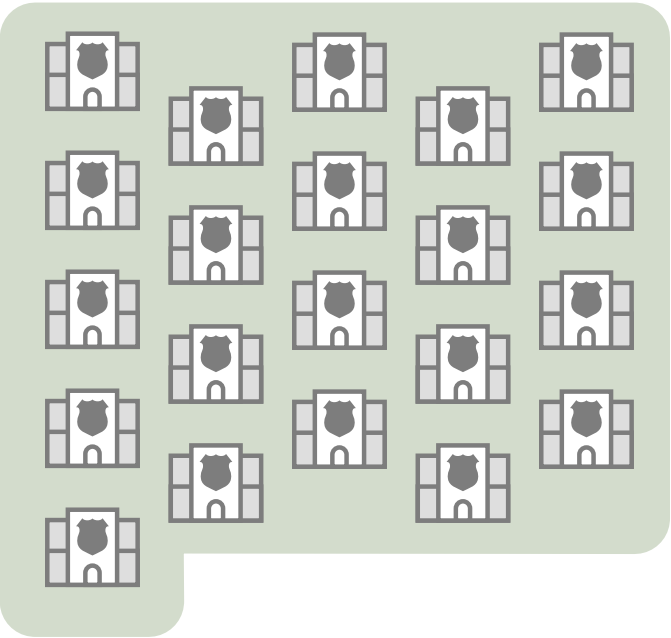
Change in Dallas County average marijuana referral volume, compared to 2018

Executive Summary

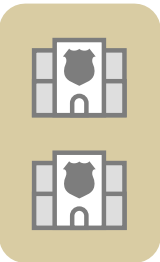
As compared to 2018, almost all municipal police agencies in Dallas County reduced their marijuana arrest volumes in 2019. In 2018, 23 municipal departments made 6,620 arrests that they sent to the Dallas County District Attorney's Office for prosecution. In 2019, 21 of those agencies reduced their respective arrest volumes by at least 11%.

In 2019, most municipal police departments decreased their arrest volumes

21 departments had fewer arrests and citations



2 departments had more arrests and citations



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Introduction

In 2018, police asked the Dallas County District Attorney's Office to prosecute 6,652 cases of Class A and B misdemeanor marijuana possession. This meant that Dallas County prosecutors had to screen approximately 554 marijuana referrals each month.

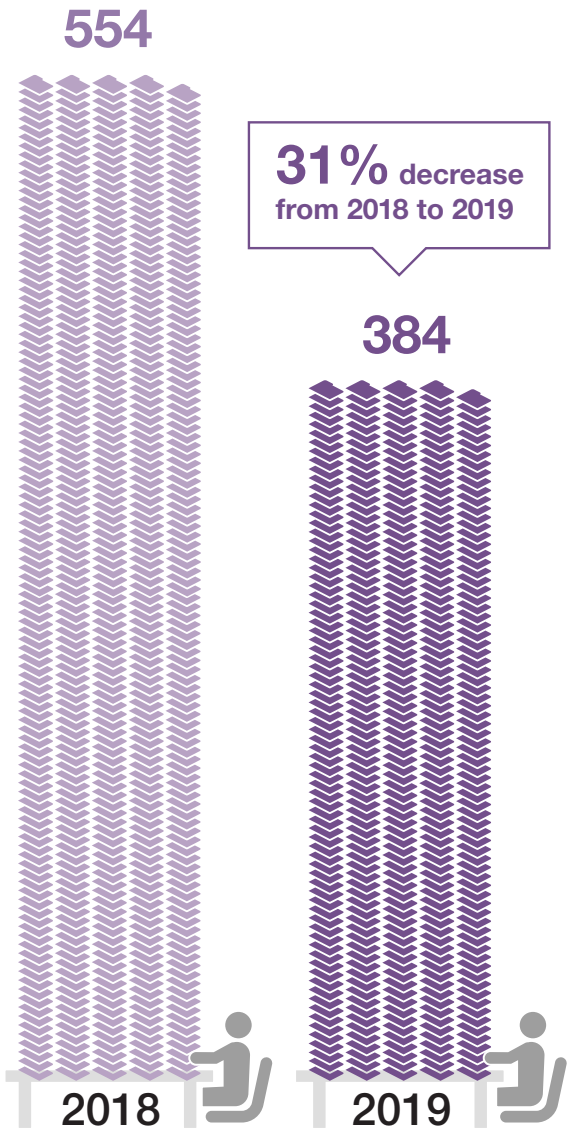
In 2019, police sent Dallas County prosecutors only 4,610 marijuana possession cases—31% fewer than the year before. As a result, prosecutors' marijuana case review burden dropped to about 384 cases per month.

These changes in the use of police power did not occur in a vacuum. Rather, they were strongly associated with changes in Dallas County's prosecutorial policies.

Budding Change tracks these changes across time and isolates data about individual municipal police departments. The report highlights significant differences in when, and to what degree, each police agencies reduced their marijuana arrests and referrals. The report also underscores the importance of discretionary decision-making by elected district attorneys and local police agencies.

FIGURE 1

Dallas County marijuana referrals decreased in 2019



Average monthly marijuana referrals, Dallas County

CHAPTER 1

The Discretionary Powers of Police and Prosecutors

Discretionary Decisions about Marijuana Misdemeanors

Every day, prosecutors and police make discretionary decisions that determine the size and scope of their local criminal legal systems.

Police do not—and cannot—arrest or cite every person who violates any law. Instead, police use their discretion to decide which laws to enforce and where and when they will do so.

Similarly, prosecutors can neither ethically nor practically seek a conviction in every case that police bring to them. Instead, prosecutors must make hard decisions about where to invest their resources.

Legally, police chiefs and elected prosecutors make their own decisions about which cases to pursue. They are independent actors in the executive branch, empowered to control their agencies without input from each other.

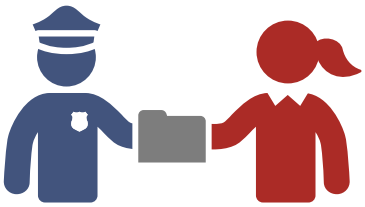
Practically, prosecutors and police rarely operate in isolation. Instead, as they share policies and collaborate on cases, they create an ongoing feedback loop that informs their future actions.

VOCABULARY NOTE

In Dallas County, police **submit** misdemeanor cases for prosecutorial review. In other jurisdictions, police **refer**, **file**, or **present** cases. This report uses the term **refer** and **referral** to describe what happens when the police send a case to the DA's Office.

IN FOCUS

Police and prosecutors communicate regularly



Police refer cases to the district attorney's office for prosecution

The district attorney's office informs police about prosecutorial policies

How Police Discretion Shapes Marijuana Enforcement

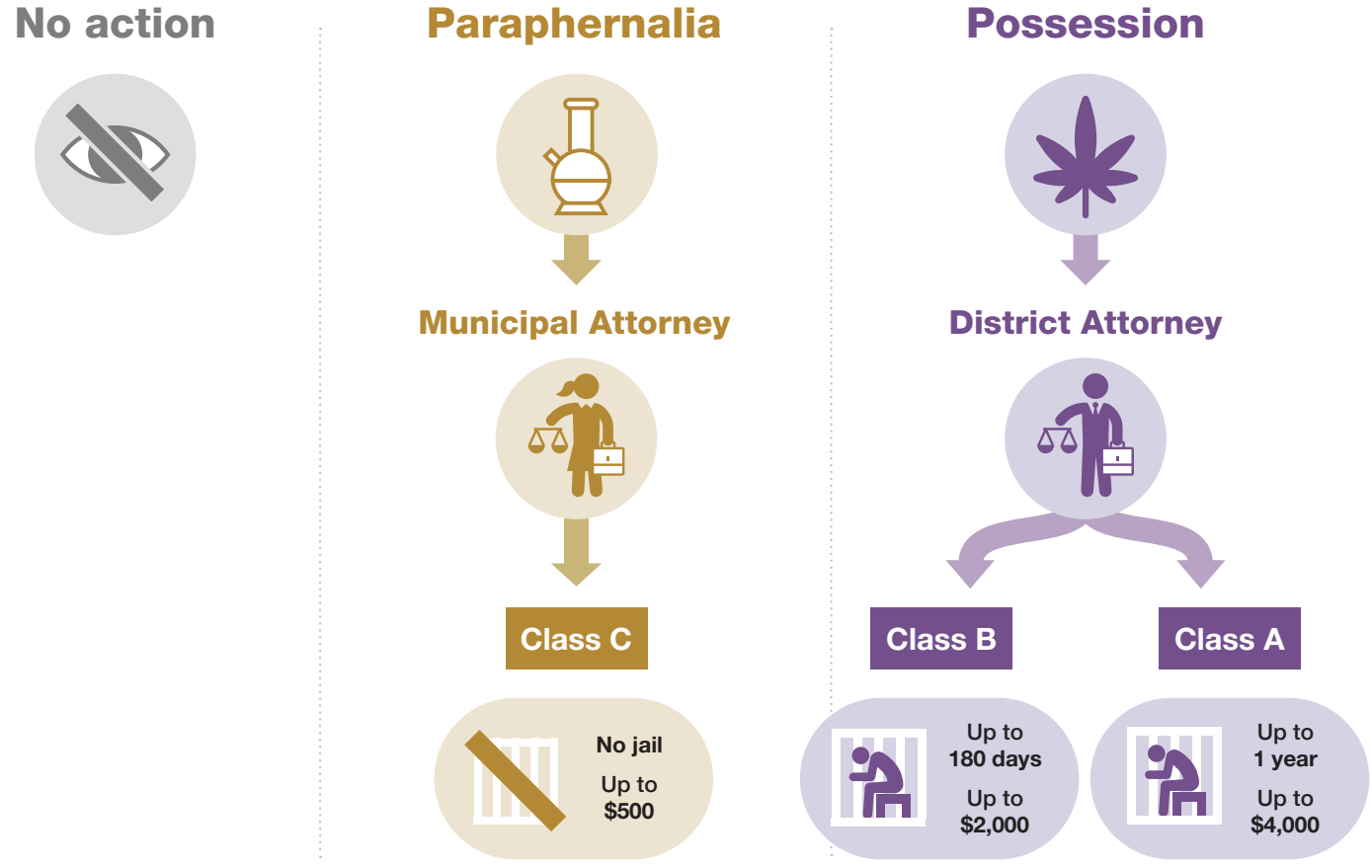
Texas criminalizes the possession of most cannabis products, including marijuana and marijuana paraphernalia, such as rolling papers and pipes.[2] So, when police find someone with marijuana, they can ignore the offense, charge Class C possession of paraphernalia, or charge Class A or B possession of marijuana (2-4 oz., and less than 2 oz., respectively).[3]

These discretionary police decisions make a big difference. Class C cases go to the local city attorney for resolution, and the maximum punishment is a $500 fine.

Class A and B marijuana cases go to the Dallas County District Attorney's Office. Cases accepted for prosecution will be resolved in the Dallas County courts, where a person can be sentenced to jail for up to six months or a year, depending on the class of offense.

IN FOCUS

Police have a choice about marijuana cases



How Prosecutorial Discretion Shapes Marijuana Enforcement

While police decide which cases enter the criminal legal system, prosecutors decide which cases (and which defendants) remain in the system. A prosecutor screens every police referral, deciding whether to accept or decline prosecution of that case. Each screening decision increases or decreases the size and cost of the local justice system.

Elected district attorneys exercise almost exclusive control over the cases that they prosecute. Responsible district attorneys must make sound decisions about how to use public resources.

A formal policy declining to prosecute certain types of cases is one strategy for resource conservation. A non-prosecution policy can dramatically, unilaterally, and immediately reduce the number of criminal cases. To increase racial justice and reduce fiscal waste, many elected prosecutors, including DA Creuzot, have declined to prosecute marijuana possession.[4]

IN FOCUS

Prosecutors choose which cases to pursue

CHAPTER 2

Measurements of Marijuana Enforcement

Arrest and Referral Volumes

To explore the relationship between prosecutorial policies and police practices, *Budding Change* studies the number of marijuana cases that police sent to the Dallas County District Attorney's Office in 2018 and 2019. The report tracks case volumes across those years, noting the dates on which the DA's Office made significant changes in prosecutorial policy.

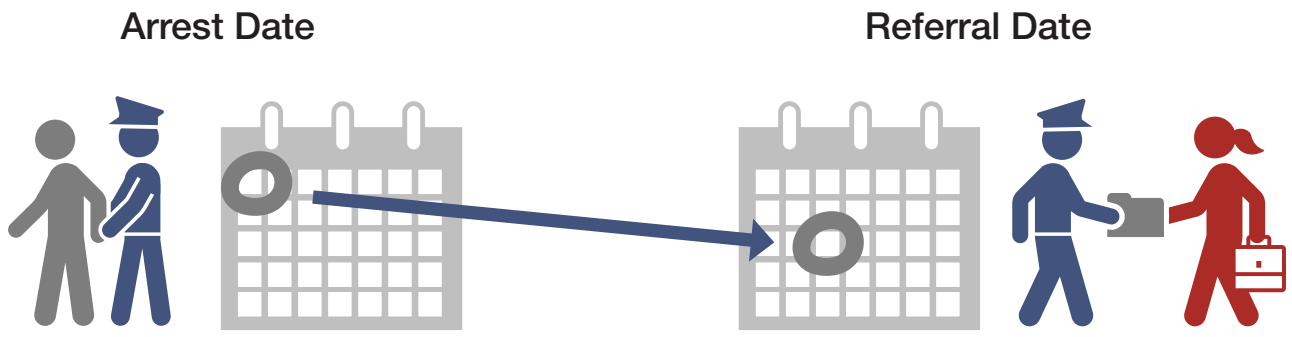
These police referrals reflect two important discretionary decisions: the decision to arrest (or cite) someone and the decision to refer that person's case for prosecution of a Class A or B misdemeanor.[5] *Budding Change* investigates both types of actions, measuring arrest and referral volumes.

Arrest volume describes the number of marijuana arrests police sent to the Dallas County District Attorney's Office for screening. Arrest dates reflect when police made those arrests, regardless of when police sent them to the DA's Office.[6]

Referral volume also describes the number of marijuana arrests that police sent for prosecution. But referral dates reflect when police referred those cases for prosecution, regardless of when the arrests occurred.

IN FOCUS

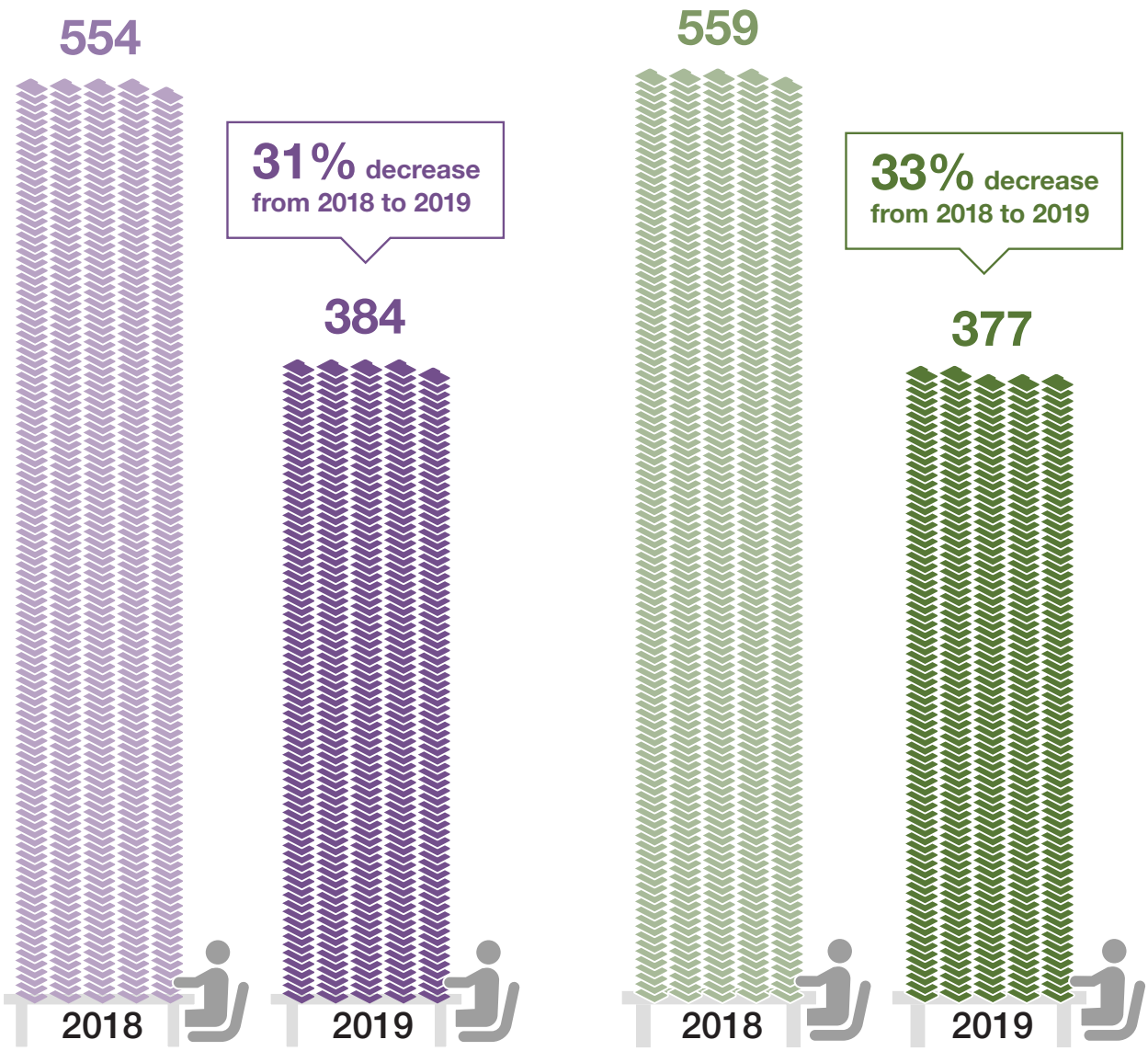
Arrest dates and referral dates may be different



Budding Change studies reductions in both arrest and referral volumes. In 2018, police arrested or cited people for 6,706 misdemeanor marijuana cases that were later sent to the Dallas County District Attorney's Office for screening. In 2019, police made only 4,520 such arrests (or citations)—a drop of 33%. This closely tracks the 31% reduction in 2019 marijuana referrals.[7] In other words, 2019 marijuana arrest and referral volumes decreased by almost the same amount.

FIGURE 2

Monthly arrest and referral volumes decreased by similar amounts



Average monthly marijuana referrals, Dallas County

Average monthly marijuana arrests, Dallas County

CHAPTER 3

Changes in Prosecution Policies and Police Enforcement

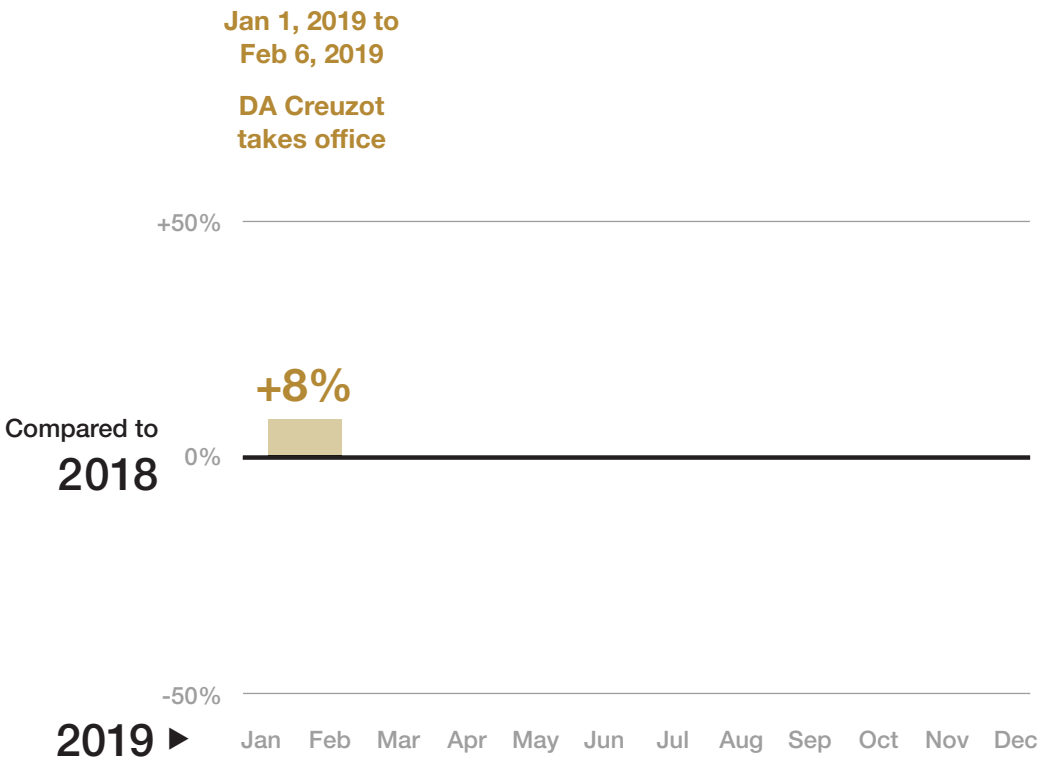
The District Attorney's First Five Weeks in Office

In 2018, Dallas County voters elected John Creuzot as District Attorney. DA Creuzot ran as a progressive prosecutor. Reform of marijuana laws was a key element of his platform, and during his campaign, DA Creuzot repeatedly promised to decline cases of first-time marijuana possession.

When DA Creuzot took office on January 1, 2019, this campaign promise had been well-publicized. Yet, during DA Creuzot's first weeks in office, police did not reduce the number of marijuana cases that they sent to the District Attorney's Office for prosecution. Instead, total marijuana police referrals increased countywide.

FIGURE 3

Despite DA Creuzot's campaign promises, police referrals increased



Change in Dallas County average marijuana referral volume, compared to 2018

The District Attorney's Marijuana Non-Prosecution Policy

On February 7, 2019, DA Creuzot honored his campaign promise. A letter from the DA's Office advised all police departments in Dallas County that the Office would decline prosecution of most cases of first-time marijuana possession.[8] By reducing Dallas County marijuana prosecutions, DA Creuzot hoped to conserve resources and reduce racial inequality in Dallas' criminal legal system.[9]

Possession of Marijuana
Letter from John Creuzot
February 7, 2019

Prosecution will be declined on misdemeanor possession of marijuana cases for first time marijuana offenders (both Class A and Class B misdemeanors). Only offenses occurring after February 7, 2019, will be considered in determining whether a person has a prior marijuana offense. For example, if a person committed offenses in 2018, or before, any of those offenses will not be counted. If an offense occurred on February 7, 2019, or thereafter, that offense will be considered for calculating prior offenses. Offenses occurring in drug free zones, involving the use or exhibition of a deadly weapon, or cases with evidence of delivery of marijuana will not be declined, regardless of first-time offender status.

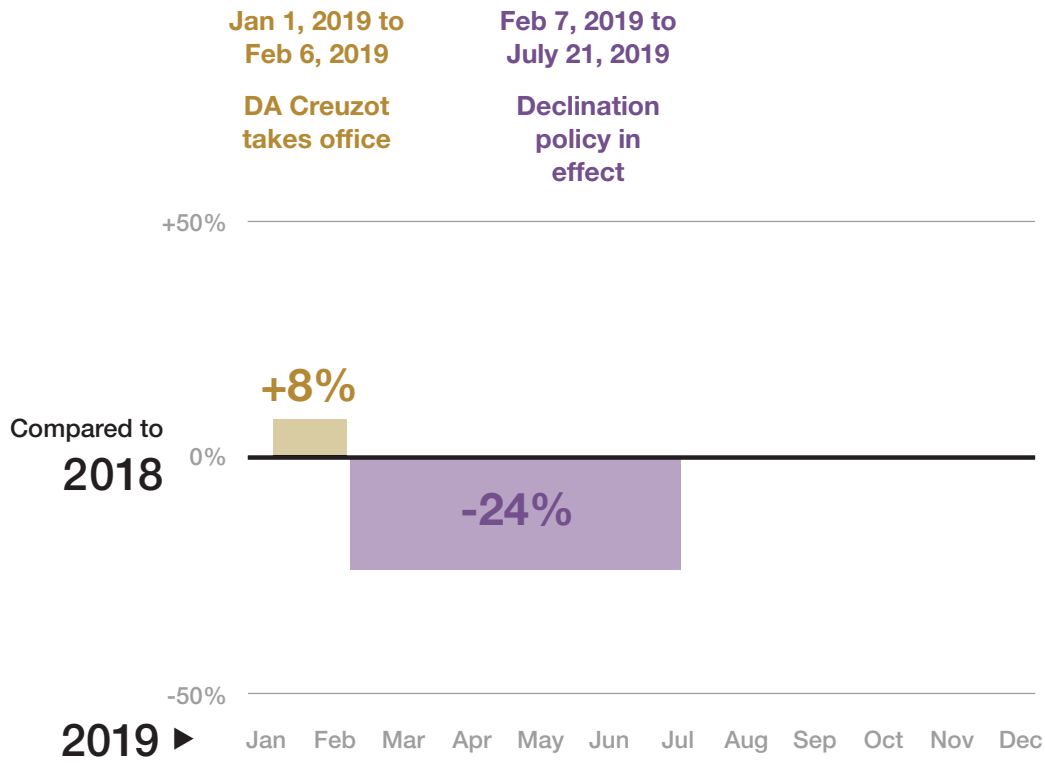
DA Creuzot's marijuana declination policy was not binding on police. As DA Creuzot acknowledged, he could only set policy for the DA's Office. Nevertheless, the non-prosecution policy was associated with a significant reduction in marijuana referrals.

During the first six months after the marijuana declination policy, police referrals dropped by 24% compared to 2018.

> *"The policies included in this agency letter do not address a peace officer's right to make a lawful arrest; they pertain to how the DA's Office will handle cases once submitted for prosecution."* [10]
>
> Letter from Creuzot, February 7, 2019

FIGURE 4

After DA Creuzot announced his non-prosecution policy, police referrals declined



Change in Dallas County average marijuana referral volume, compared to 2018

The Legalization of Hemp

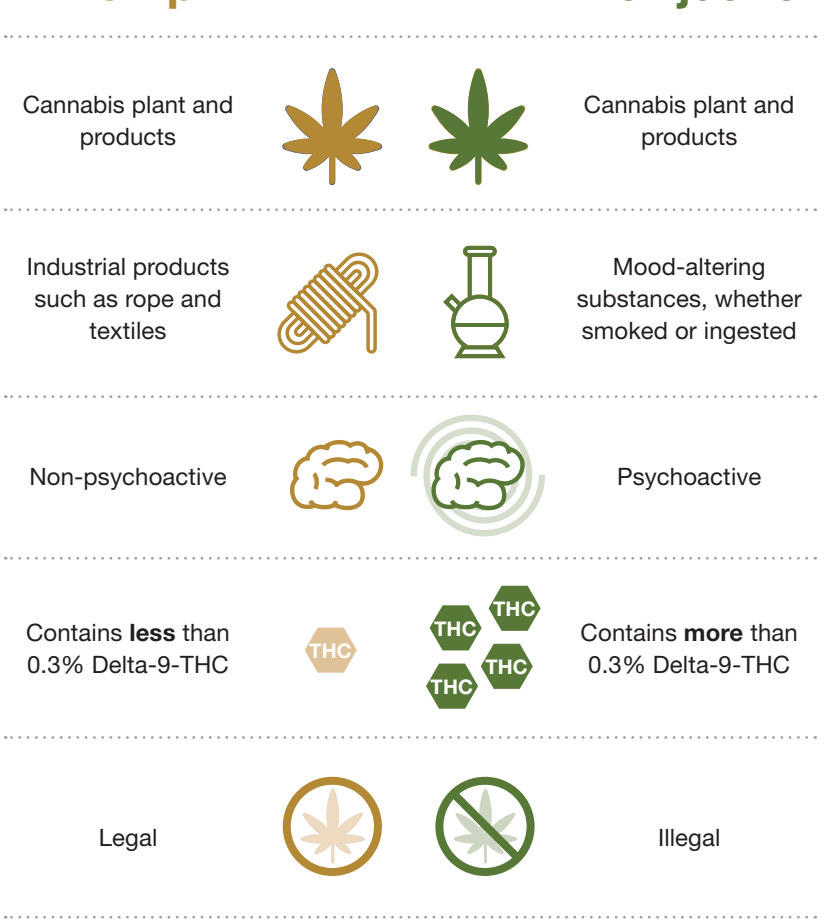
In the summer of 2019, Texas legalized hemp and, unintentionally, made it harder and more expensive to prosecute cases of marijuana possession.

Hemp and marijuana both come from the cannabis plant, which is almost entirely illegal in Texas.[11] To legalize hemp, the legislature redefined cannabis according to its concentration of Delta-9-THC, which is the chemical primarily responsible for the "high" associated with marijuana use. Legal cannabis (hemp) has less than 0.3% Delta-9-THC, while illegal cannabis (marijuana) has more than 0.3% Delta-9-THC.[12] This change in Texas law prompted the Dallas County District Attorney's Office to issue a second policy about marijuana prosecutions.

Before Texas legalized hemp, police officers and other witnesses could testify in court that a substance was marijuana, relying only on their experience and their senses of sight and smell.[13] Prosecutors did not need laboratory tests or chemical analyses to prove that a substance was marijuana.

After Texas legalized hemp, laboratory tests became crucial for marijuana prosecution. Police could still arrest or cite people for the possession of (suspected) marijuana. But many prosecutors believed that a conviction required proof that the substance contained more than 0.3% Delta-9-THC.[14]

IN FOCUS



The District Attorney's Laboratory Report Requirement

Within weeks of the legalization of hemp, some Texas prosecutors dropped all marijuana cases.[15] Others began to require that all marijuana referrals include a laboratory report. But, in 2019, laboratory tests that could measure THC concentration were scarce and expensive, costing as much as $217 each.[16]

On July 22, 2019, the Dallas County District Attorney's Office issued an updated policy about marijuana referrals.[17] The new policy required police to submit a laboratory report with every marijuana referral. Any marijuana referral lacking a laboratory report would be returned to the police.

THC Laboratory Reports

Letter from Ellyce Lindberg
Administrative Chief, Dallas County District Attorney's Office
July 22, 2019

For the [District Attorney's Office] to accept for prosecution a marijuana/THC case with an offense date of June 10, 2019 or thereafter (the effective date of HB 1325), a laboratory analysis is required showing that the substance was .3% or greater THC concentration, because only those substances are now illegal marijuana. Due to the new requirements, cases with offense dates of June 10, 2019 or thereafter will be returned [to police], and they may be resubmitted when a laboratory report is available.

Circumstantial evidence is not sufficient to prove a marijuana/THC case without a lab analysis because the concentration of THC determines if the substance is in fact illegal, and there is no way to circumstantially prove a concentration of .3% THC or greater.

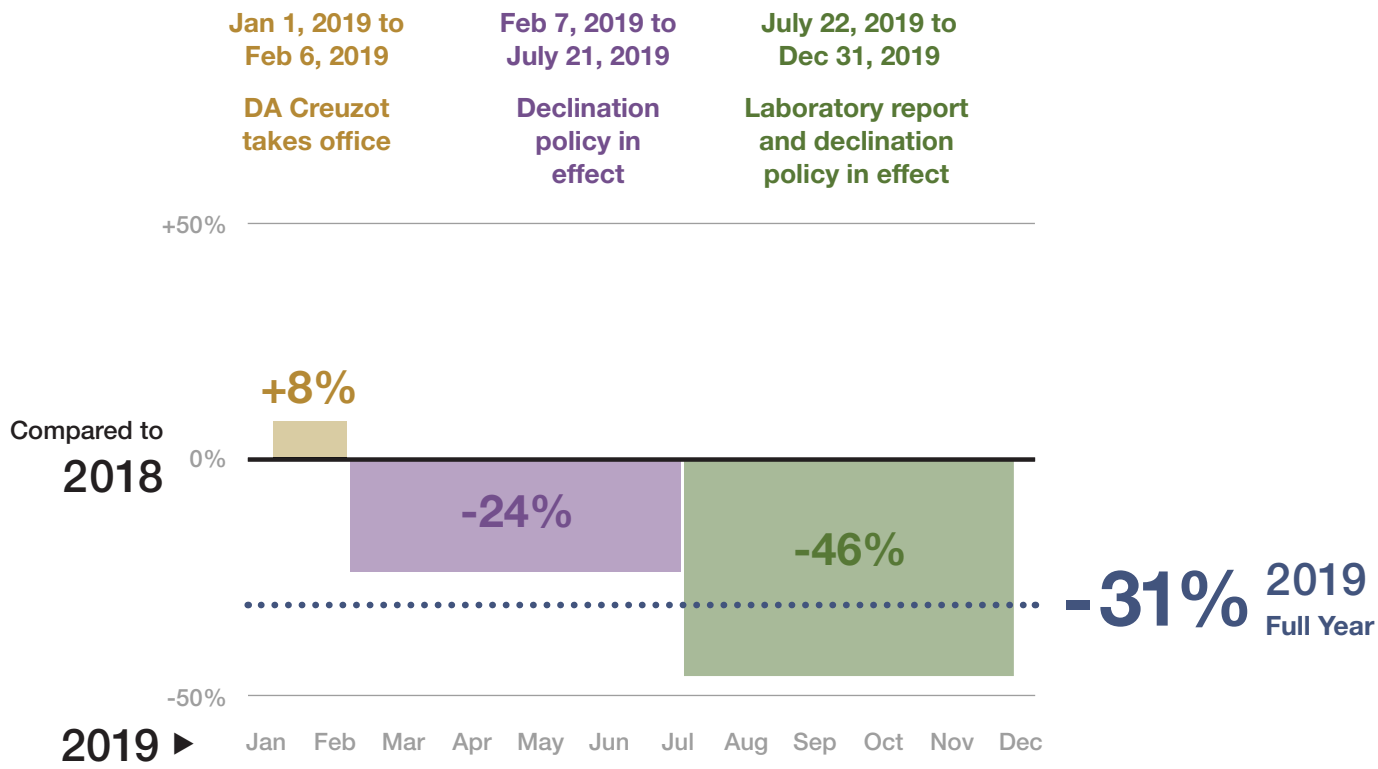
The July laboratory report policy was associated with another significant decrease in the number of marijuana cases that police referred for prosecution. Between July 22 and December 31, 2019, police referred 46% fewer marijuana cases than they had in 2018. This reduction was nearly twice as large as the reduction associated with the February non-prosecution policy.

Overall, police decreased their 2019 marijuana case referrals by 31% compared to 2018.

> *"Our office will not charge a person with a marijuana offense without a laboratory report stating that the substance has an illegal concentration of THC."*[18]
>
> *DA's Office Press Release, July 2019*

FIGURE 5

After DA Creuzot required laboratory reports, police referred far fewer cases



Change in Dallas County average marijuana referral volume, compared to 2018

CHAPTER 4

The City of Dallas

City of Dallas: An Outsized Influence on Countywide Data

As the largest municipal police department in Dallas County, the City of Dallas Police Department (DPD) has significant influence over the number of marijuana cases that the DA's Office must screen. In 2019, DPD referred half of all 2019 marijuana arrests (and citations) that municipal police departments sent to the DA's Office for prosecution.

FIGURE 6

In 2019, the Dallas Police Department made half of all marijuana referrals that municipal police sent for prosecution

Class A/B Referral Volume

49%
All other Dallas County municipal police agencies

51%
Dallas Police Department

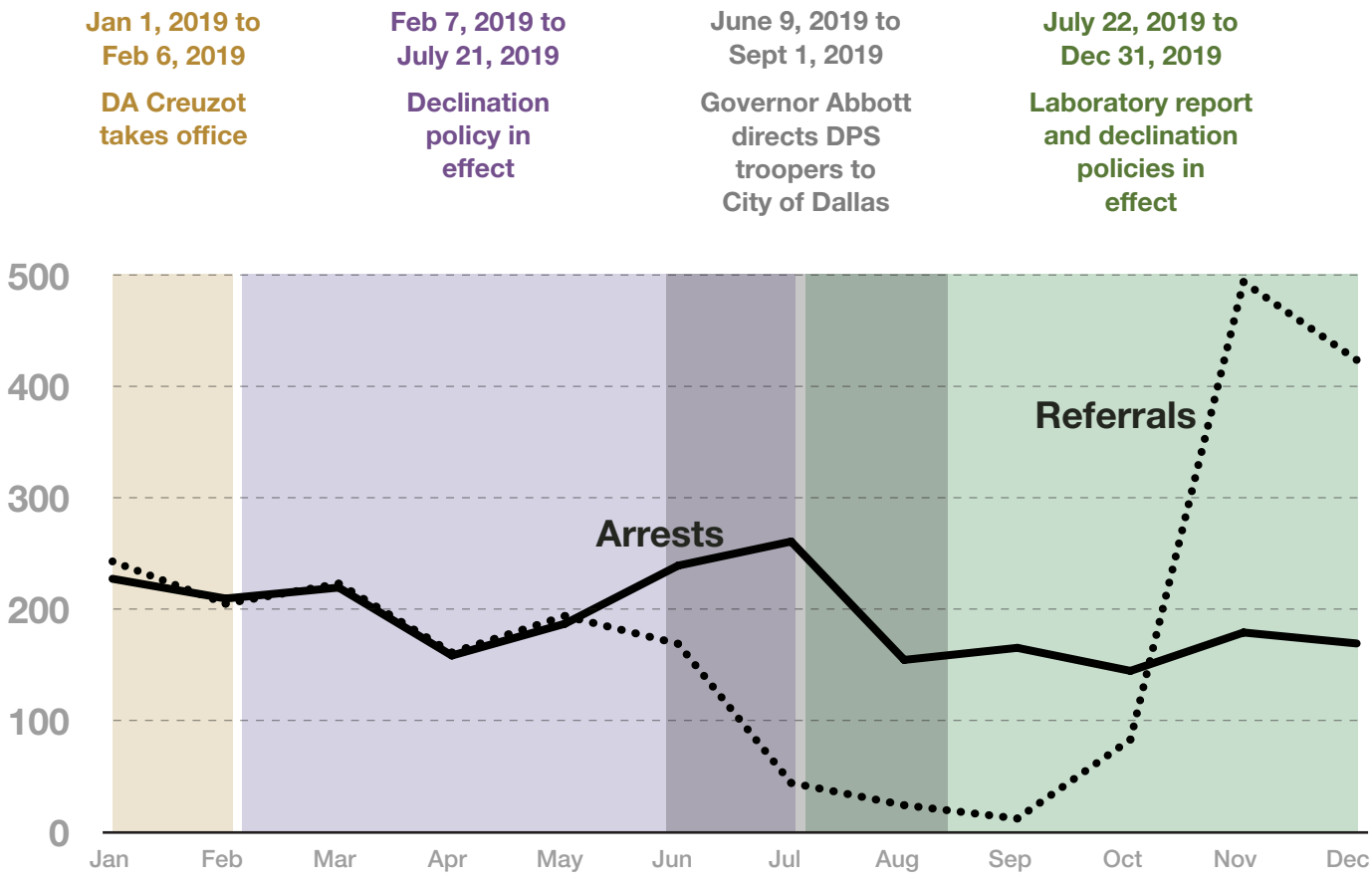
On June 7, Governor Greg Abbott sent the Texas State Troopers to the City of Dallas to aid DPD in law enforcement.[19] For record-keeping purposes, the troopers' arrests and referrals were attributed to DPD.

By September 1, state troopers had made more than 17,000 traffic stops, with one new arrest for every 26 stops.[20] But administrative challenges slowed the speed at which the troopers' arrests were sent to the DA's Office.

Before the state troopers arrived, DPD's marijuana arrest volume was decreasing at approximately the same rate as its referral volume. Afterwards, DPD's arrest and referral volumes began to diverge. DPD's arrests decreased modestly over the summer, while DPD's case referrals declined. DPD's referrals spiked in the late fall after the administrative issues in handling the troopers' referrals were resolved.

FIGURE 7

Enforcement by Texas State Troopers was associated with diverging trends in cases attributed to the Dallas Police Department

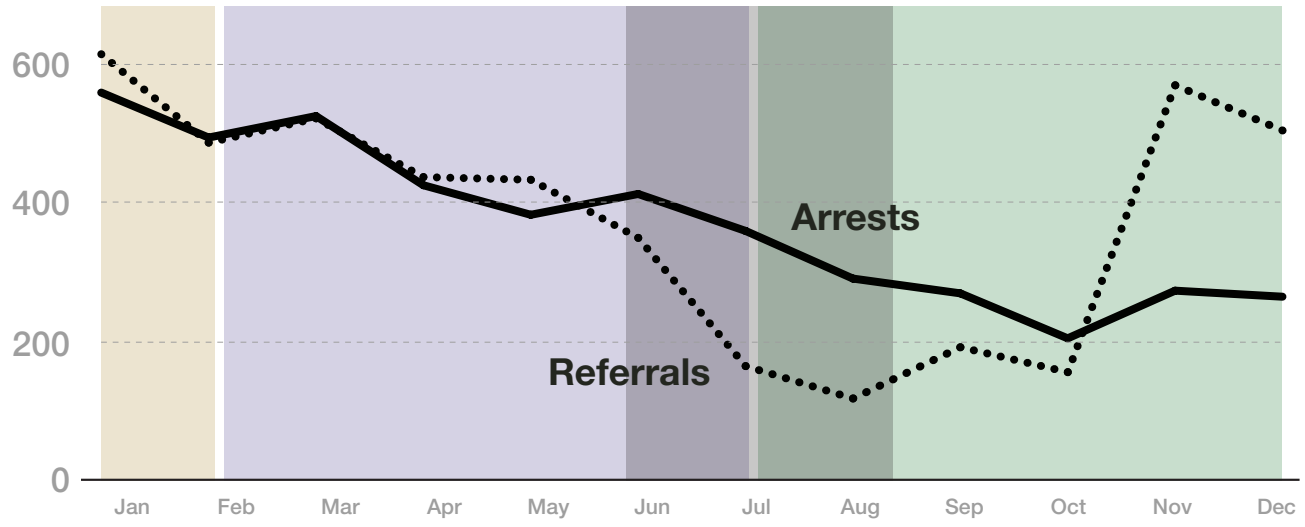


City of Dallas, 2019
Monthly volumes, marijuana arrests and referrals

Aggregating 2019 data from all Dallas County police agencies produces a relatively steady decline in arrests and a sharp spike in referrals. Without DPD's cases, Dallas County arrest and referral volumes track each other more closely, exhibiting only minor disparities.

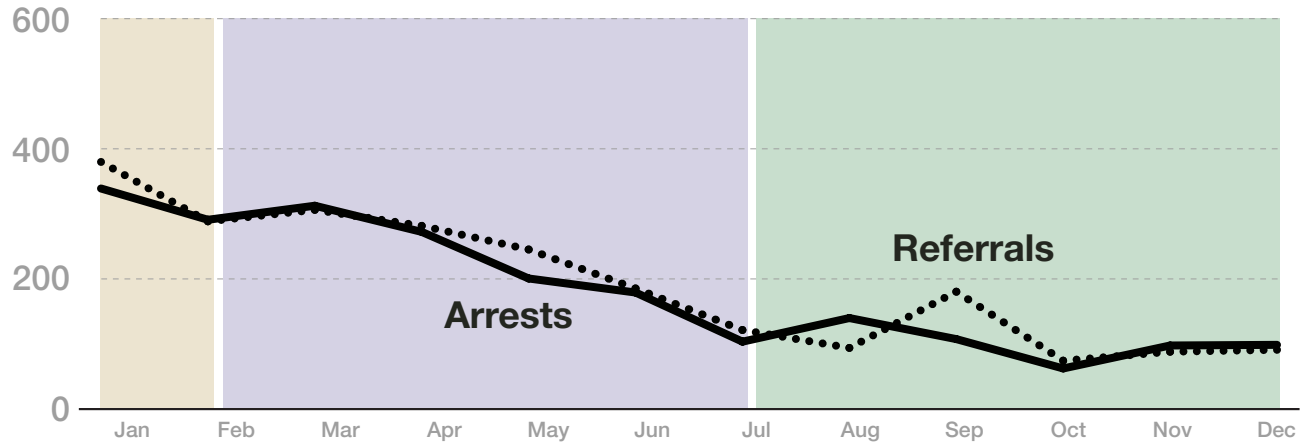
FIGURE 8

With Dallas Police Department cases, county arrest and referral volumes diverge



Dallas County (with City of Dallas), 2019
Monthly volumes, marijuana arrests and referrals

Without Dallas Police Department cases, county arrest and referral volumes remain similar

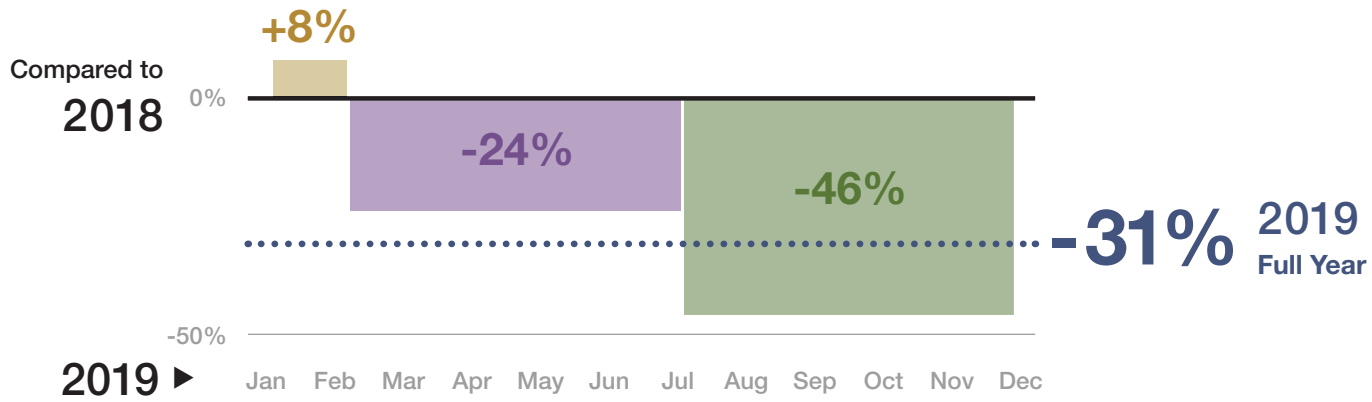


Dallas County (without City of Dallas), 2019
Monthly volumes, marijuana arrests and referrals

The late-fall spike in the DPD's case referrals had a particularly dramatic impact on countywide trends. After state troopers arrived and the DA's Office announced its July laboratory test policy, Dallas County police referrals dropped by 46% compared to 2018. Removing DPD cases from those data yields a countywide reduction of 69% during that same period.

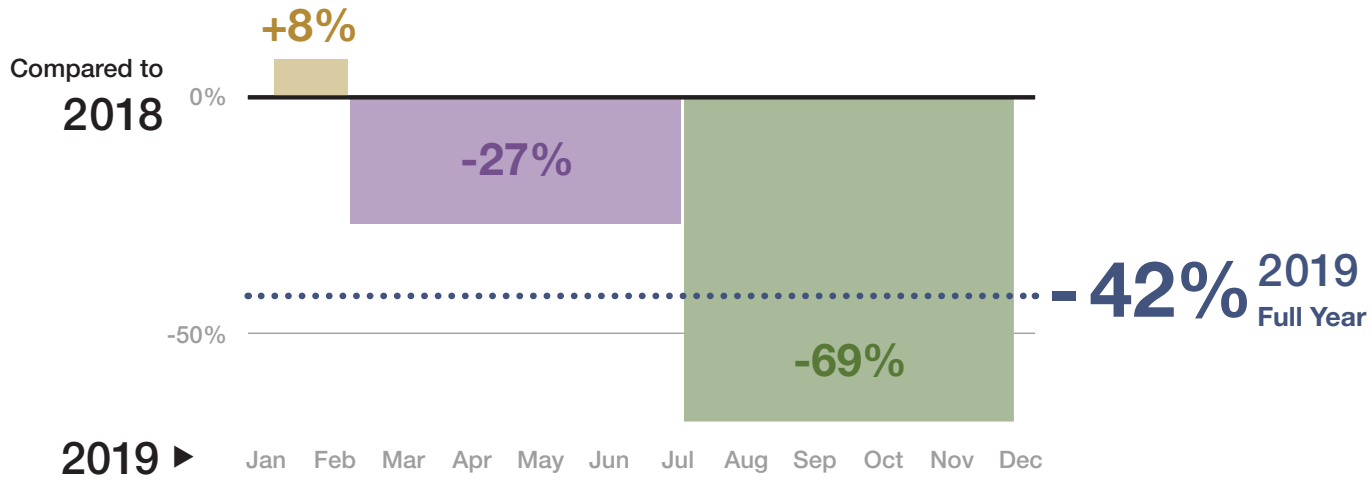
FIGURE 9

With Dallas Police Department cases, Dallas County referrals decreased



Change in Dallas County (with City of Dallas) average marijuana referral volume, compared to 2018

Without Dallas Police Department cases, Dallas County referrals decreased far more dramatically



Change in Dallas County (without City of Dallas) average marijuana referral volume, compared to 2018

CHAPTER 5

Variation in Municipal Police Departments' Arrest Volumes

Annual Changes in Municipal Police Department Enforcement

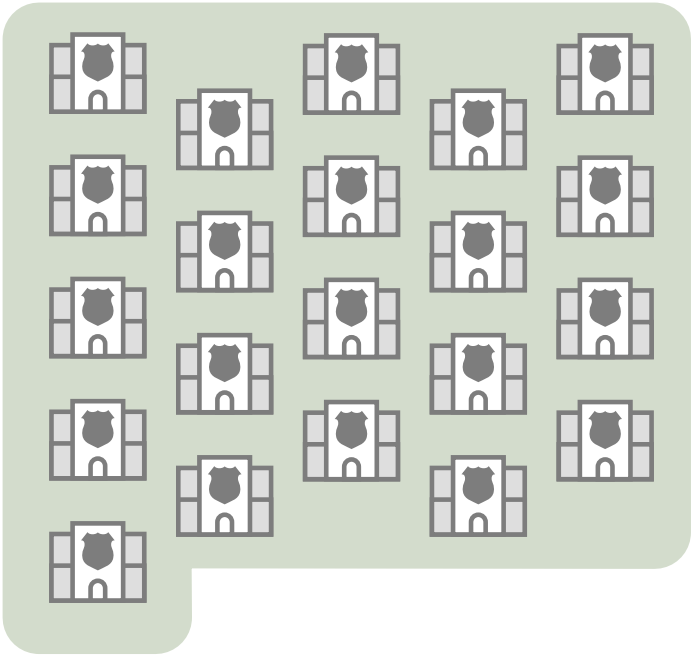
In 2019, almost all municipal police agencies in Dallas County reduced their marijuana arrest volumes. In 2018, 23 municipal departments made 6,620 arrests that they sent to the Dallas County District Attorney's Office for prosecution. In 2019, 21 of those agencies reduced their respective arrest volumes by at least 11%.

The Duncanville and Wilmer municipal police departments were outliers. In 2019, those departments made more marijuana arrests that were referred for prosecution than they had in 2018.

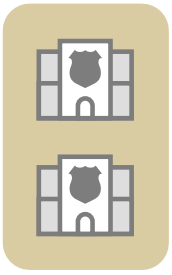
FIGURE 10

In 2019, most municipal police departments decreased their arrest volumes

21 departments had fewer arrests and citations



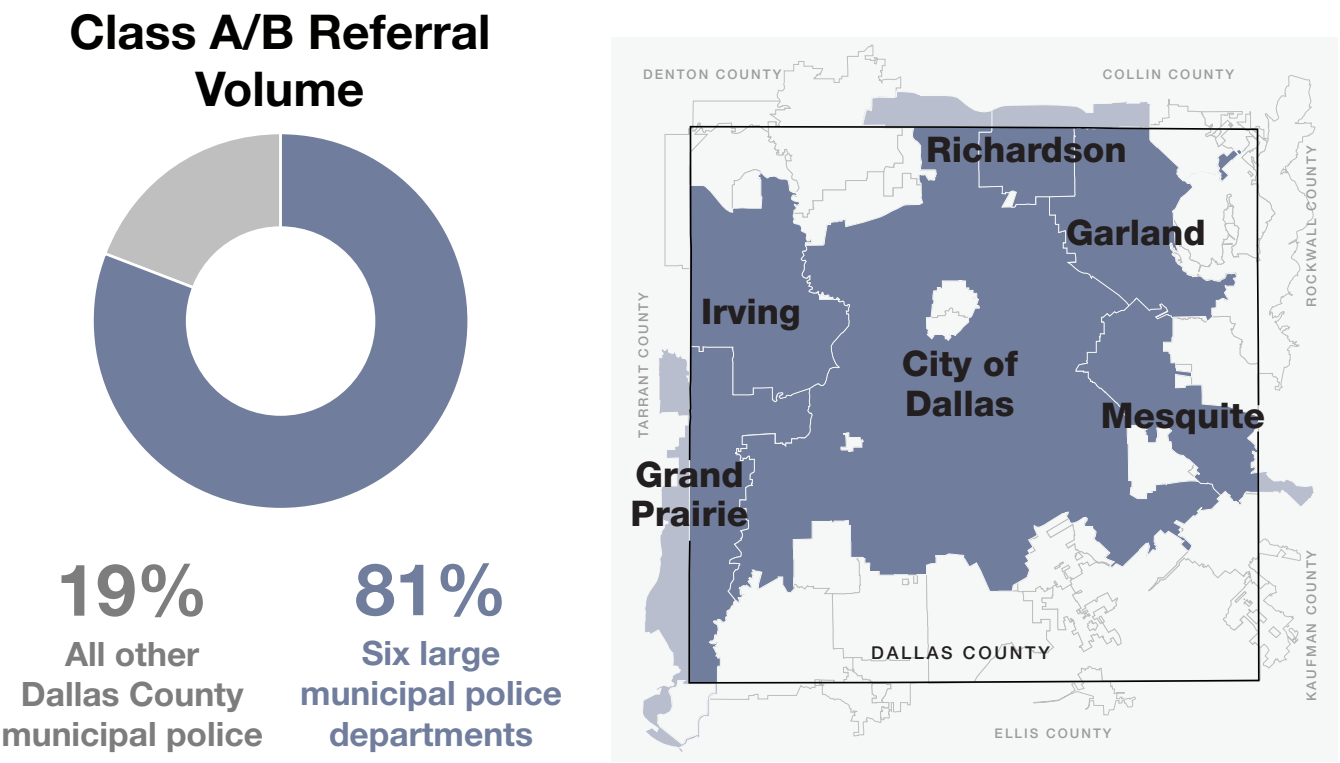
2 departments had more arrests and citations



In 2018, police departments for the cities of Dallas, Garland, Grand Prairie, Irving, Mesquite, and Richardson accounted for 81% of marijuana arrests that municipal police sent to the Dallas County District Attorney's Office for prosecution. Police in 17 municipalities—Addison, Balch Springs, Carrollton, Cedar Hill, Coppell, DeSoto, Duncanville, Farmers Branch, Glenn Heights, Highland Park, Hutchins, Lancaster, Rowlett, Sachse, Seagoville, University Park, and Wilmer—accounted for 19% of the marijuana cases that municipal police departments sent to the DA's Office.

FIGURE 11

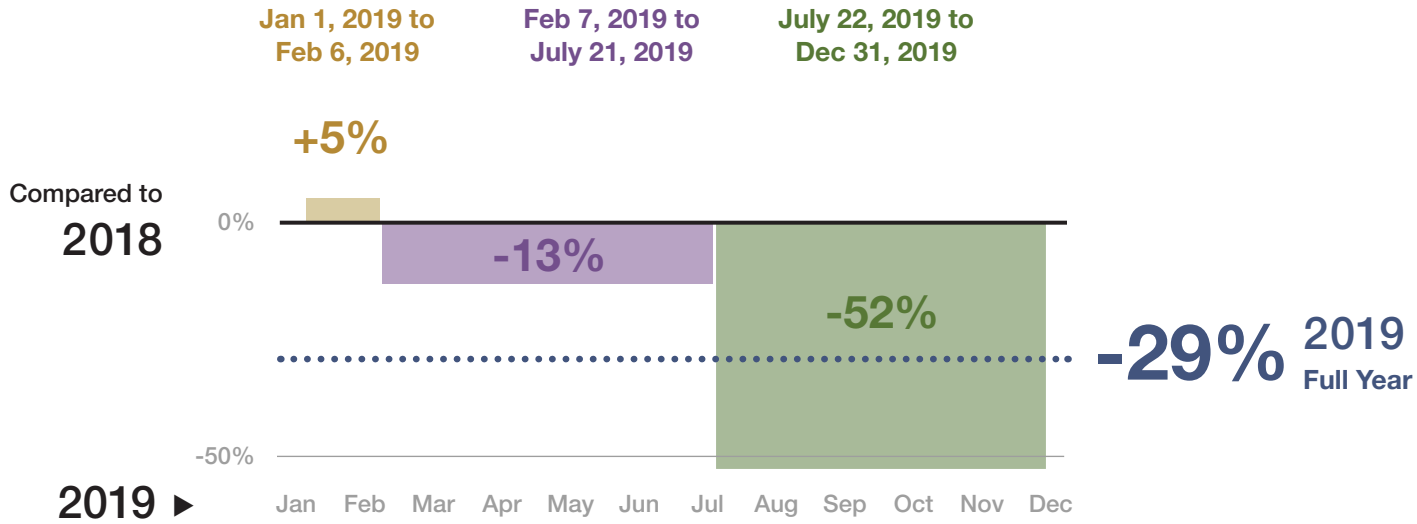
In 2018, six cities were responsible for most Dallas County marijuana arrests



Among municipal police departments that reduced their marijuana arrest volumes, there was an inverse relationship between 2018 arrest volumes and 2019 arrest reductions. Cities that were responsible for the largest number of marijuana cases in 2018 showed the smallest case reductions in 2019.

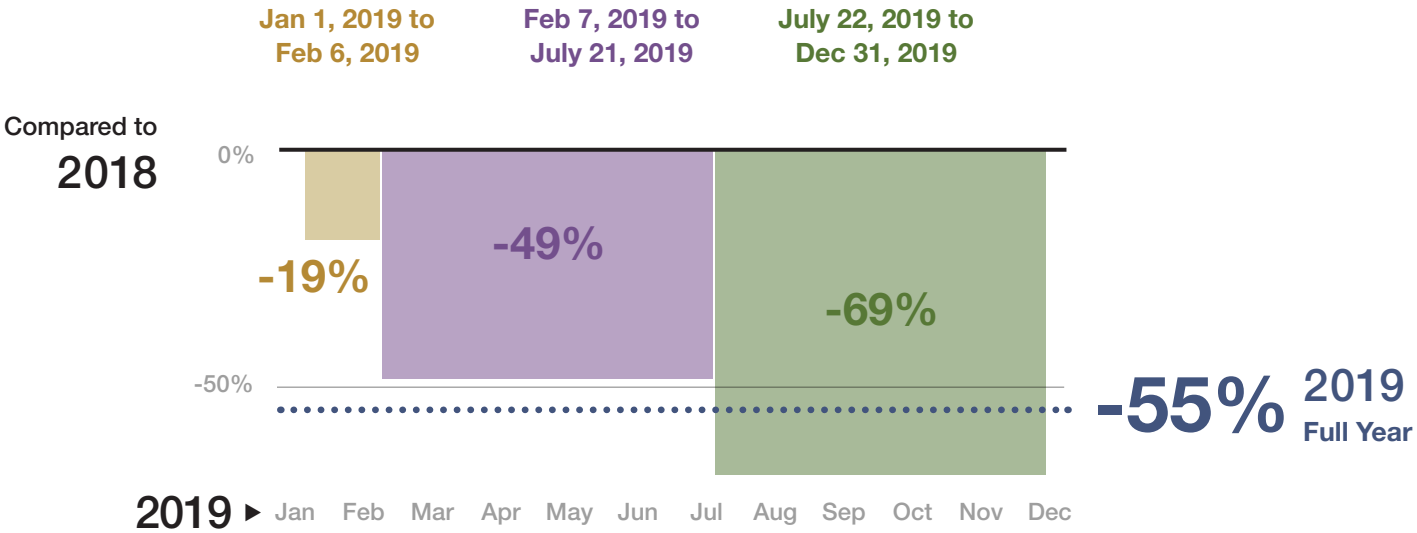
FIGURE 12

Six municipal departments were responsible for 81% of 2018 arrests, but reduced their 2019 arrest volumes by only 29%



Change in six Dallas County municipal police departments' average marijuana arrest volumes, compared to 2018

Seventeen other municipal departments were responsible for only 19% of 2018 arrests, but reduced their 2019 arrest volumes by 55%



Change in seventeen Dallas County municipal police departments' average marijuana arrest volumes, compared to 2018

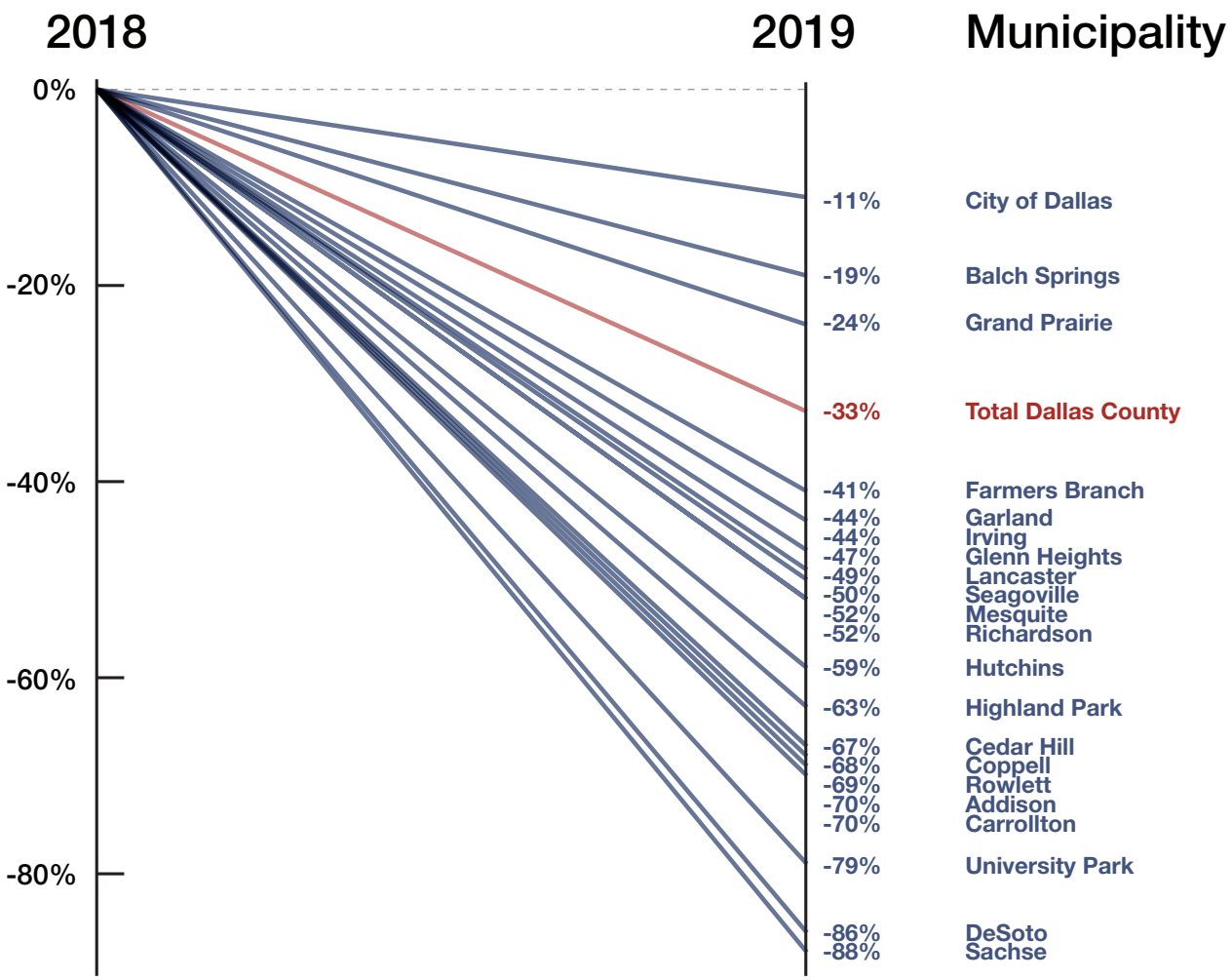
Among the six police departments responsible for the largest volume of marijuana arrests, Richardson and Mesquite showed the greatest change—both departments reduced their arrest volumes by 52%. Three other departments also showed substantial reductions of 44% (Garland and Irving) and 24% (Grand Prairie).

The Dallas Police Department was an outlier. Although it was responsible for 39% of all 2018 marijuana arrests, the department decreased its 2019 marijuana arrests by only 11% in 2019.

The greatest change occurred in Sachse, where the marijuana arrest volume decreased by 88% from 2018 to 2019. Other cities showing relatively high levels of change included DeSoto (-86%), University Park (-79%), Addison (-70%), and Carrollton (-70%).

FIGURE 13

Arrest volume decreases varied widely among municipal police departments



Change in Dallas County municipal police departments' marijuana arrest volumes

CHAPTER 6

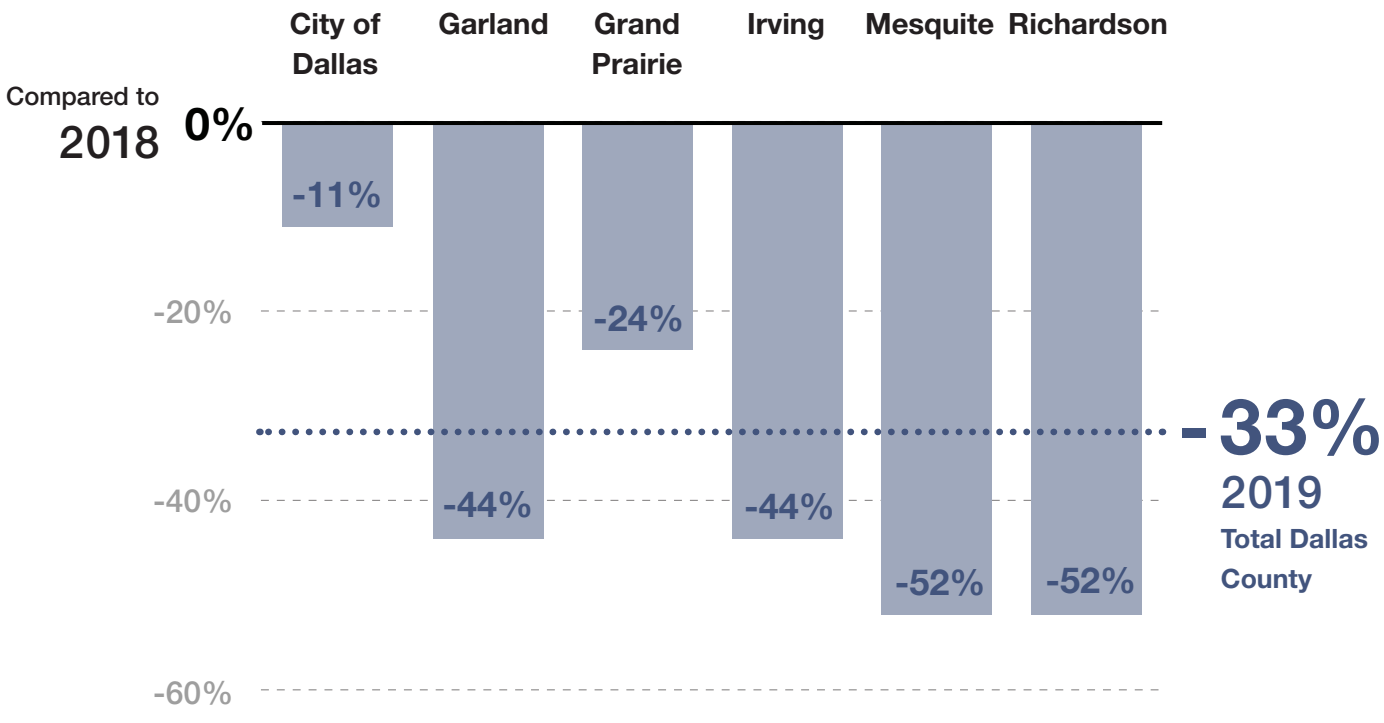
Different Responses to Policy Changes in Six Large Municipalities

Differences Across Six Large Departments

Tracked across time, the data highlight differences in when, and how dramatically, six larger police departments changed their marijuana arrest volumes. In 2019, municipal police departments in the City of Dallas, Garland, Grand Prairie, Irving, Mesquite, and Richardson reduced their marijuana arrest volumes. But, these decreases in volume ranged widely, from 11% (City of Dallas) to 52% (Mesquite and Richardson).

FIGURE 14

Annual arrest volumes decreased in six large municipal police departments



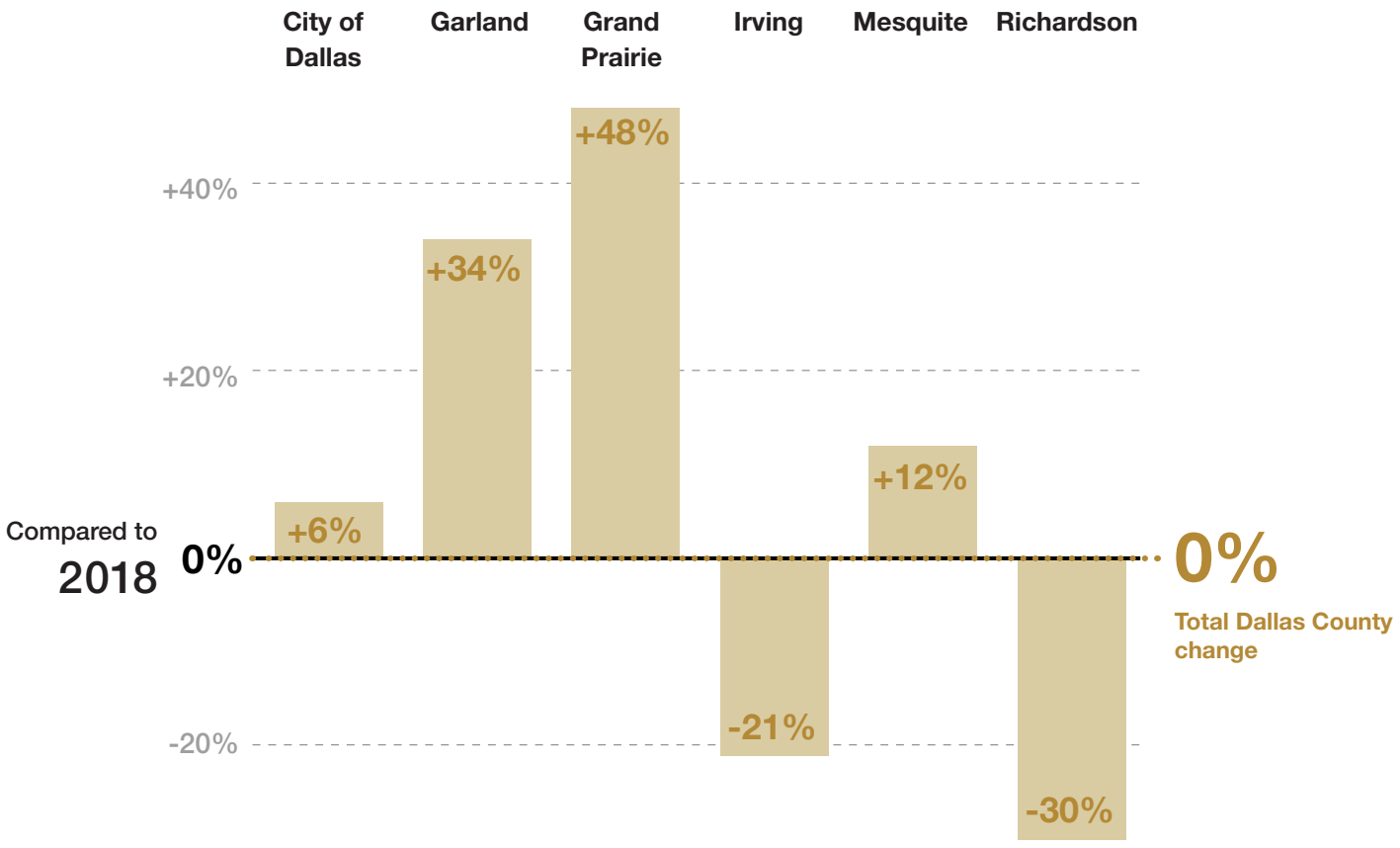
Change in marijuana arrest volumes between 2018 and 2019

The District Attorney's First Five Weeks in Office

While DA Creuzot repeatedly promised that he would not prosecute most cases of first-time marijuana possession, countywide marijuana arrest volumes did not decrease during his first weeks in office. Four large municipal police departments increased their arrest volumes by as little as 6% (City of Dallas) to as much as 48% (Grand Prairie). In contrast, Irving and Richardson police departments reduced their arrest volumes by 21% and 30%, respectively.

FIGURE 15

At the beginning of DA Creuzot's term, four of six large municipal police departments made more marijuana arrests



Change in average marijuana arrest volumes, January 1 – February 6, 2019, compared to 2018

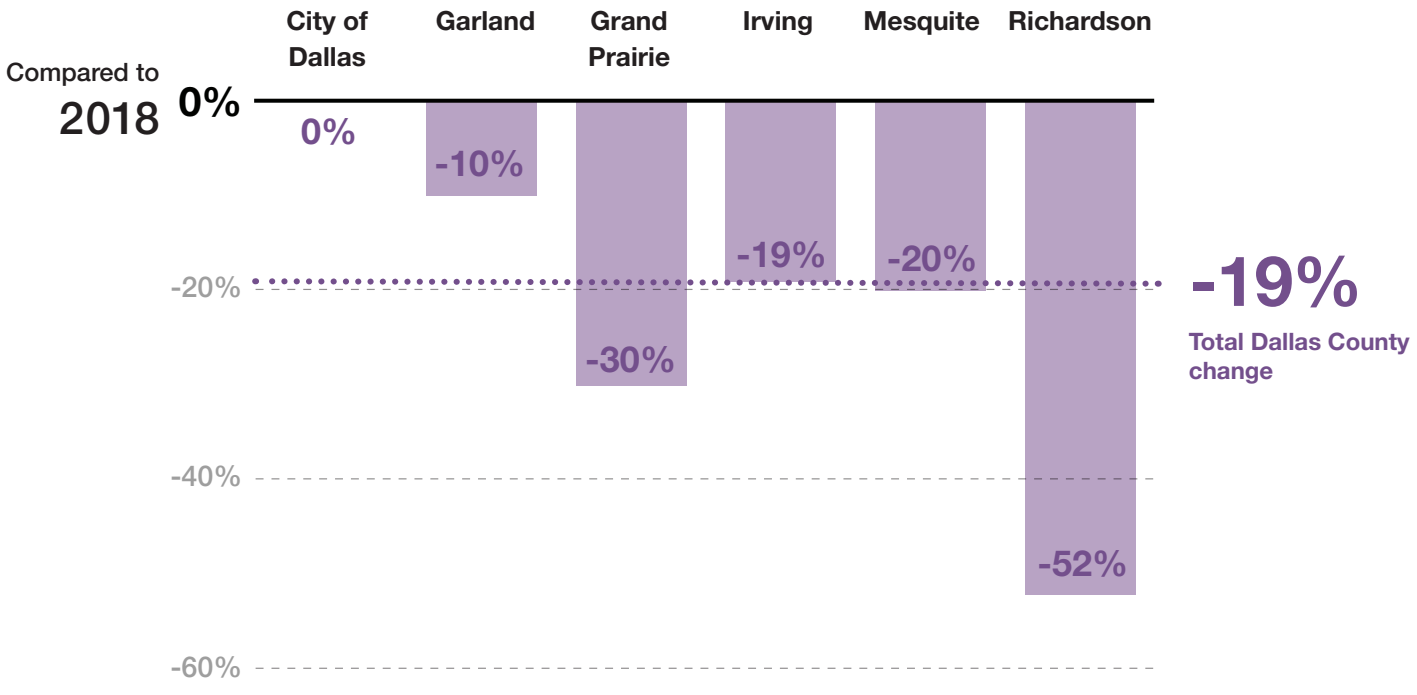
The District Attorney's Marijuana Non-Prosecution Policy

After DA Creuzot informed police about his non-prosecution policy, each of these municipal police departments reduced their arrest volumes. As compared to 2018, four of the six departments only made modest decreases, ranging from a 10% reduction in Garland to a 30% drop in Grand Prairie. One department—Richardson—experienced a very large decrease of 52%.

But the City of Dallas was different. After a modest 6% reduction in arrests in January and early February 2019, DPD arrests returned to their 2018 volume. In other words, between February 7 and July 21, 2019, DPD's marijuana arrest volumes were the same as they had been in 2018.

FIGURE 16

After DA Creuzot informed police about the non-prosecution policy, five of six larger municipal police departments reduced their marijuana arrest volumes



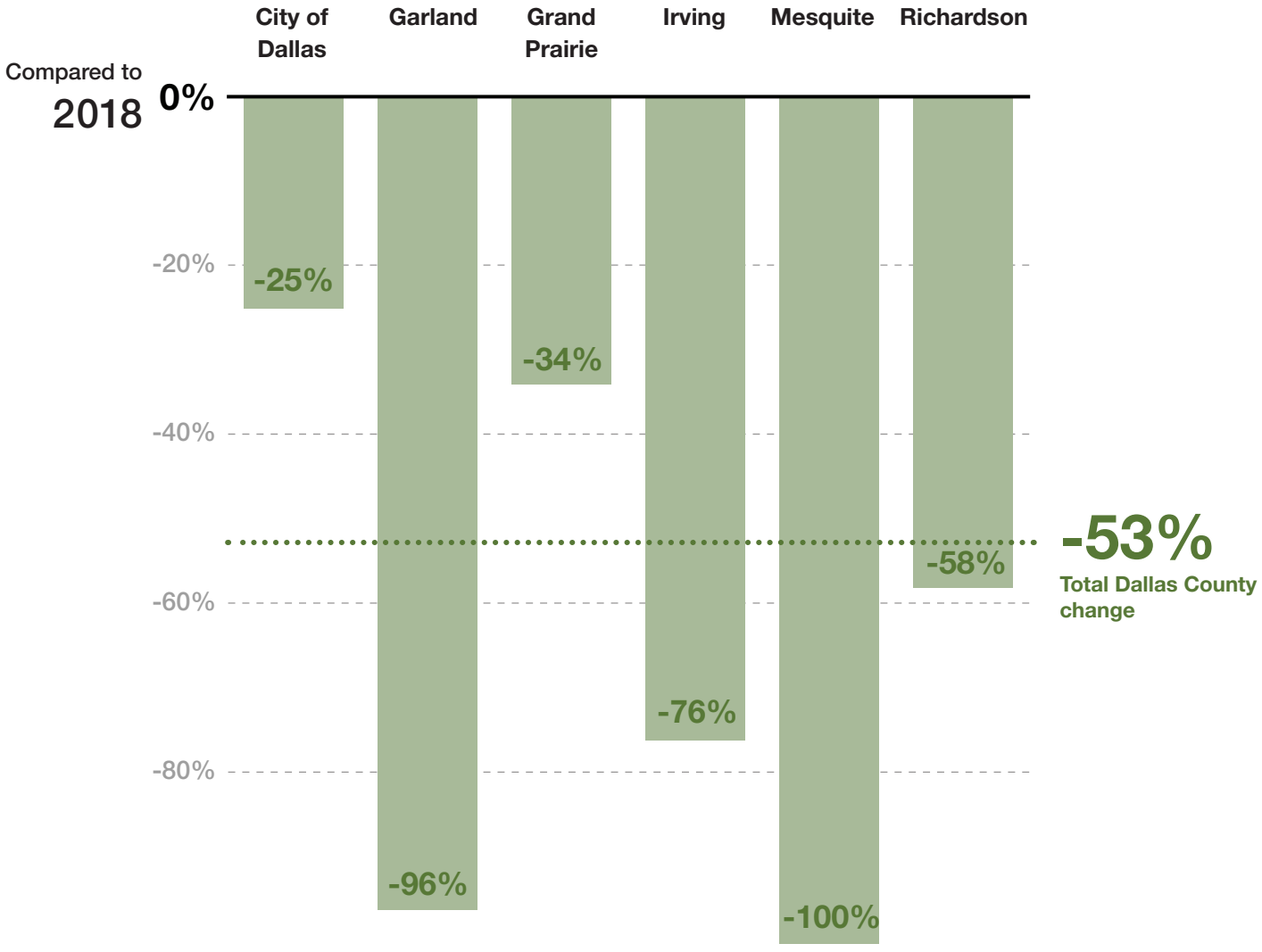
Change in average marijuana arrest volumes, February 7 – July 21, 2019, compared to 2018

The District Attorney's Laboratory Report Policy

For these six municipal police departments, the most significant reduction in arrest volumes happened after the hemp law changed and the DA's Office required laboratory reports. The municipal police departments in Garland and Mesquite almost eliminated their marijuana arrests. Among other departments, arrests declined by as much as 76% (Irving) and as little as 25% (City of Dallas).

FIGURE 17

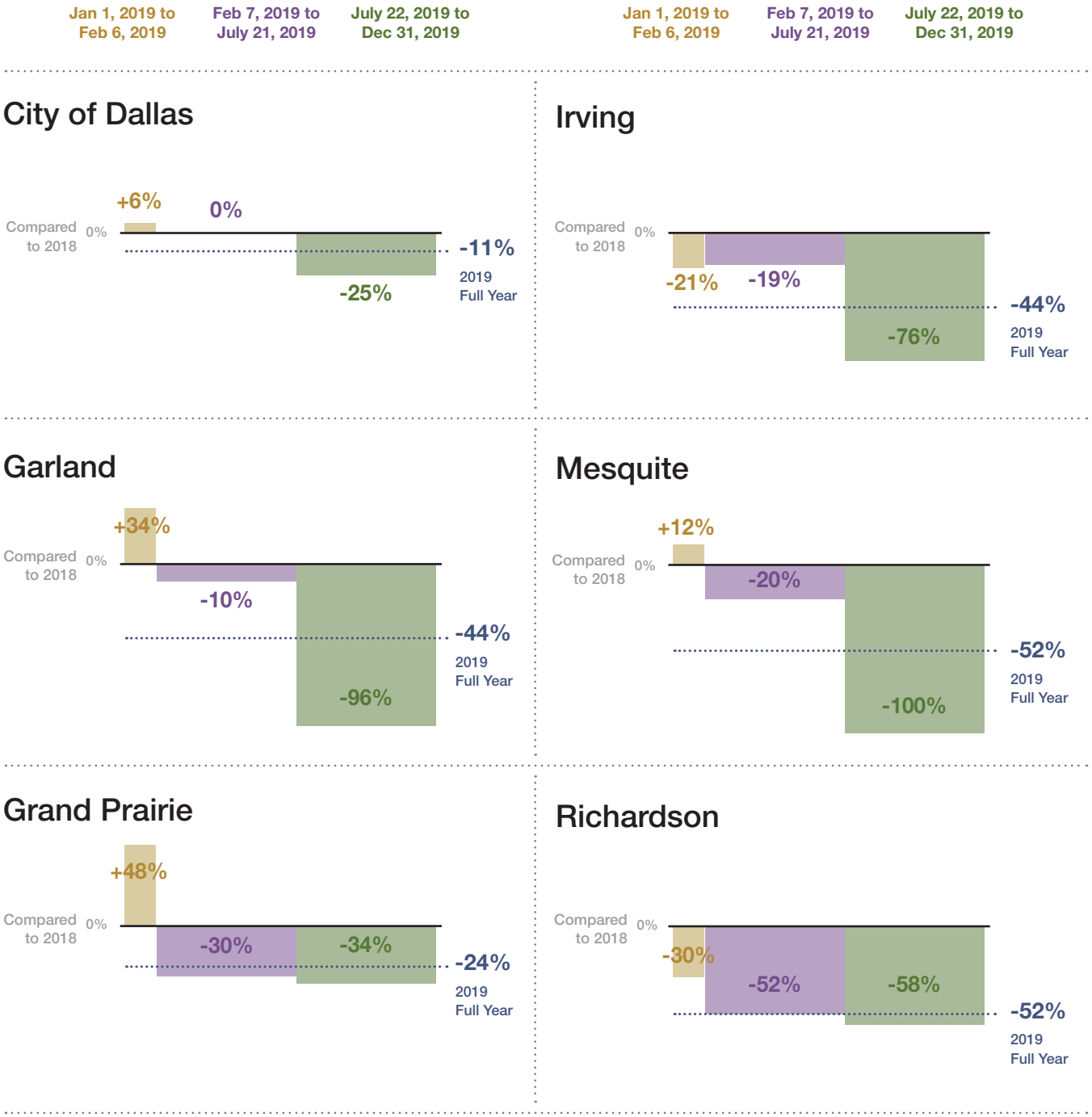
After the laboratory report requirement, six larger municipal police departments significantly reduced their marijuana arrest volumes



Change in average marijuana arrest volumes, July 22 – December 31, 2019, compared to 2018

FIGURE 18

How marijuana arrest volumes changed in six municipal police departments



Change in six municipal police departments' average marijuana arrest volumes, compared to 2018

Conclusion

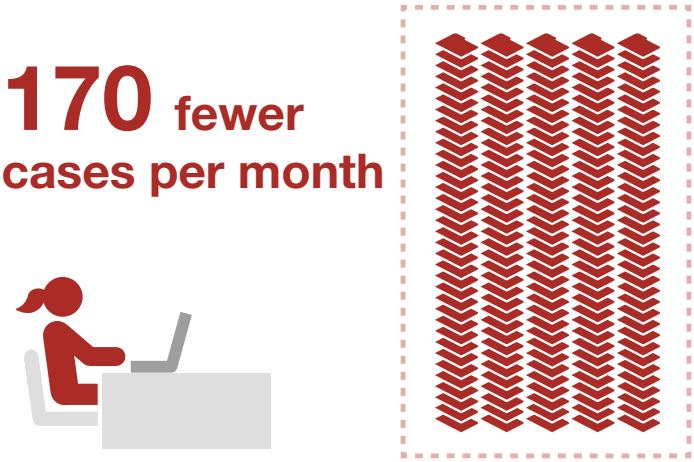
Overall, the Dallas County District Attorney's marijuana prosecution policies were associated with significant decreases in marijuana arrests and referrals. During DA Creuzot's first year as district attorney, local police arrested and referred 31% fewer marijuana cases than they had the year before. However, there was great variation in when, and to what degree, police departments reduced their marijuana arrests and referrals.

These findings show that prosecutorial policies can influence police action. By changing his office's marijuana prosecution policies, DA Creuzot also changed how police in Dallas County enforced marijuana laws.

Future reports in the DALLAS series will investigate whether the budding change promised by the 2019 reduction marijuana cases cured the racial inequities explored in *The ABCs of Racial Disparity*. As prosecutors around the nation work to reduce unnecessary costs and minimize racial inequity, the DALLAS reports offer important lessons about the powerful potential for prosecutor-driven reform.

FIGURE 19

On average, prosecutors screened 170 fewer marijuana cases per month



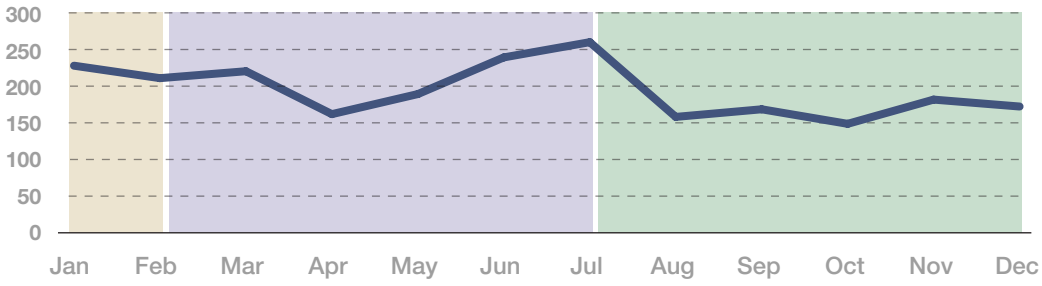
Appendix

APPENDIX A ■ CITY OF DALLAS

In the City of Dallas, marijuana arrests

decreased by 11%

City of Dallas marijuana arrest volume by month, 2019

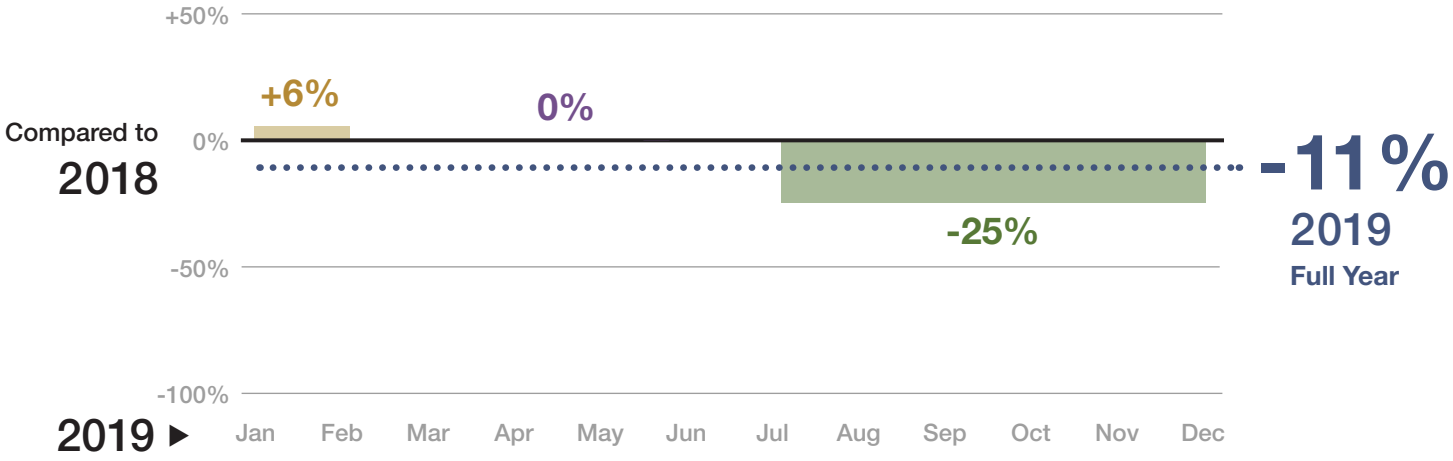


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

July 22, 2019 to Dec 31, 2019

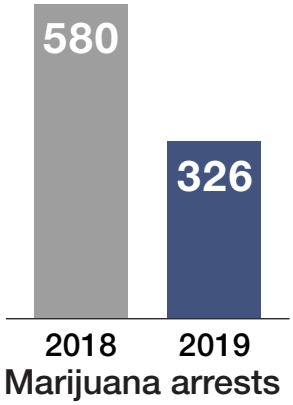
Change in City of Dallas average marijuana arrest volume compared to 2018

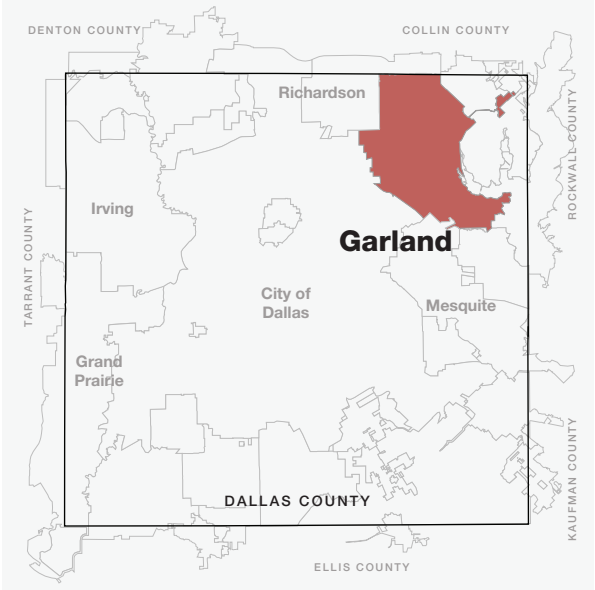


APPENDIX A ■ GARLAND

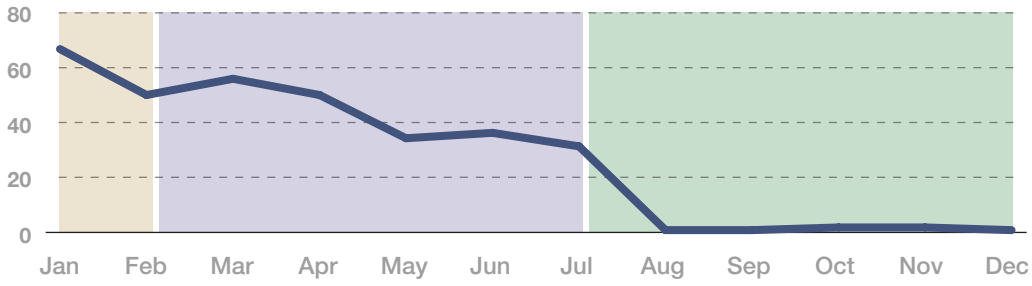
In Garland, marijuana arrests

decreased by 44%





Garland marijuana arrest volume by month, 2019

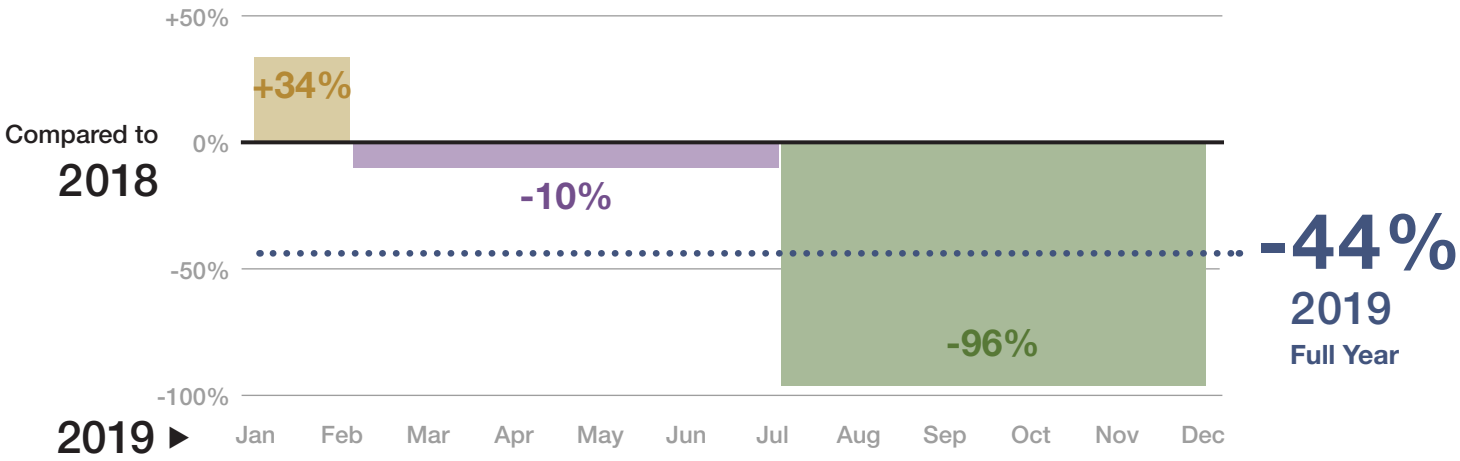


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

July 22, 2019 to Dec 31, 2019

Change in Garland average marijuana arrest volume compared to 2018

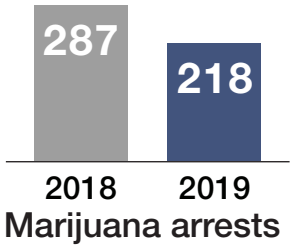


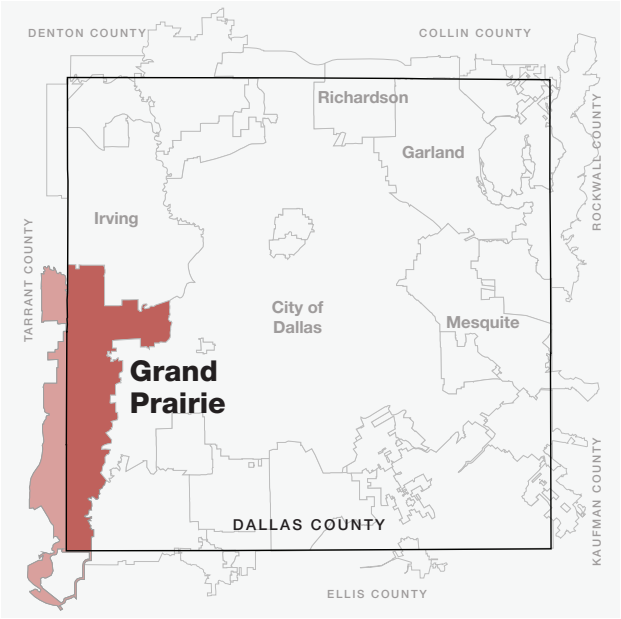
-44%
2019
Full Year

APPENDIX A ■ GRAND PRAIRIE

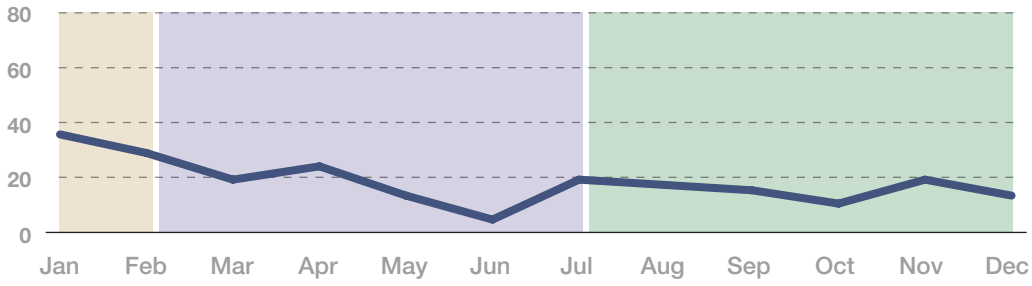
In Grand Prairie, marijuana arrests

decreased by 24%





Grand Prairie marijuana arrest volume by month, 2019

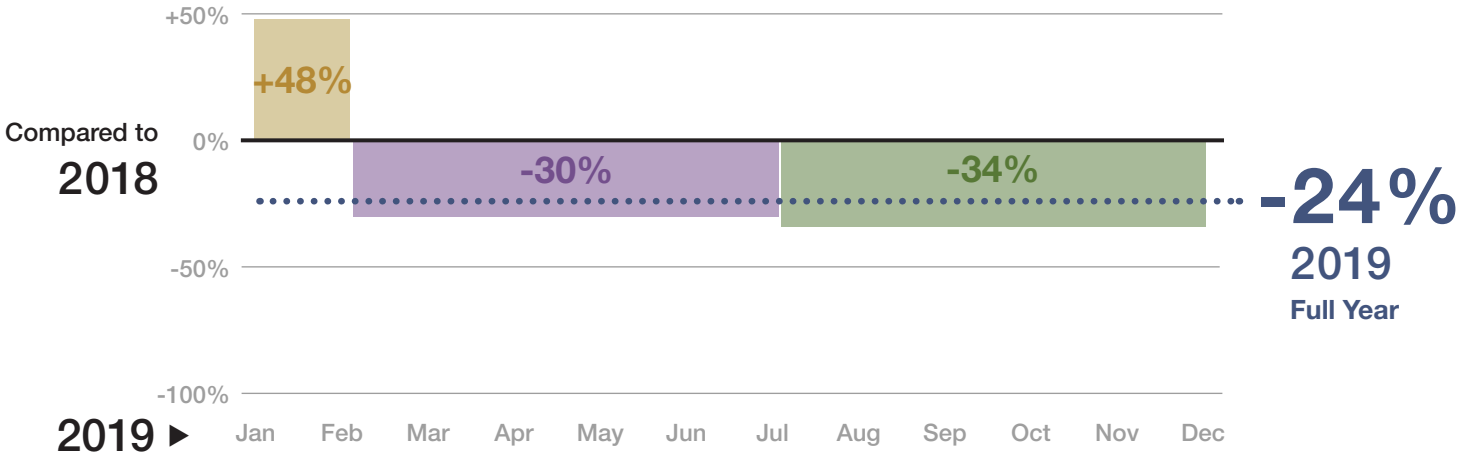


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

July 22, 2019 to Dec 31, 2019

Change in Grand Prairie average marijuana arrest volume compared to 2018

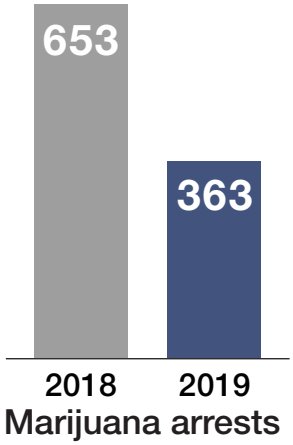


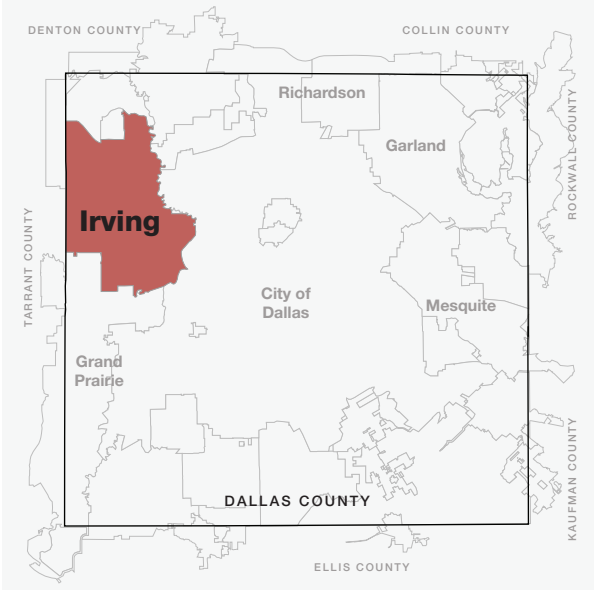
-24%
2019
Full Year

APPENDIX A ■ IRVING

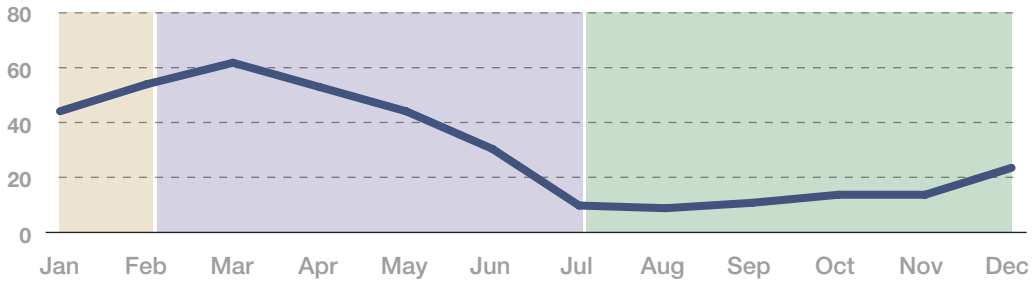
In Irving, marijuana arrests

decreased by 44%





Irving marijuana arrest volume by month, 2019

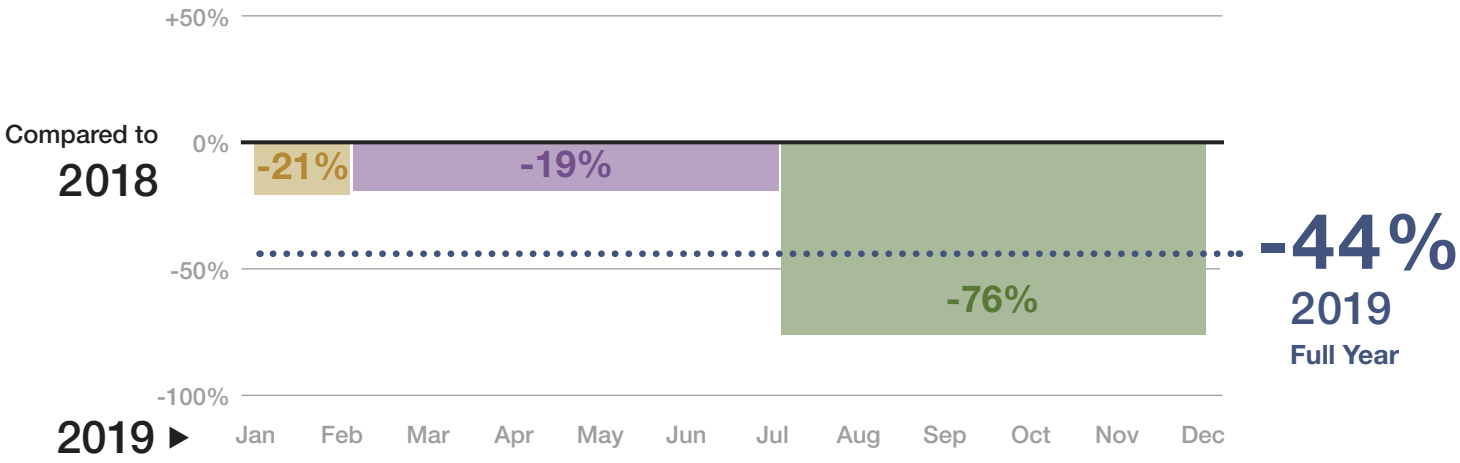


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

July 22, 2019 to Dec 31, 2019

Change in Irving average marijuana arrest volume compared to 2018

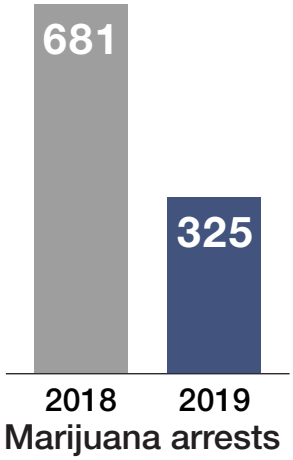


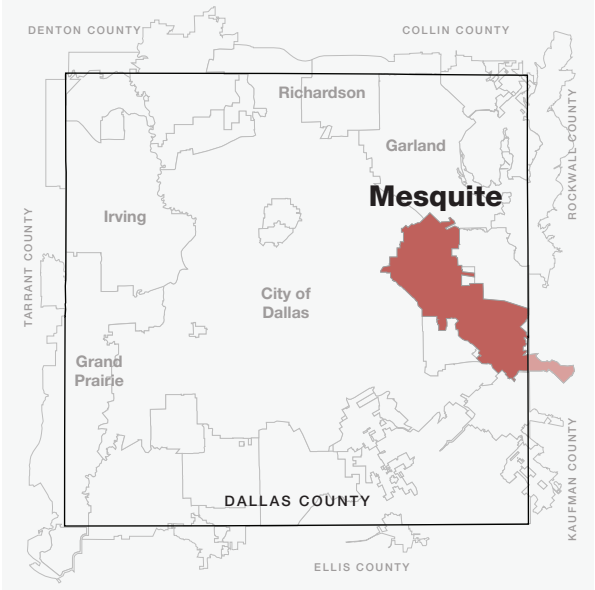
-44%
2019
Full Year

APPENDIX A ■ MESQUITE

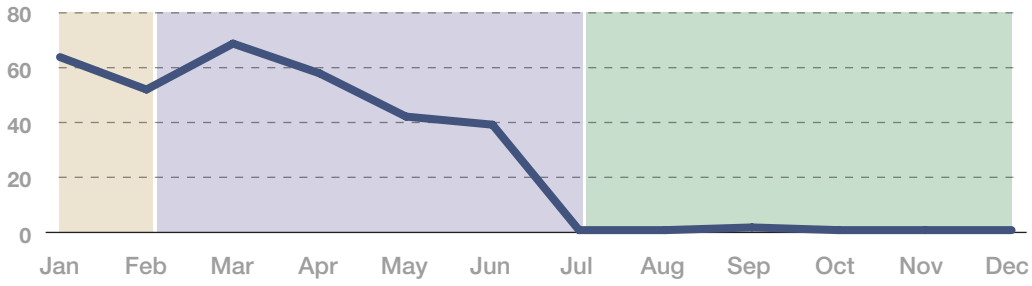
In Mesquite, marijuana arrests

decreased by 52%





Mesquite marijuana arrest volume by month, 2019

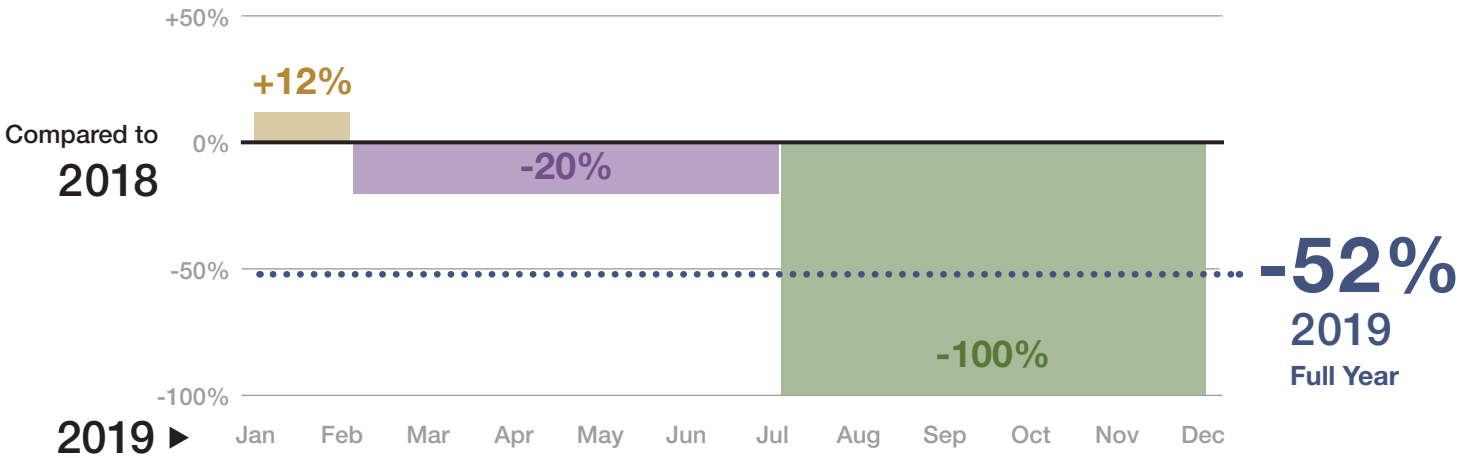


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

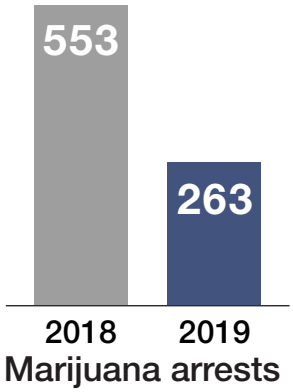
July 22, 2019 to Dec 31, 2019

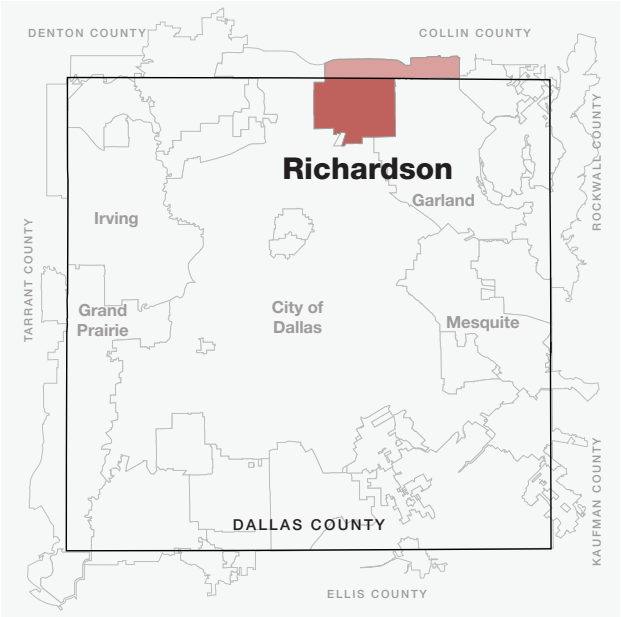
Change in Mesquite average marijuana arrest volume compared to 2018



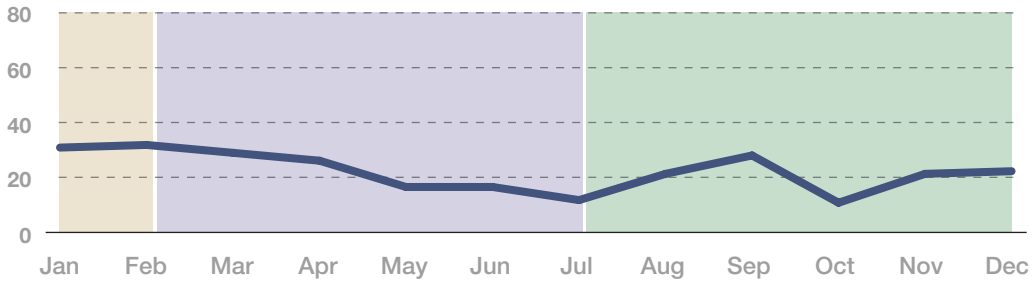
In Richardson, marijuana arrests

decreased by 52%





Richardson marijuana arrest volume by month, 2019

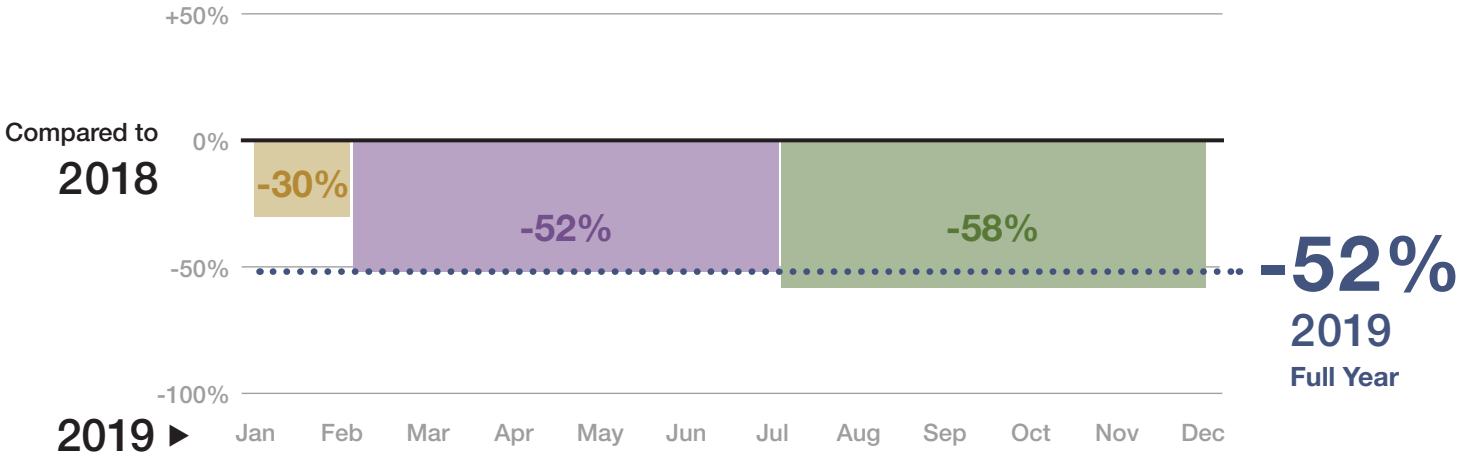


Jan 1, 2019 to Feb 6, 2019

Feb 7, 2019 to July 21, 2019

July 22, 2019 to Dec 31, 2019

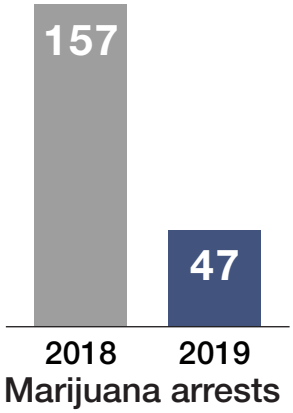
Change in Richardson average marijuana arrest volume compared to 2018

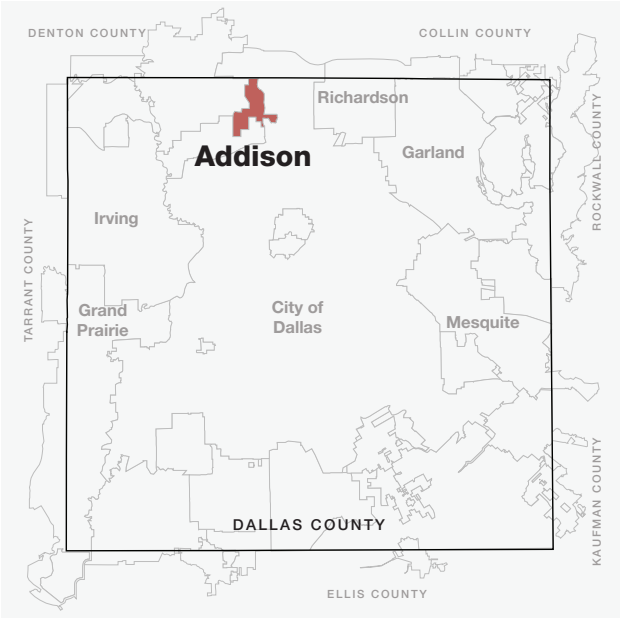


APPENDIX B ■ ADDISON

In Addison, marijuana arrests

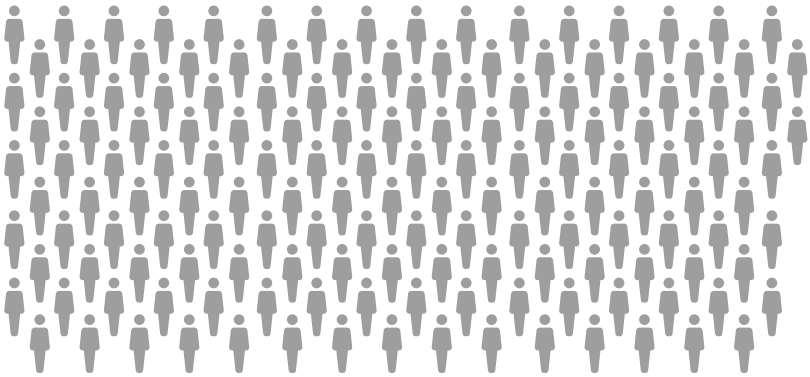
decreased by 70%





157

2018 Arrests



47

2019 Arrests

9
Jan 1, 2019 to Feb 6, 2019

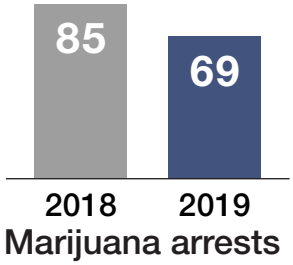
31
Feb 7, 2019 to July 21, 2019

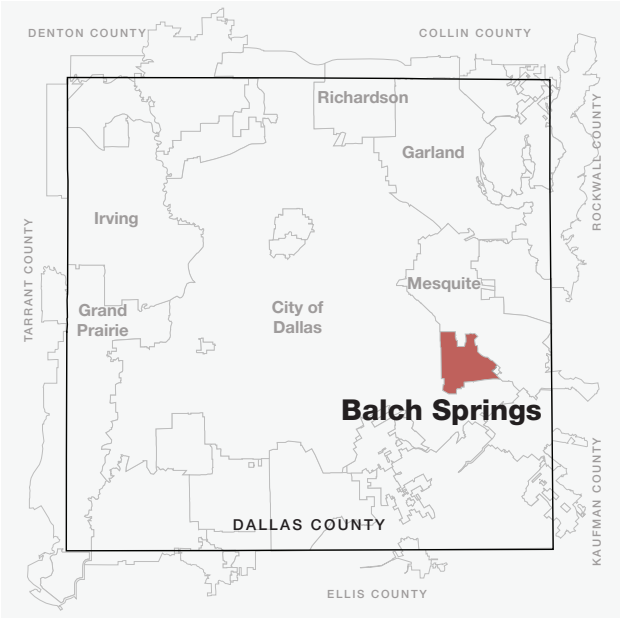
7
July 22, 2019 to Dec 31, 2019

APPENDIX B ■ BALCH SPRINGS

In Balch Springs, marijuana arrests

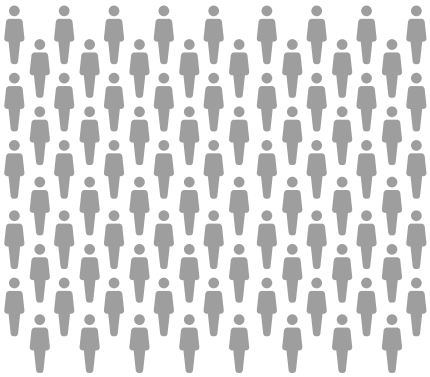
decreased by 19%





85

2018 Arrests



69

2019 Arrests

4

Jan 1, 2019 to Feb 6, 2019

40

Feb 7, 2019 to July 21, 2019

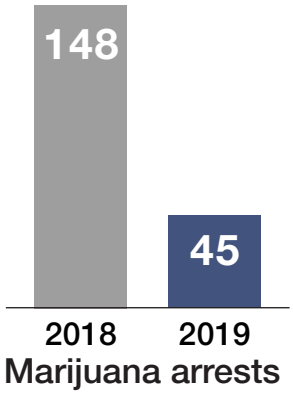
25

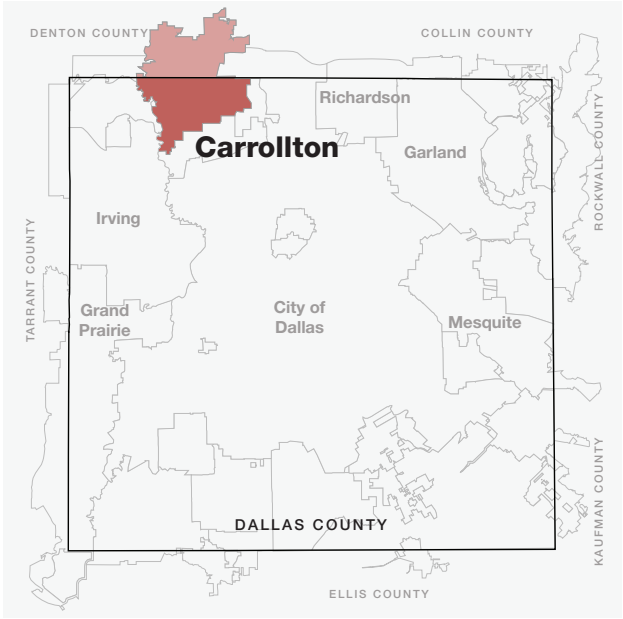
July 22, 2019 to Dec 31, 2019

APPENDIX B ■ CARROLLTON

In Carrollton, marijuana arrests

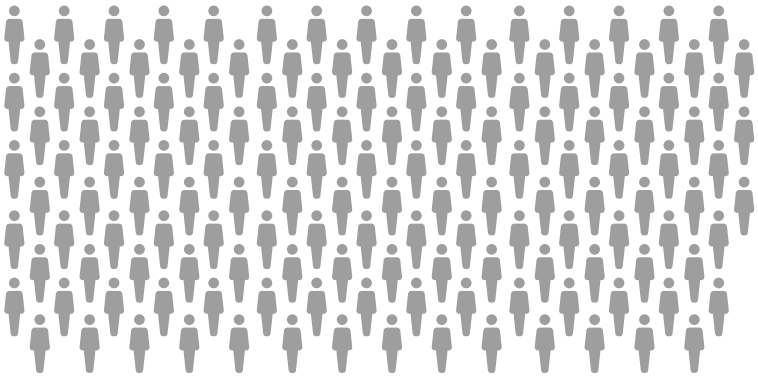
decreased by 70%





148

2018 Arrests



45

2019 Arrests

8

Jan 1, 2019 to Feb 6, 2019

27

Feb 7, 2019 to July 21, 2019

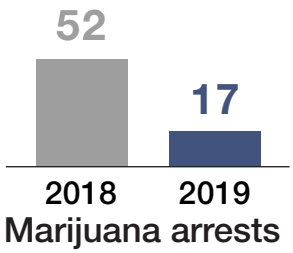
10

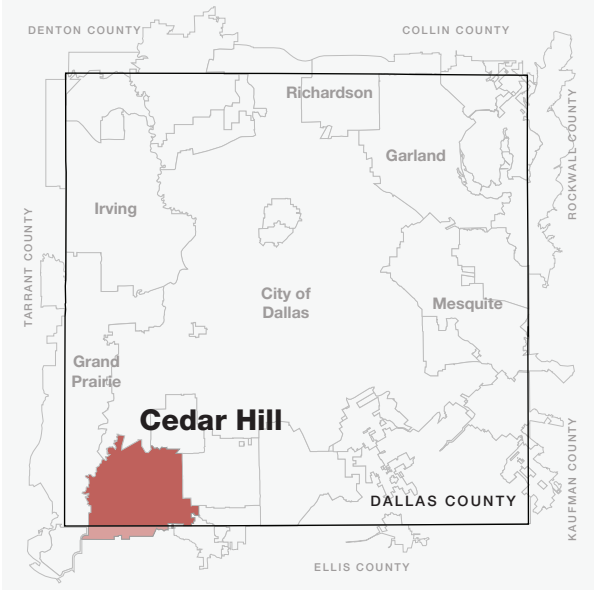
July 22, 2019 to Dec 31, 2019

APPENDIX B ■ CEDAR HILL

In Cedar Hill, marijuana arrests

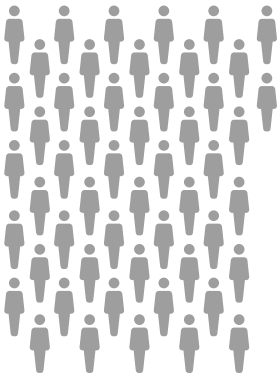
decreased by 67%





52

2018
Arrests



17

2019
Arrests

6

Jan 1, 2019 to
Feb 6, 2019

9

Feb 7, 2019 to
July 21, 2019

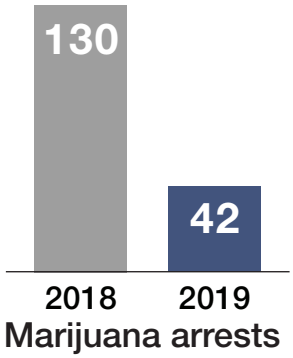
2

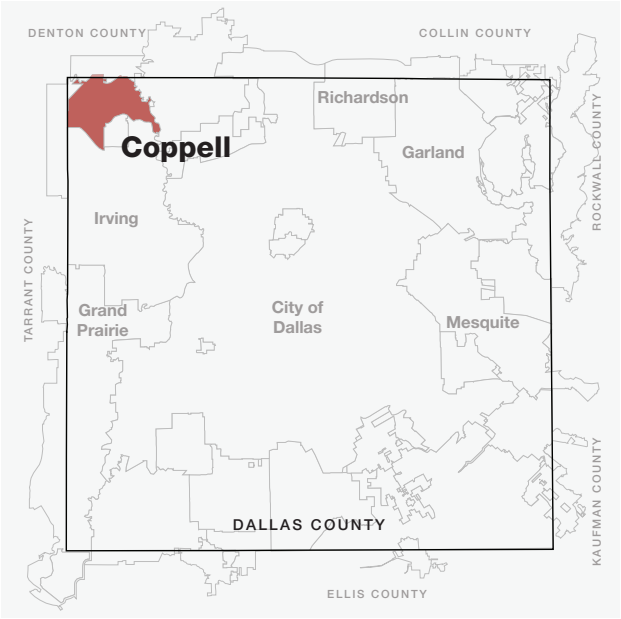
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ COPPELL

In Coppell, marijuana arrests

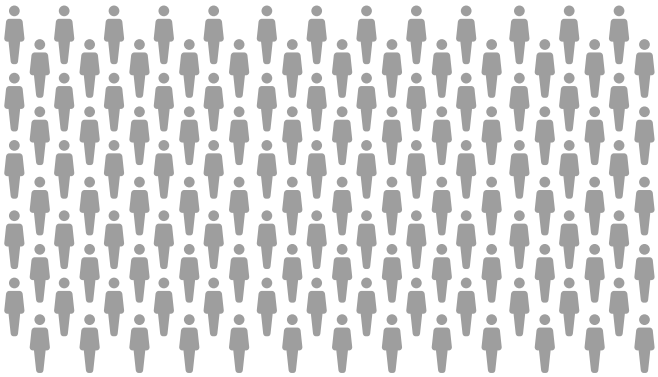
decreased by 68%





130

2018
Arrests



42

2019
Arrests

13

Jan 1, 2019 to
Feb 6, 2019

29

Feb 7, 2019 to
July 21, 2019

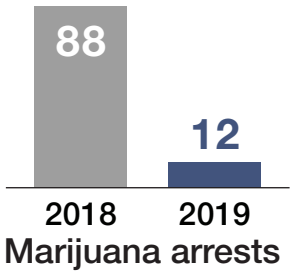
0

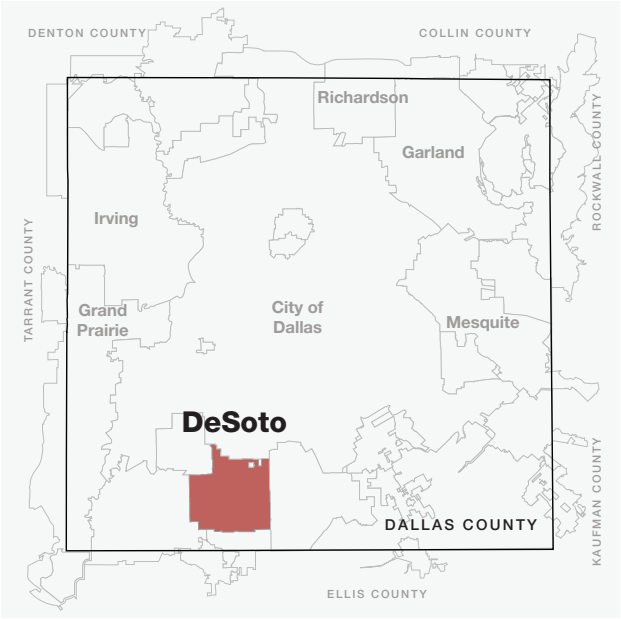
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ DESOTO

In DeSoto, marijuana arrests

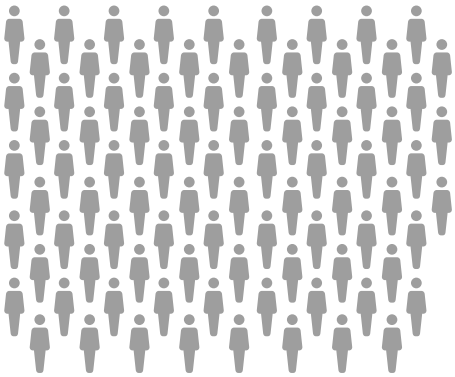
decreased by 86%





88

2018
Arrests



12

2019
Arrests

5

Jan 1, 2019 to
Feb 6, 2019

4

Feb 7, 2019 to
July 21, 2019

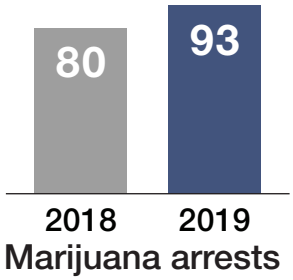
3

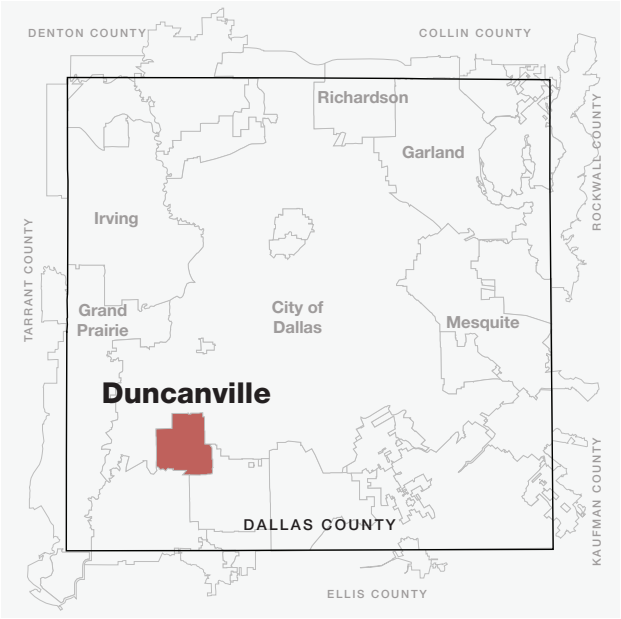
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ DUNCANVILLE

In Duncanville, marijuana arrests

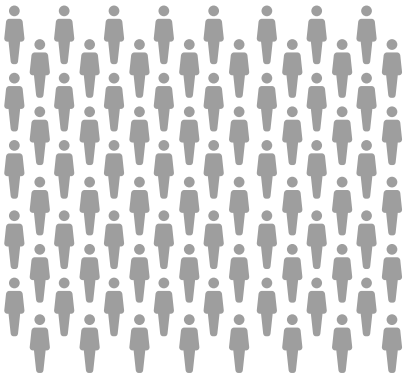
increased by 16%





80

2018
Arrests



93

2019
Arrests

9
Jan 1, 2019 to
Feb 6, 2019

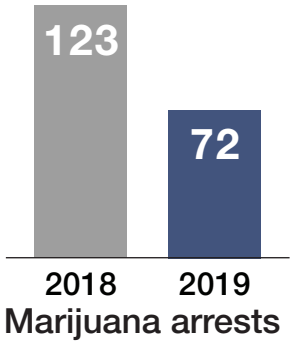
32
Feb 7, 2019 to
July 21, 2019

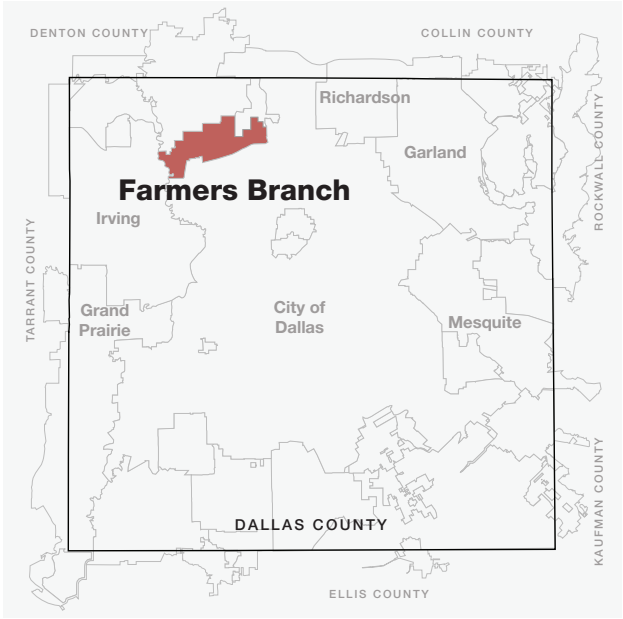
52
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ FARMERS BRANCH

In Farmers Branch, marijuana arrests

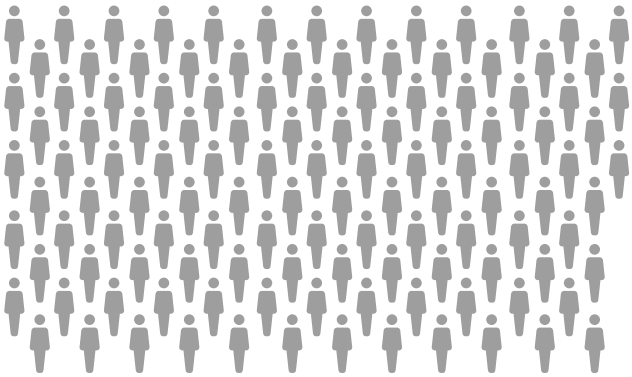
decreased by 41%





123

2018 Arrests



72

2019 Arrests

13

Jan 1, 2019 to Feb 6, 2019

32

Feb 7, 2019 to July 21, 2019

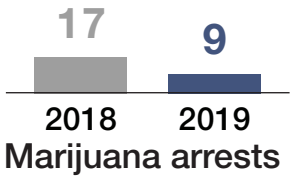
27

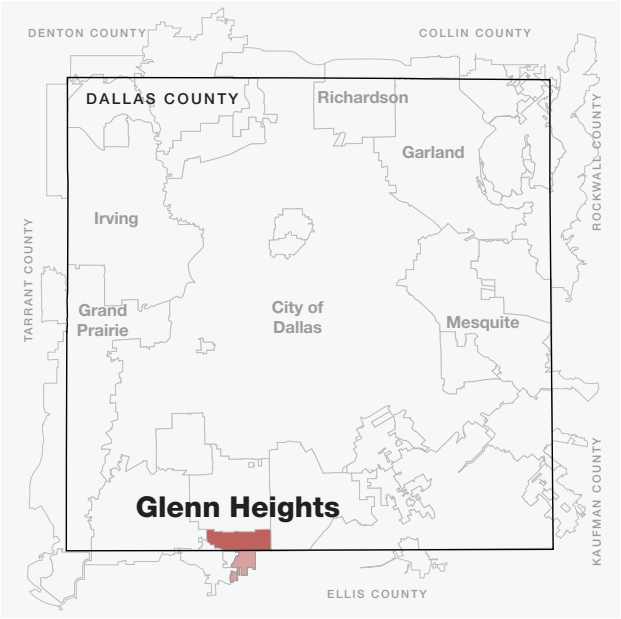
July 22, 2019 to Dec 31, 2019

APPENDIX B ■ GLENN HEIGHTS

In Glenn Heights, marijuana arrests

decreased by 47%





17

2018
Arrests

9

2019
Arrests

1
Jan 1, 2019 to
Feb 6, 2019

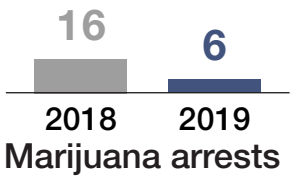
6
Feb 7, 2019 to
July 21, 2019

2
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ HIGHLAND PARK

In Highland Park, marijuana arrests

decreased by 63%



16

2018
Arrests

6

2019
Arrests

3

Jan 1, 2019 to
Feb 6, 2019

3

Feb 7, 2019 to
July 21, 2019

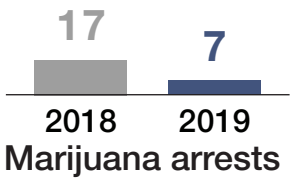
0

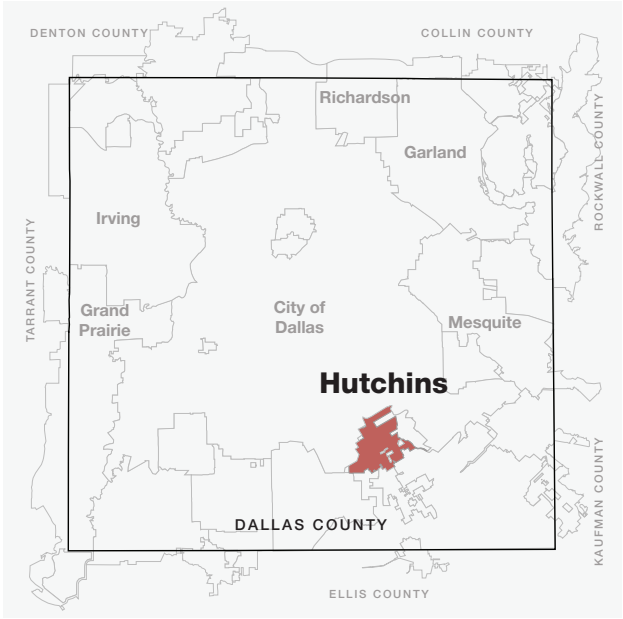
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ HUTCHINS

In Hutchins, marijuana arrests

decreased by 59%





17

2018
Arrests

7

2019
Arrests

5

Jan 1, 2019 to
Feb 6, 2019

1

Feb 7, 2019 to
July 21, 2019

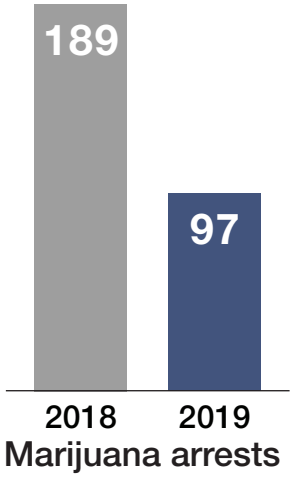
1

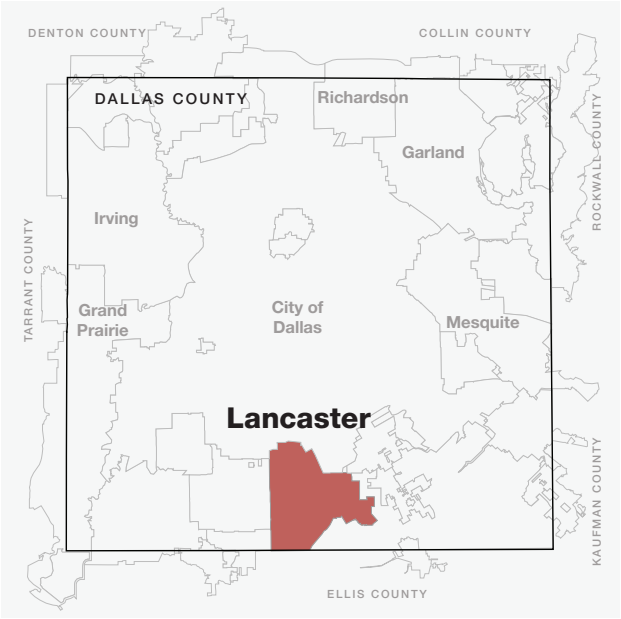
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ LANCASTER

In Lancaster, marijuana arrests

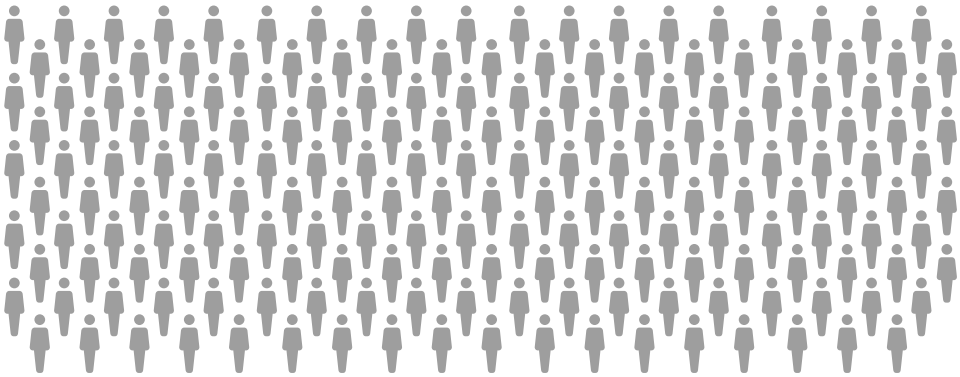
decreased by 49%





189

2018 Arrests



97

2019 Arrests

21
Jan 1, 2019 to Feb 6, 2019

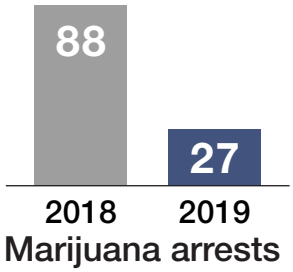
55
Feb 7, 2019 to July 21, 2019

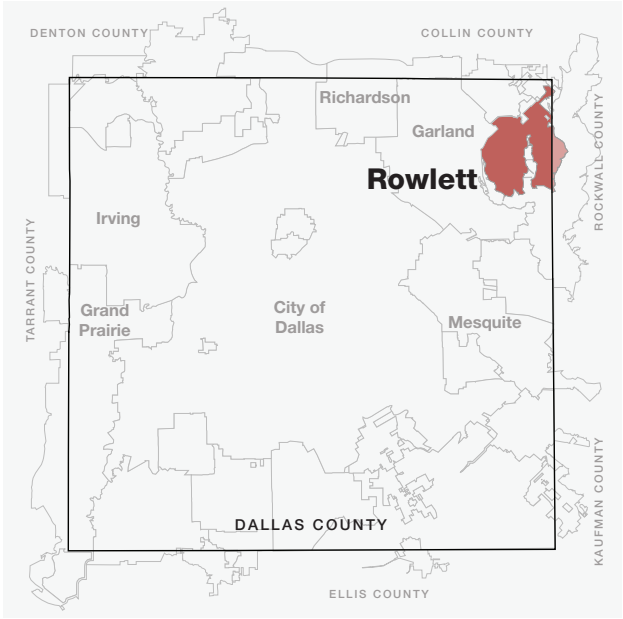
21
July 22, 2019 to Dec 31, 2019

APPENDIX B ■ ROWLETT

In Rowlett, marijuana arrests

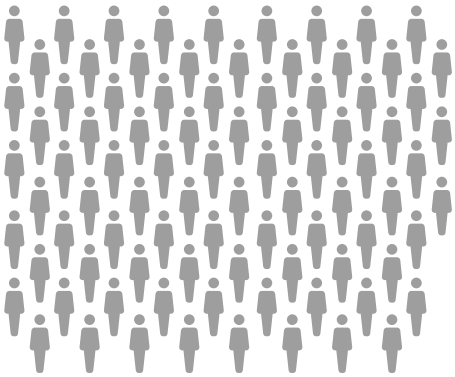
decreased by 69%





88

2018
Arrests



27

2019
Arrests

2

Jan 1, 2019 to
Feb 6, 2019

16

Feb 7, 2019 to
July 21, 2019

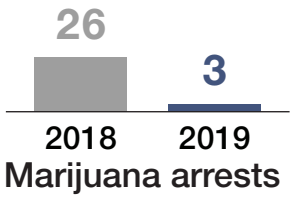
9

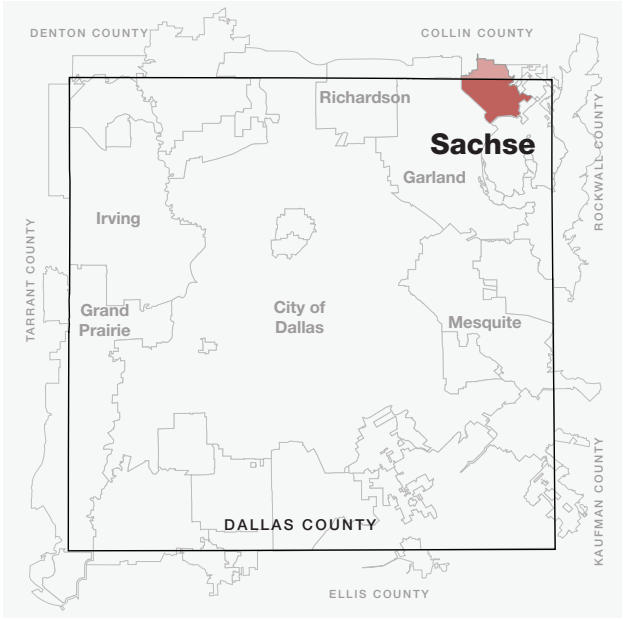
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ SACHSE

In Sachse, marijuana arrests

decreased by 88%





26

2018
Arrests

3

2019
Arrests

1
Jan 1, 2019 to
Feb 6, 2019

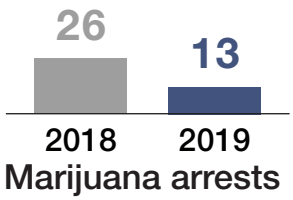
2
Feb 7, 2019 to
July 21, 2019

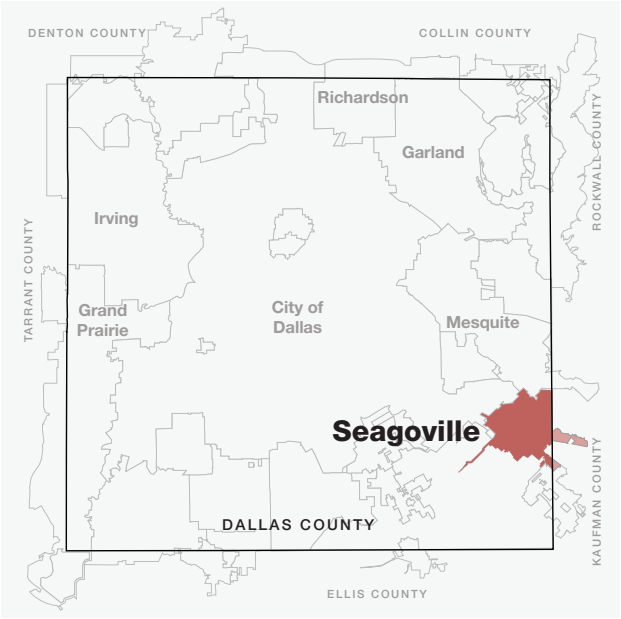
0
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ SEAGOVILLE

In Seagoville, marijuana arrests

decreased by 50%





26

2018
Arrests

13

2019
Arrests

3
Jan 1, 2019 to
Feb 6, 2019

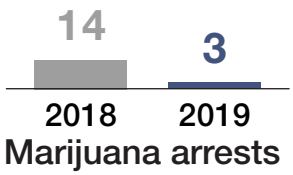
1
Feb 7, 2019 to
July 21, 2019

9
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ UNIVERSITY PARK

In University Park, marijuana arrests

decreased by 79%



14

2018
Arrests

3

2019
Arrests

0
Jan 1, 2019 to
Feb 6, 2019

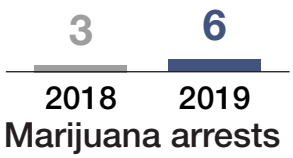
3
Feb 7, 2019 to
July 21, 2019

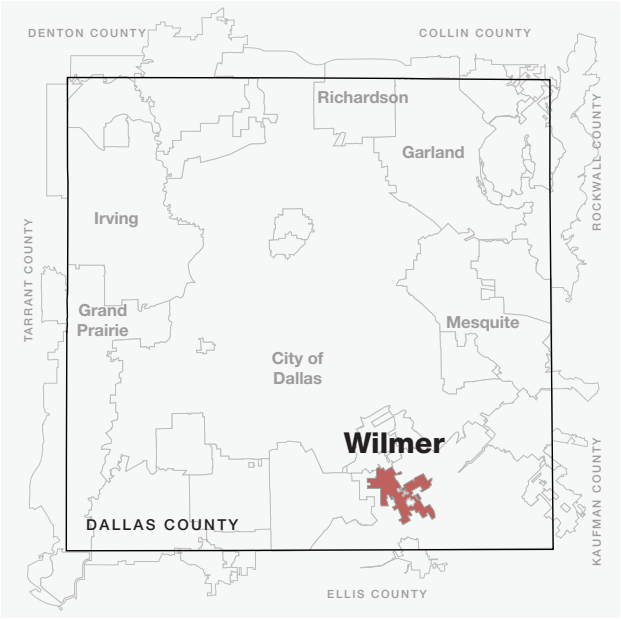
0
July 22, 2019 to
Dec 31, 2019

APPENDIX B ■ WILMER

In Wilmer, marijuana arrests

increased by 100%





3

2018 Arrests

6

2019 Arrests

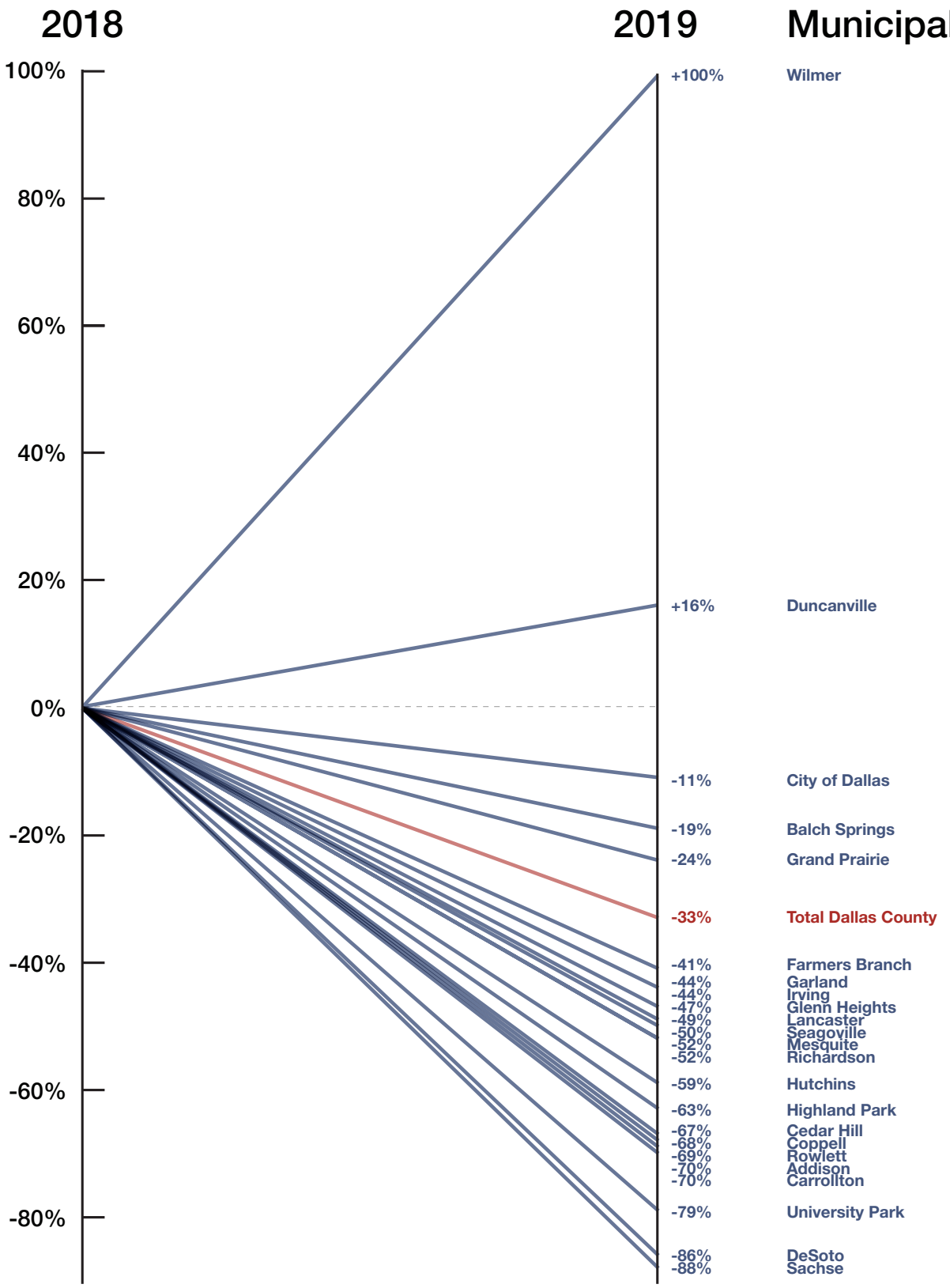
0
Jan 1, 2019 to Feb 6, 2019

0
Feb 7, 2019 to July 21, 2019

6
July 22, 2019 to Dec 31, 2019

APPENDIX C ■ DALLAS COUNTY

Change in municipal police departments' marijuana arrest volumes, compared to 2018



ENDNOTES

1. Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor, *White House Council of Economic Advisers* (Dec. 2015); Hayes, T., The Economic Costs of the U.S. Criminal Justice System, *Am. Action F.* (Jul. 16, 2020); Menendez, M., et al., The Steep Costs of Criminal Justice Fees and Fines, *Brennan Center* (Nov. 21, 2019).
2. Tex. Health & Safety Code § 481.002(17), (26)) (2019). As explained in *The ABCs of Racial Disparity*, possession of marijuana paraphernalia is a Class C misdemeanor, while possession of small quantities of marijuana is a Class A or B misdemeanor. Metzger, P., Meeks, K., Smiegocki, V., Brown, K., & Davies, A. L. B., *The ABCs of Racial Disparity*, The DALLAS Project, Deason Criminal Justice Reform Center (May 2021).
3. Metzger, *supra*.
4. See, e.g., Sutton, C., Nashville DA will no longer prosecute marijuana possession charges, *News Channel 5 Nashville* (June 2, 2020); Nichanian, D., Prosecutors Announce New Marijuana Policy in Illinois, Maryland, and Missouri, *The Appeal* (Feb. 7, 2019); Marijuana, Fairness, and Public Safety, *Office of Manhattan District Attorney* (May 2018) ("[T]hese arrests waste an enormous amount of criminal justice resources for no punitive, rehabilitative, deterrent, or other public safety benefit. And they do so in a racially disparate way . . . "); see The Politics of Prosecutors, *The Appeal* (June 2021); The War on Marijuana in Black and White, *ACLU* (2013).
5. A citation is a legal notice that requires a person to appear in criminal court and respond to a criminal allegation. When enforcing misdemeanor drug laws, police in Dallas County can issue a citation rather than arresting that person and booking them in jail. However, police in Dallas County rarely used this "cite-and-release" option for misdemeanor marijuana possession. See e.g., Branham, D., Cite-and-release' is used in only a small portion of Dallas police's marijuana possession cases, *Dallas Morning News* (August 13, 2018).
6. This report measures change in the number of marijuana cases screened by the district attorney's office. Arrests and citations that were not referred for prosecution are not represented in these data.
7. In less than 1% of the cases included in this dataset, the arrest date was not recorded.
8. Critically, this new non-prosecution policy wiped the slate clean. Only marijuana offenses that took place after the announcement (February 7, 2019) would count as "prior offenses." In other words, in 2019, the district attorney's office treated most marijuana possession cases as first-time offenses. Letter from John Creuzot, Dallas County District Attorney, to Dallas County Law Enforcement Agencies, Changes to Case Filing Policies (Feb. 7, 2019) (on file with the Deason Center) (hereinafter Letter: Changes to Case Filing Policies).
9. Letter: Changes to Case Filing Policies, *supra*; Harris, L., Newly Elected Dallas Co. District Attorney Details Plans for Office, *NBCDFW* (Nov. 8, 2018); Shinneman, S., The Era of Dallas County District Attorney John Creuzot Is Almost Here, *D Mag. Frontburner* (Nov. 26, 2018).
10. Letter: Changes to Case Filing Policies, *supra*.
11. Tex. Health & Safety Code § 481.002(26) (2019).
12. Tex. Agric. Code § 121.001 (2019); Tex. Health & Safety Code § 481.002(26)(F) (2019). "THC is the substance that's primarily responsible for the effects of marijuana on a person's mental state." Cannabis (Marijuana) and Cannabinoids: What You Need to Know *Nat'l Inst. of Health, Nat'l Ctr. for Complementary and Integrative Health*, (last visited July

2, 2021).

13. *Ex parte Owens*, 515 S.W.3d 891, 899 (Tex. Crim. App. 2017).

14. See e.g., McCullough, J. and Samuels, A., This year, Texas passed a law legalizing hemp. It also has prosecutors dropping hundreds of marijuana cases, *The Tex. Trib.* (Jul. 3, 2019); Interim Update: Hemp, *Tex. Dist. and Cnty. Att'ys Ass'n* (Jun. 24, 2019). For a contrary view, see the Letter from Governor Greg Abbott to Texas District and County Attorneys (July 18, 2019) (". . . lab tests are not required in every case . . .").

15. See e.g., McCullough, J. and Samuels, A., *supra.*, Tex. Dist. and Cnty. Att'ys Ass'n, *supra*.

16. Goodman, M., Is the City of Dallas Ready to Loosen Marijuana Possession Charges?, *D Mag. Frontburner* (Oct. 13, 2020); See e.g., McCullough, J. and Samuels, A., *supra.*, Tex. Dist. and Cnty. Att'ys Ass'n, *supra*. For a contrary view, see Letter from Governor Greg Abbott to Texas District and County Attorneys (July 18, 2019) (". . . lab tests are . . . more affordable than initial reporting indicated").

17. Letter from Ellyce Lindberg, Administrative Chief Intake-Grand Jury Division, to Dallas County Law Enforcement Agencies, Hemp, Marijuana, and THC Prosecution (July 22, 2019) (on file with the Deason Center).

18. Hemp/Marijuana Policy Press Release, *Dallas County Criminal District Attorney's Office*, (July 18, 2019).

19. Governor Abbott Directs DPS Resources To Help Combat Violent Crime in Dallas, *Office of the Texas Gov.* (June 7, 2019); Operation D-Town Comprehensive Stats 6-12-19 through 8-31-19, *Texas Dep. Of Public Safety* (August 31, 2019). See Byrne, E., Gov. Greg Abbot deploys DPS to combat Dallas violent crime spike, *The Tex. Trib.* (June 7, 2019); Closson, T. Dallas' sudden spike in homicides has officials perplexed. And not everyone agrees that state troopers are helping., *The Tex. Trib.* (Aug. 15, 2019); Morris, A., DPS ends operation to combat violent crime in Dallas after three months, *San Antonio Express-News* (Sept. 19, 2019); Shinneman, S., A Thousand Arrests Later, State Troopers' Stay in Dallas Officially Ends, *D Mag.* (Sept. 23, 2019); Texas DPS Troopers End Initial Operation to Fight Violent Crime in Dallas, *NBCDFW* (Sept. 26, 2019).

20. *Texas Dep. Of Public Safety*, *supra*.

RESEARCH METHODS

The Deason Center obtained data on the total number of Class A and B misdemeanor marijuana arrests that were referred to the Dallas County District Attorney's Office in 2018 and 2019. Consistent with DA Creuzot's policy of non-prosecution for low-level marijuana cases, only referrals for Class A possession of marijuana (over 2 ounces but less than or equal to 4 ounces) and Class B possession of marijuana (under 2 ounces) were included in the analysis. Because offenses occurring within a drug-free zone, involving the use or exhibition of a deadly weapon, or involving evidence of delivery were specifically excluded from the non-prosecution policy, referrals for those offenses were removed from this report.

The dates referenced in this report reflect the dates on which DA Creuzot announced his policies on marijuana prosecutions to police chiefs. The comparisons of volume between the four time periods are derived from the average daily number of referrals that the district attorney's office received during each time period. All calculations included in the report are rounded to the nearest whole number. Eight Dallas County municipalities—Cockrell Hill, Combine, Ferris, Grapevine, Lewisville, Ovilla, Sunnyvale, and Wylie—recorded no arrests or referrals of Class A or B misdemeanor marijuana cases.

To capture potential lags between dates of arrest and dates of referral to the district attorney's office, referral volume calculations were repeated using "arrest date." Throughout the report, the results of these calculations are labeled "arrest volume." Of note, in less than 1% of referrals, arrest date information was not recorded. Any substantial differences in volume between the two reference points are detailed in the body of this report.

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Statistical Analyst: Victoria Smiegocki

Data Visualization and Layout: Randy Krum and Jeremy Yingling, InfoNewt

Suggested Citation: Metzger, P., Smiegocki, V., & Meeks, K., *Budding Change,* The DALLAS Project, Deason Criminal Justice Reform Center (July 2021).

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About the Deason Center

The Deason Criminal Justice Reform Center takes a Stats and Stories approach to criminal justice reform. The Stats: we collect, analyze, and assess qualitative and quantitative data about our criminal justice system. The Stories: we uncover, recount, and amplify the experiences of people who live and work in that system. Together, these Stats and Stories make a compelling case for compassionate criminal justice reform.

The District Attorney Learning and Leadership through Application of Science (DALLAS) initiative is a research partnership between the Deason Center and the Dallas County District Attorney's Office. The DALLAS Project analyzes how prosecutorial reform policies impact the Dallas community and innovates reform strategies.

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