A DALLAS PROJECT REPORT

Fewer, Not Fairer

Changes in Racial Disparity, Police Referrals for Marijuana Prosecution in Dallas County 2018 – 2019

SMU® Dedman School of Law

DEASON CENTER

FROM THE DIRECTOR

Mass incarceration disproportionately impacts poor people and people of color. Elected district attorneys across the nation are using their discretionary power to battle this injustice. By refusing to prosecute marijuana misdemeanors and other low-level offenses, prosecutors can guarantee that fewer people enter the criminal court system. For Dallas County District Attorney John Creuzot (DA Creuzot), and others like him, non-prosecution policies are vital weapons in the struggle for a fairer system.

But the systemic injustice of mass incarceration hardly begins in the prosecutor's office. Too often, it begins on the streets of our nation, where police choose which laws they will enforce and which people they will arrest. Can prosecutorial policies help police make fewer and fairer low-level arrests? This report, *Fewer, Not Fairer*, explores that question.

In 2019, DA John Creuzot announced that he would stop prosecuting most first-time misdemeanor marijuana possession cases. He hoped this policy would conserve taxpayer resources and eliminate racial disparity in the enforcement of marijuana laws.[1] The Deason Center's District Attorney Learning and Leadership through Application of Science (*DALLAS*) project studies the impact of DA Creuzot's marijuana reforms.

Our *Budding Change* report showed that DA Creuzot's non-prosecution policy was associated with significantly fewer referrals for marijuana possession.[2] But did fewer marijuana cases produce a fairer system—one in which Black and non-Black people were equally likely to face a citation or arrest for marijuana possession?[3]

As we explain in *Fewer, Not Fairer*, Black and non-Black people did not benefit equally from the decrease in Dallas County marijuana enforcement. Police in Dallas County made 31% fewer referrals for marijuana possession in 2019 than they had in 2018.[4] Yet, the racial disparity in those marijuana referrals got worse.

Still, *Fewer, Not Fairer* offers cautious optimism that non-prosecution policies can help make policing fairer. In 2019, marijuana policing changes varied widely in six large Dallas County cities—cities that we studied in *The ABCs of Racial Disparity* to establish a benchmark for measuring change. Some municipal police departments reduced racial disparity in their cases referred for prosecution. Others vindicated DA Creuzot's strategy for eliminating disparity when they sharply curtailed their misdemeanor marijuana referrals.

Fewer, Not Fairer highlights the urgent need to investigate the relationship between prosecutorial reform and policing practices. We hope this report inspires collaborative research that lights the way.
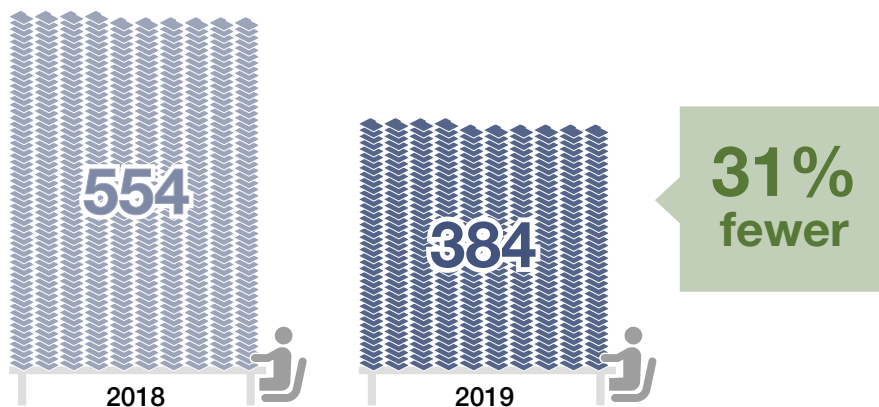
Sincerely,

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

Executive Summary

In 2019, police sent 31% fewer marijuana possession cases to the Dallas County District Attorney's Office than they had in 2018.

Average monthly marijuana referrals, Dallas County

554 — 2018
384 — 2019

31% fewer

Although there were fewer referrals, the system was not fairer. Black people were still overrepresented in the cases that police submitted for prosecution.

Black people in Dallas County as a percentage of

County Population
23%

2018 Referrals
54%

2019 Referrals
56%

Racial disparity in marijuana referrals was worse in 2019 than in 2018. Black people were even more likely than non-Black people to be referred for marijuana prosecution.
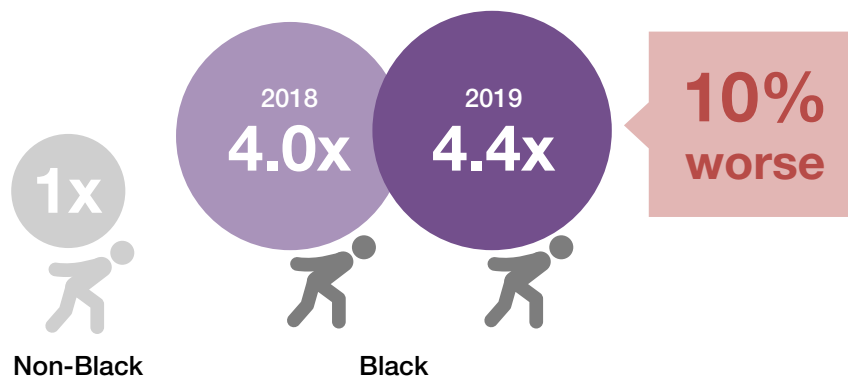
Relative likelihood of marijuana referral, Dallas County

1x — Non-Black

2018 **4.0x**
2019 **4.4x** — Black

10% worse

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Introduction

Black and non-Black people use marijuana at similar rates.[5] Yet, Black people are much more likely to be arrested or cited for marijuana offenses.[6] This is true in Dallas County and across the nation.[7]

FIGURE 1

In 2018, Black and non-Black people used marijuana at similar rates...

1x

Non-Black

1x

Black

... but in Dallas County, Black people were far more likely than non-Black people to be referred for prosecution for marijuana possession.[8]

1x

**Non-Black**

2018
4.0x

Black
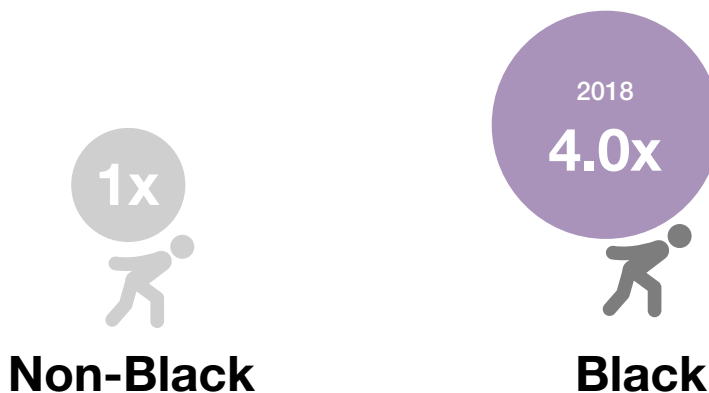
Relative likelihood of marijuana referral, Dallas County

In February 2019, Dallas County District Attorney John Creuzot (DA Creuzot) told police that he would stop prosecuting most first-time cases of marijuana possession.[9] He hoped that this policy change would conserve public resources and eliminate racial disparities in marijuana enforcement.[10]

In July 2019, after Texas legalized the possession of hemp, DA Creuzot announced another new policy. This policy required that referrals for marijuana prosecution include a laboratory report verifying that the substance was marijuana, not hemp.[11] DA Creuzot's policies were associated with a dramatic reduction in marijuana enforcement.

FIGURE 2

Marijuana arrests declined after DA Creuzot announced his policies
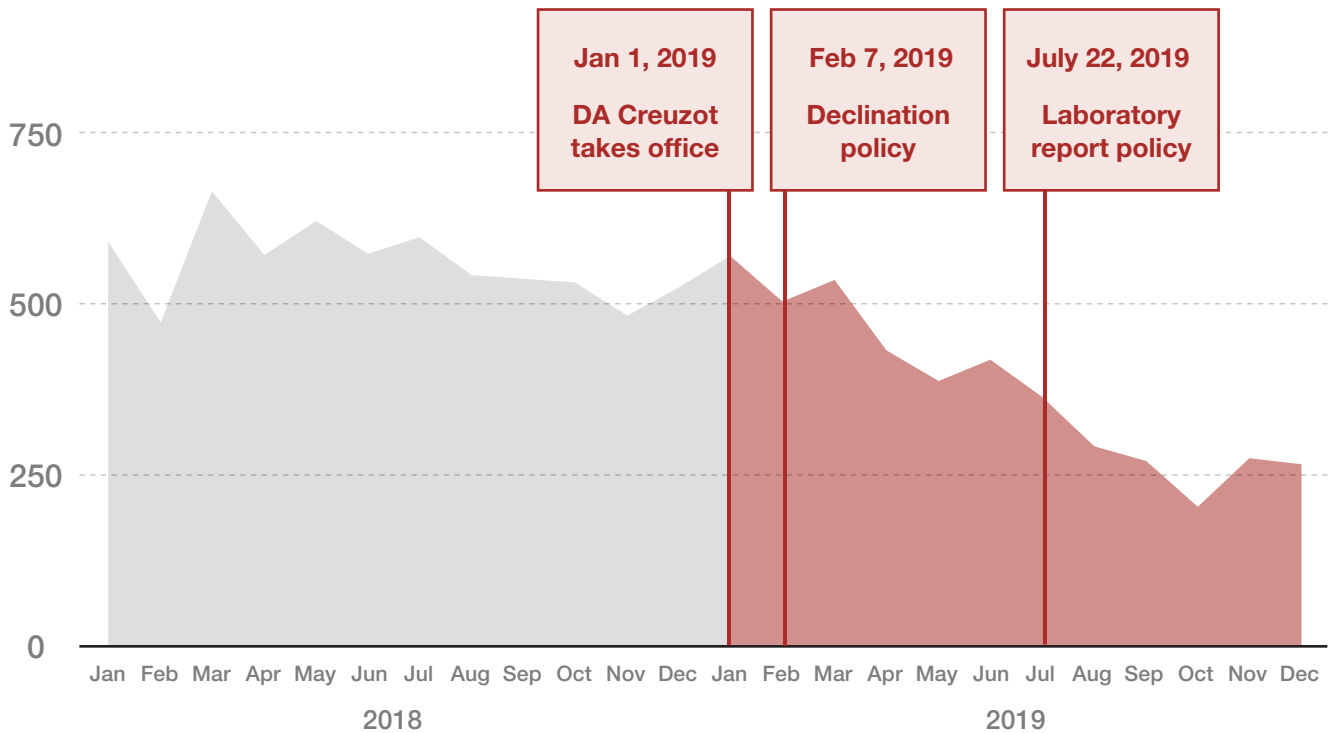
Monthly arrests for misdemeanor marijuana possession, Dallas County 2018-2019

559
2018 monthly average
(Before Creuzot)

377
2019 monthly average
(Creuzot in office)

The Study

This report evaluates what happened to racial disparity in the enforcement of marijuana offenses in Dallas County after DA Creuzot introduced two marijuana reform policies. Because over 80% of marijuana cases referred to the District Attorney's Office (DA's Office) come from municipal police in just six cities—Dallas, Garland, Grand Prairie, Irving, Mesquite, and Richardson—*Fewer, Not Fairer* also evaluates how racial disparity changed in these places.

Question:
Did racial disparity in Dallas County marijuana enforcement change in 2019?

Study:
Compare the racial composition of people referred for prosecution of misdemeanor marijuana possession in Dallas County in 2018 and 2019.

VOCABULARY AND MEASUREMENTS

To explore the relationship between prosecutorial policies and police practices, *Fewer, Not Fairer* studies the racial breakdown of people whose cases were submitted by police for marijuana prosecution in Dallas County in 2018 and 2019.

The number of referrals is the volume of marijuana cases that police sent, in a given time period, to the DA's Office for prosecution.

The racial composition is the percentage of people in a given dataset who were designated as either Black or non-Black.

The relative likelihood of referral is the risk that a Black person, as compared to a non-Black person, would be referred for marijuana prosecution.
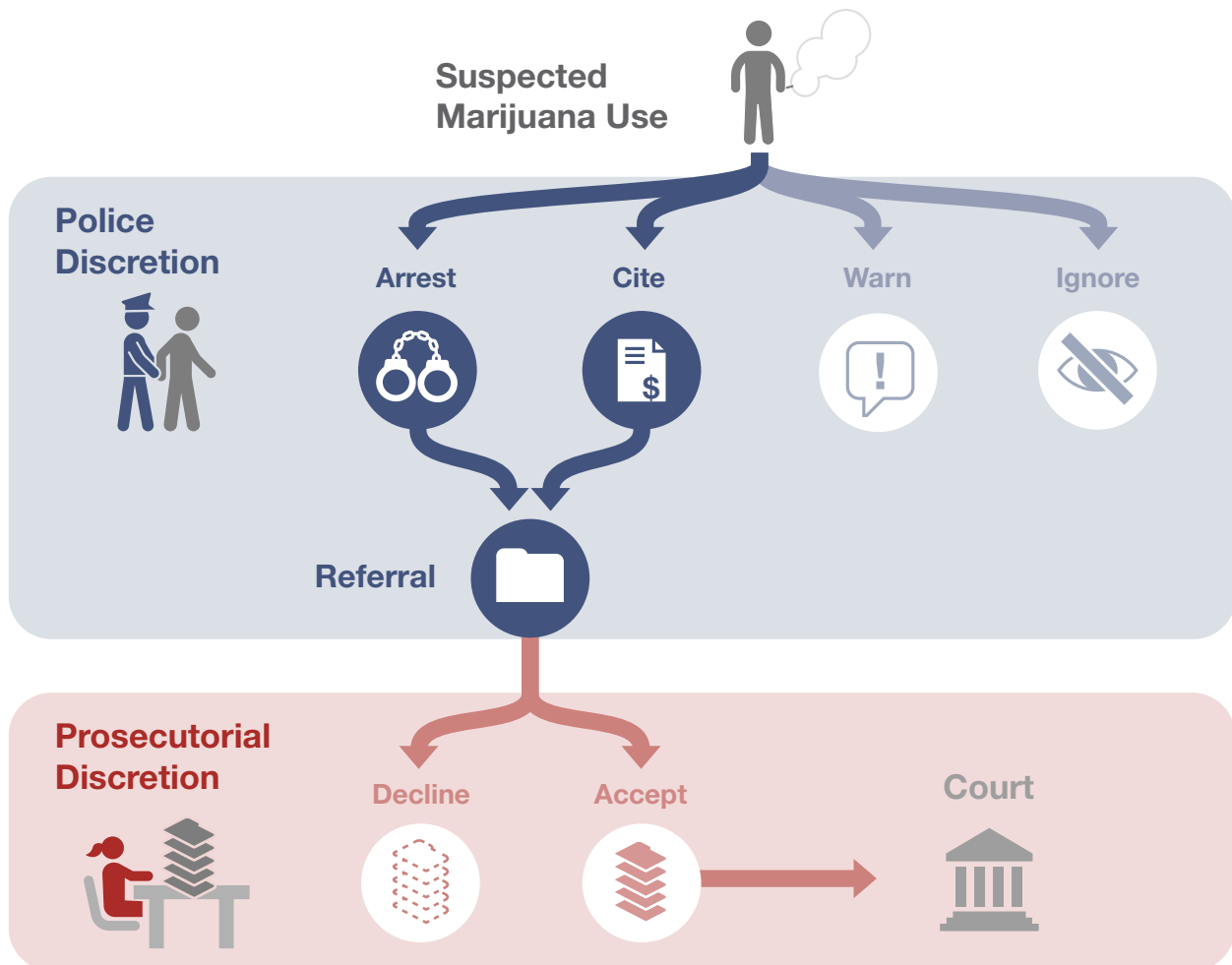
The Power of Discretion

Texas criminalizes the possession of marijuana and the possession of drug paraphernalia, such as rolling papers, pipes, or destemming devices.[12] But police decide whether and how to enforce the law. When police observe someone with marijuana, they can make an arrest, issue a citation, give a warning, or ignore the behavior entirely.[13]

By referring arrests and citations for prosecution, police choose which cases enter the criminal legal system. But prosecutors decide which cases (and which defendants) remain in the system. A prosecutor screens every police referral and decides whether to accept or decline the prosecution.

IN FOCUS

Police choose which cases to refer for prosecution

Suspected Marijuana Use

Police Discretion

Arrest | Cite | Warn | Ignore

Referral

Prosecutorial Discretion

Decline | Accept | Court

Racial Disparity in Marijuana Referrals from Police in Dallas County

Marijuana Referrals in 2018 and 2019

In 2018, Black people were significantly overrepresented in the cases that police referred to the DA's Office for marijuana prosecution. Twenty-three percent of the Dallas County population was Black. But police accused Black people in 54% of the marijuana cases that they referred. Compared to non-Black people, Black people in Dallas County were nearly four times more likely to be referred for prosecution.

FIGURE 3

In 2018, Black people were overrepresented in cases that police referred for marijuana prosecution in Dallas County

Black people as a percentage of

County Population

23%

2018 Referrals

54%

Black people were **4.0 times more likely** than non-Black people to be referred for marijuana prosecution

1x
Non-Black

2018
4.0x
Black

In 2019, police accused Black people in an even greater proportion (56%) of Dallas County marijuana referrals than they had in 2018 (54%). As a result, in 2019, Black people in Dallas County were 4.4 times more likely than non-Black people to be referred for prosecution for marijuana possession.

FIGURE 4

In 2019, Black people were still overrepresented in Dallas County marijuana referrals

Black people as a percentage of

County
Population

23%

2019 Referrals

56%

Black people were **4.4 times more likely** than non-Black people to be referred for marijuana prosecution

1x

2019 4.4x

Non-Black   **Black**

In 2019, police sent far fewer cases to the DA's Office for marijuana prosecution than in 2018. But the racial disparity in those referrals got worse.

In 2018, Black people were nearly four times more likely than non-Black people to be referred for marijuana prosecution in Dallas County. In 2019, that racial disparity increased by 10%.

FIGURE 5

In 2019, racial disparity increased in Dallas County marijuana referrals

Black people as a percentage of

County Population
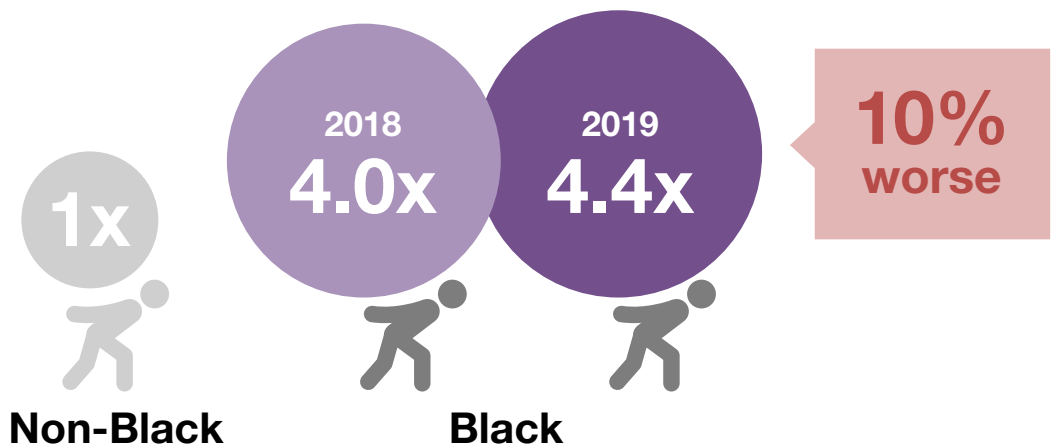### 23%

2018 Referrals
54%

2019 Referrals
56%

Relative likelihood of referral

1x

2018
4.0x

2019
4.4x

10% worse

Non-Black   **Black**

Racial Disparity in Marijuana Referrals from Municipal Police in Six Large Cities

Marijuana Referrals of Black and Non-Black People in Six Large Cities

In 2018 and 2019, more than 80% of marijuana cases referred to the DA's Office came from municipal police in just six places—the City of Dallas, Garland, Grand Prairie, Irving, Mesquite, and Richardson.
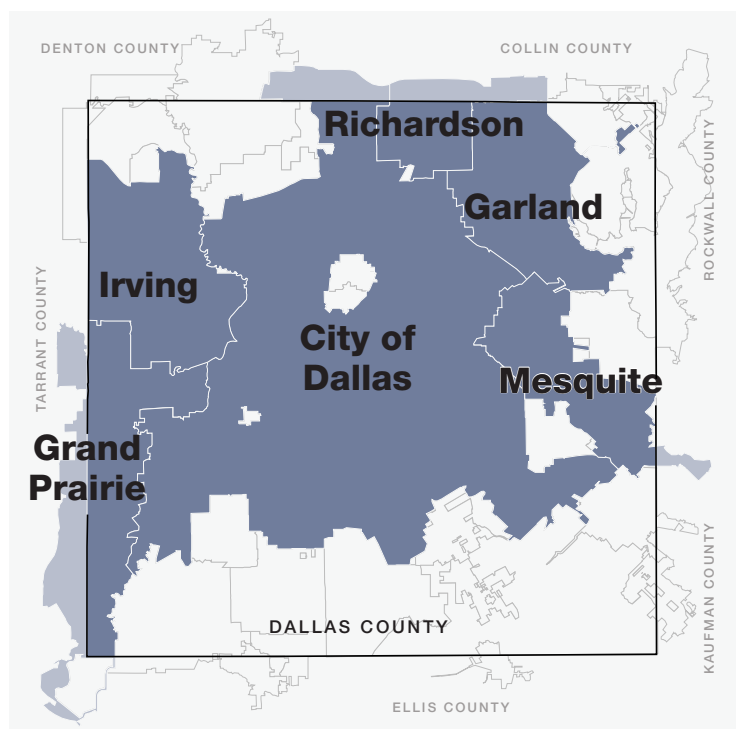

FIGURE 6

In 2019, most marijuana referrals in Dallas County came from six municipal police departments

Marijuana Referrals
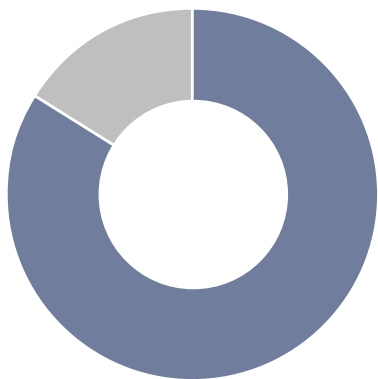
16%
All other Dallas County police departments

84%
Municipal police departments in six large cities

In 2018, Black people in those six cities comprised between 10% (Richardson) and 26% (Mesquite) of the general population. But municipal police accused Black people in 34% (Irving) to 64% (City of Dallas) of their marijuana referrals.
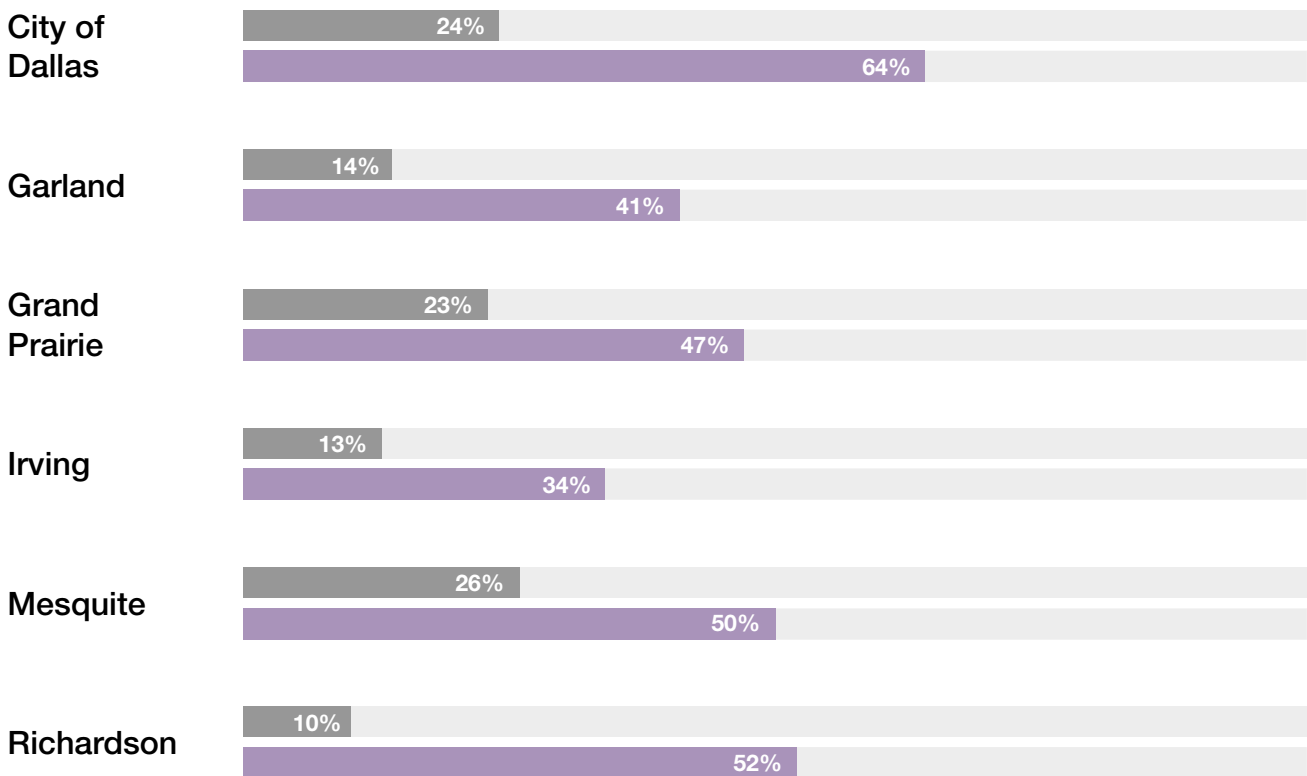
In 2018, Black people were overrepresented in marijuana referrals from six municipal police departments

Black people as a percentage of

■ City Population   ■ 2018 Marijuana Referrals

City of Dallas
- 24%
- 64%

Garland
- 14%
- 41%

Grand Prairie
- 23%
- 47%

Irving
- 13%
- 34%

Mesquite
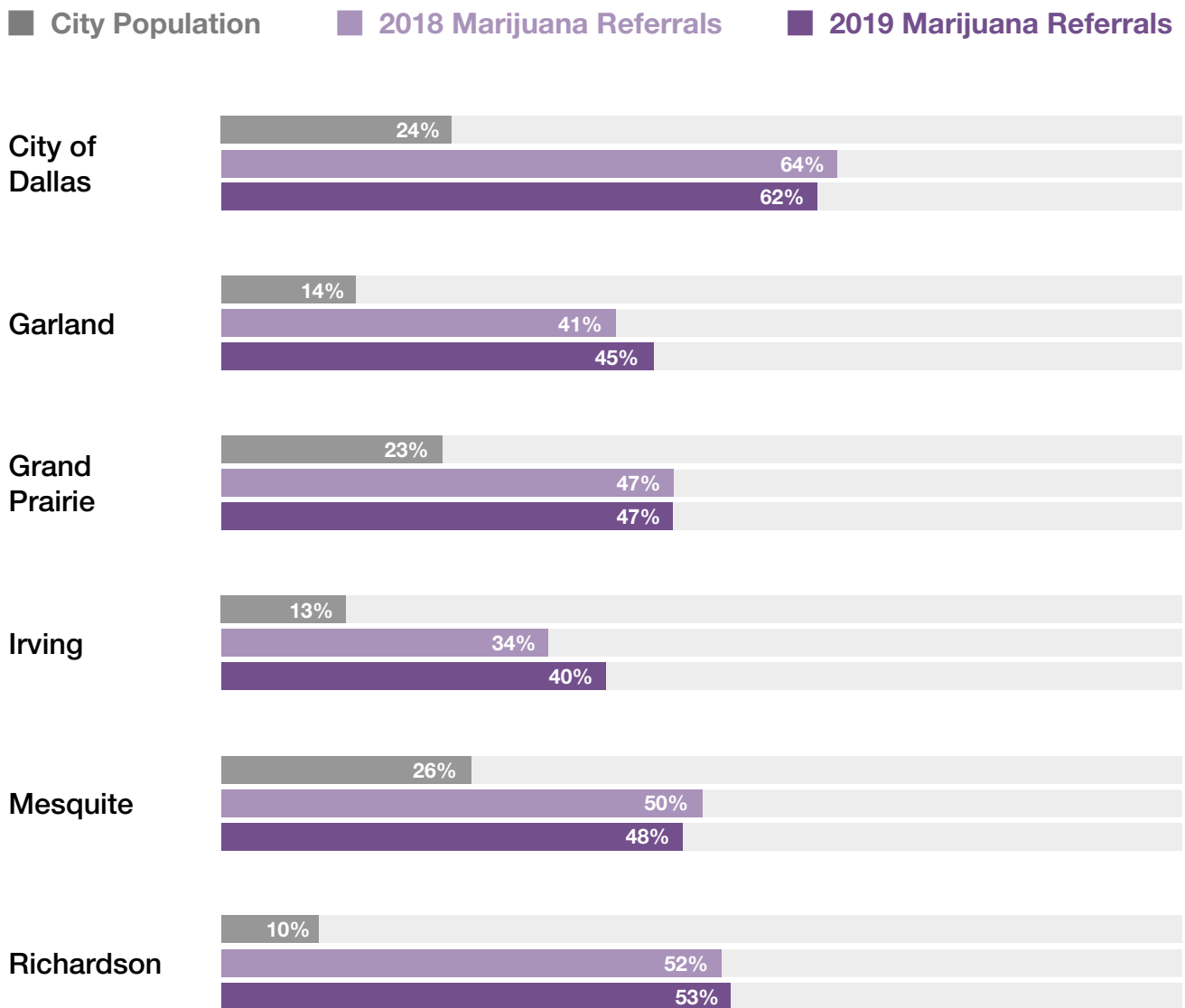- 26%
- 50%

Richardson
- 10%
- 52%

In 2019, Black people were still overrepresented in marijuana referrals from those six cities. Despite DA Creuzot's marijuana reforms, police continued to accuse Black people in 40% (Irving) to 62% (City of Dallas) of their 2019 referrals for marijuana prosecution.

In 2019, Black people were still overrepresented in marijuana referrals from those police departments

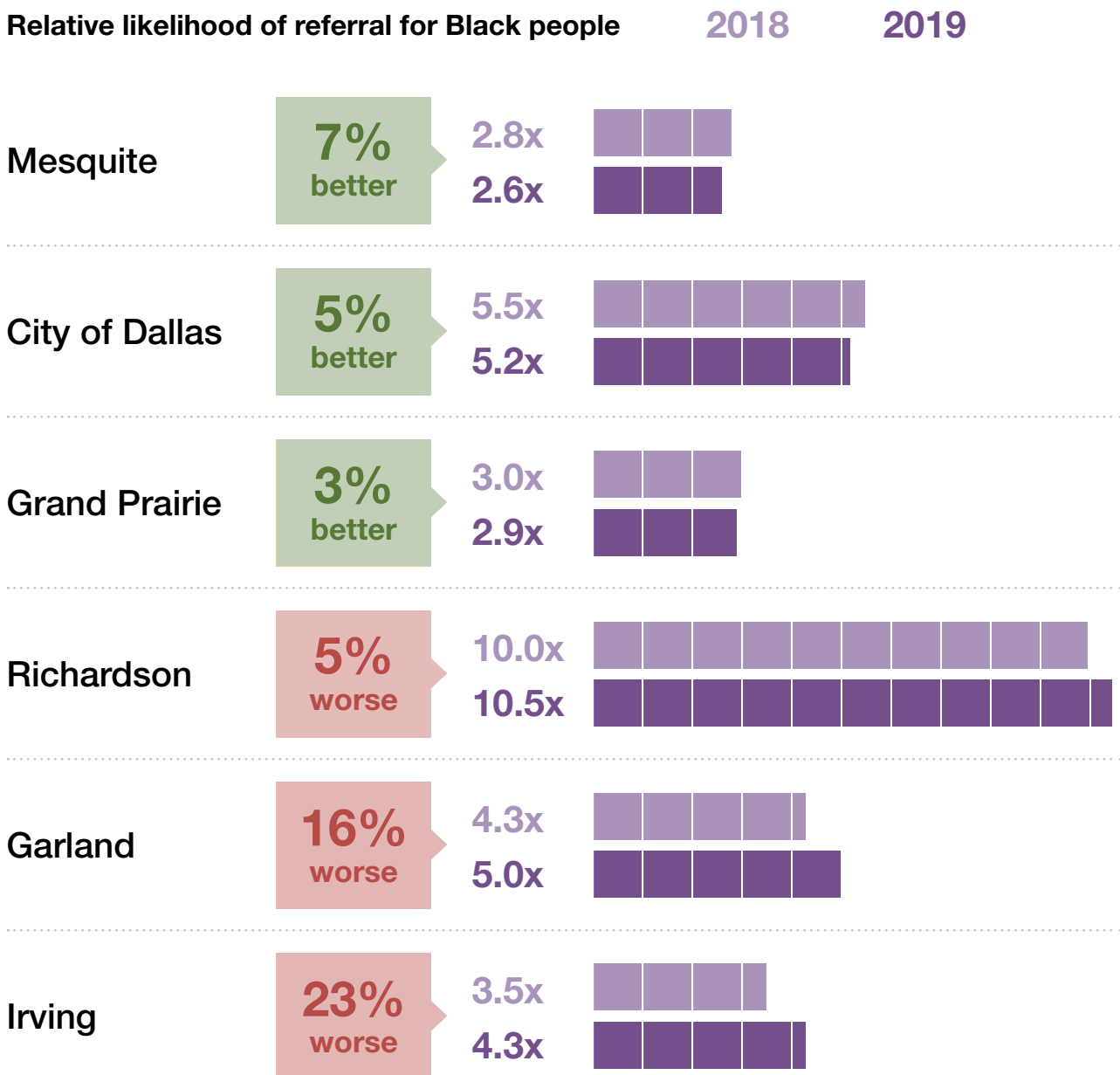**Black people as a percentage of**

- ■ City Population
- ■ 2018 Marijuana Referrals
- ■ 2019 Marijuana Referrals

City of Dallas
- 24%
- 64%
- 62%

Garland
- 14%
- 41%
- 45%

Grand Prairie
- 23%
- 47%
- 47%

Irving
- 13%
- 34%
- 40%

Mesquite
- 26%
- 50%
- 48%

Richardson
- 10%
- 52%
- 53%

Municipal police in the six studied cities referred far fewer cases for marijuana prosecution in 2019 than in 2018. But fewer referrals did not always create a fairer racial composition.

In each of the six cities, Black people were still more likely than non-Black people to be referred for marijuana prosecution. But in three cities—Mesquite, Dallas, and Grand Prairie—their relative likelihood of referral was lower than it had been in 2018. In the other cities—Richardson, Garland, and Irving—a Black person's relative risk of referral was even higher.

FIGURE 9

Changes in racial disparity in marijuana referrals varied across six large cities

Relative likelihood of referral for Black people   2018   2019

		2018	2019
Mesquite	7% better	2.8x	2.6x
City of Dallas	5% better	5.5x	5.2x
Grand Prairie	3% better	3.0x	2.9x
Richardson	5% worse	10.0x	10.5x
Garland	16% worse	4.3x	5.0x
Irving	23% worse	3.5x	4.3x

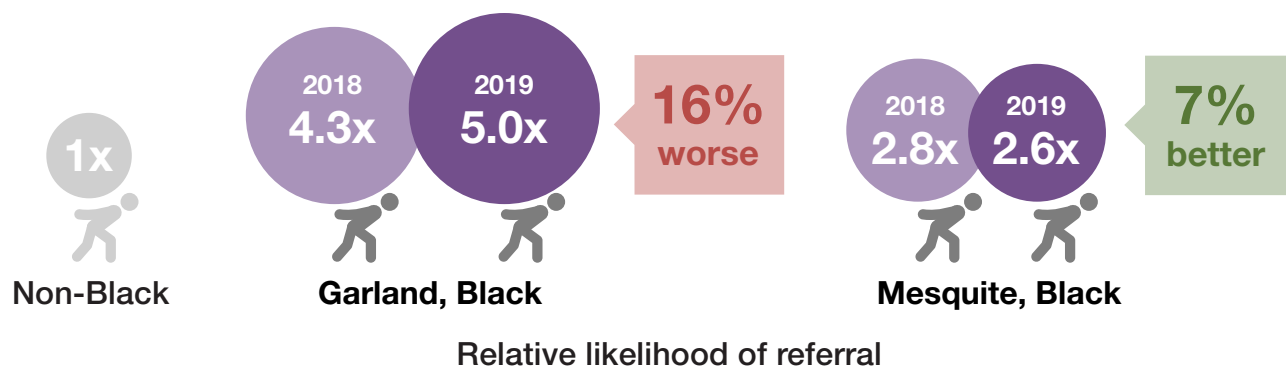# A Closer Look at Garland and Mesquite

# Monthly Measures Reveal More Than Annual Data

The relative likelihood of referral is an annual measurement. It considers the racial fairness of all requests for marijuana prosecution that police made over an entire calendar year. In Garland, this annual measure shows that a Black person's relative likelihood of referral for marijuana prosecution increased in 2019. And, in Mesquite, this yearly calculation shows little improvement in racial disparity.

But referrals can change dramatically from month to month. By the end of 2019, police in both cities sharply reduced their requests for marijuana prosecutions.

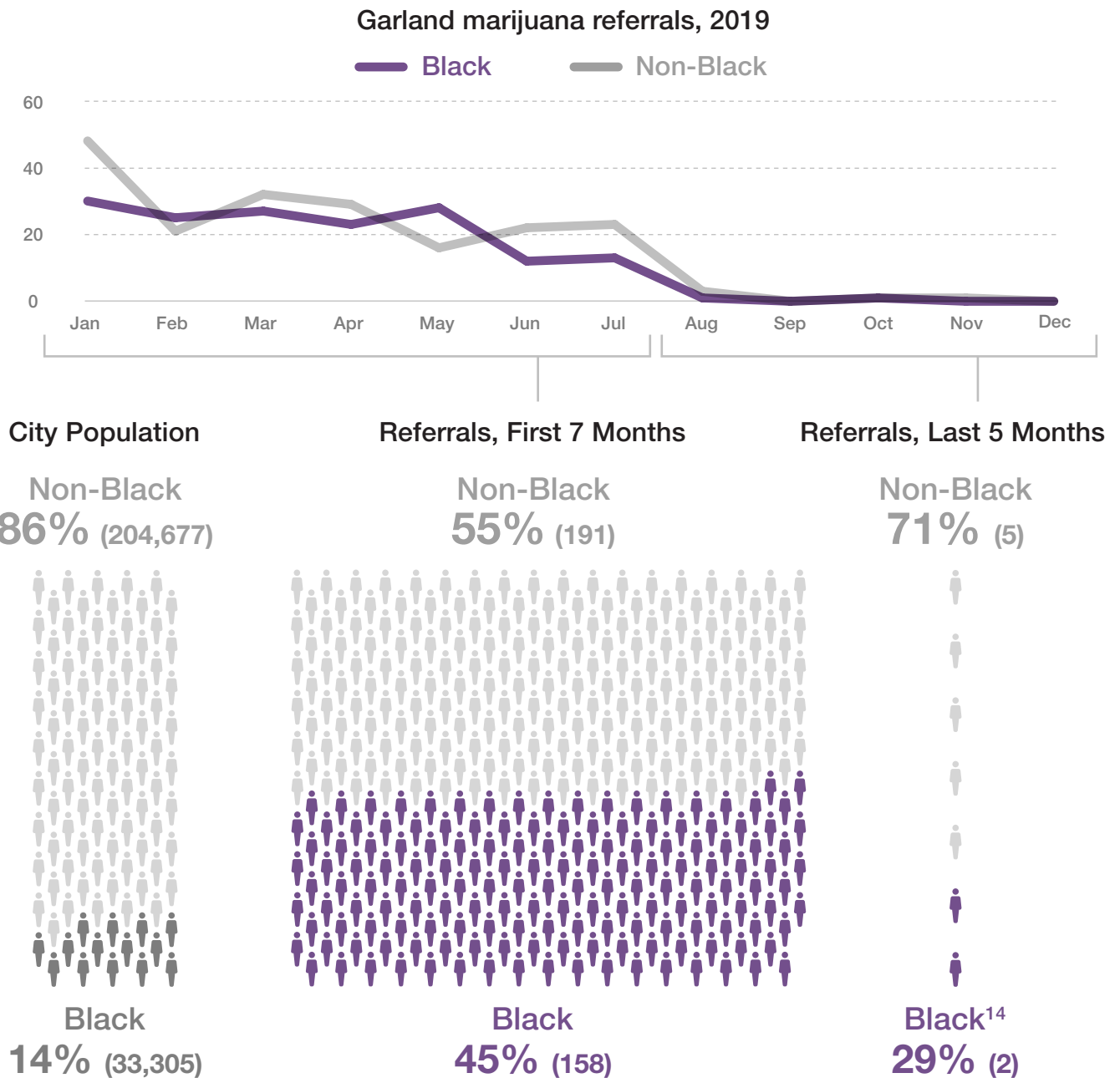---

FIGURE 10

Annual measurements hide significant changes

1x Non-Black	**2018 4.3x** **2019 5.0x** Garland, Black	**16% worse**
	2018 2.8x **2019 2.6x** Mesquite, Black	**7% better**

Relative likelihood of referral

Monthly data show that police in Garland and Mesquite referred very few marijuana cases in late 2019

Marijuana referrals, 2019

— Mesquite   — Garland
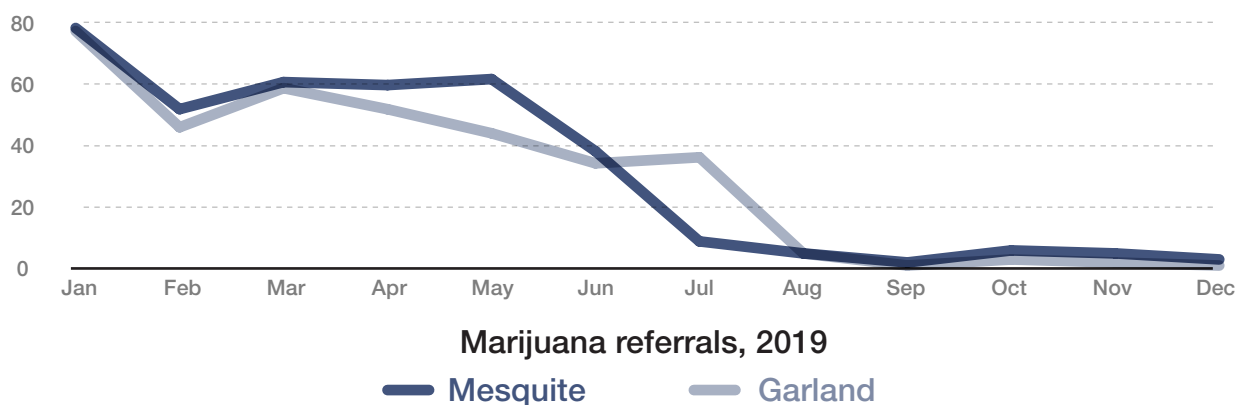
In the first seven months of 2019, Garland police referred 349 marijuana cases for prosecution. Only 14% of Garland's population was Black, but 45% of those referrals were requests to prosecute Black people.

In the last five months of 2019, Garland police requested that the DA's Office prosecute only seven people for marijuana possession. Two were Black, and five were non-Black people.
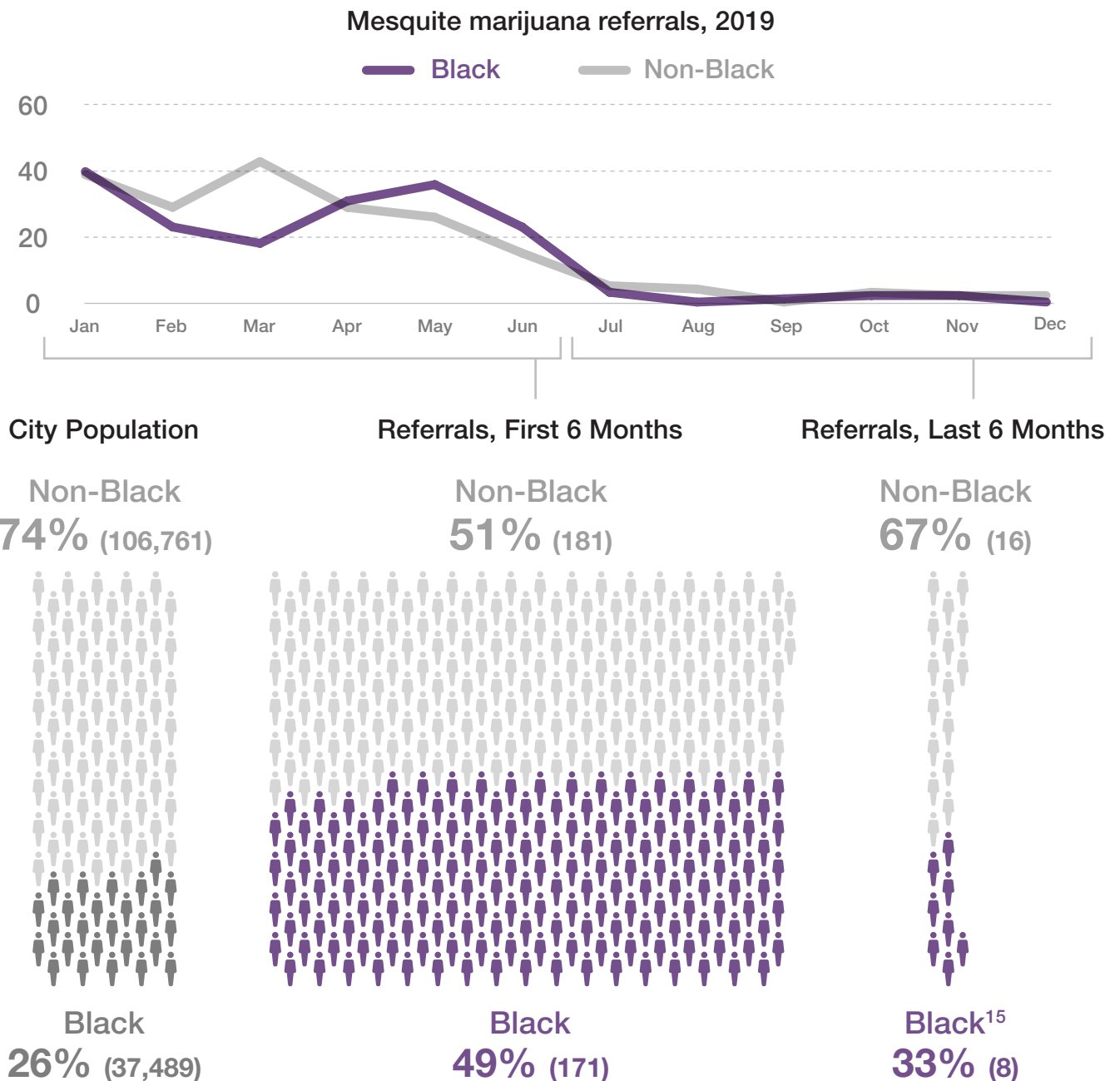
FIGURE 11

Garland police referrals for marijuana prosecution declined in the last five months of 2019

Garland marijuana referrals, 2019

— Black   — Non-Black

City Population	Referrals, First 7 Months	Referrals, Last 5 Months
Non-Black **86%** (204,677)	Non-Black **55%** (191)	Non-Black **71%** (5)
Black **14%** (33,305)	Black **45%** (158)	Black[14] **29%** (2)

In the first six months of 2019, Mesquite police referred 352 marijuana cases for prosecution. Only 26% of the city's population was Black, but 49% of those referrals were requests to prosecute Black people.

In the second half of 2019, Mesquite police referred only 24 people for marijuana prosecution. Eight were Black, and 16 were non-Black people.
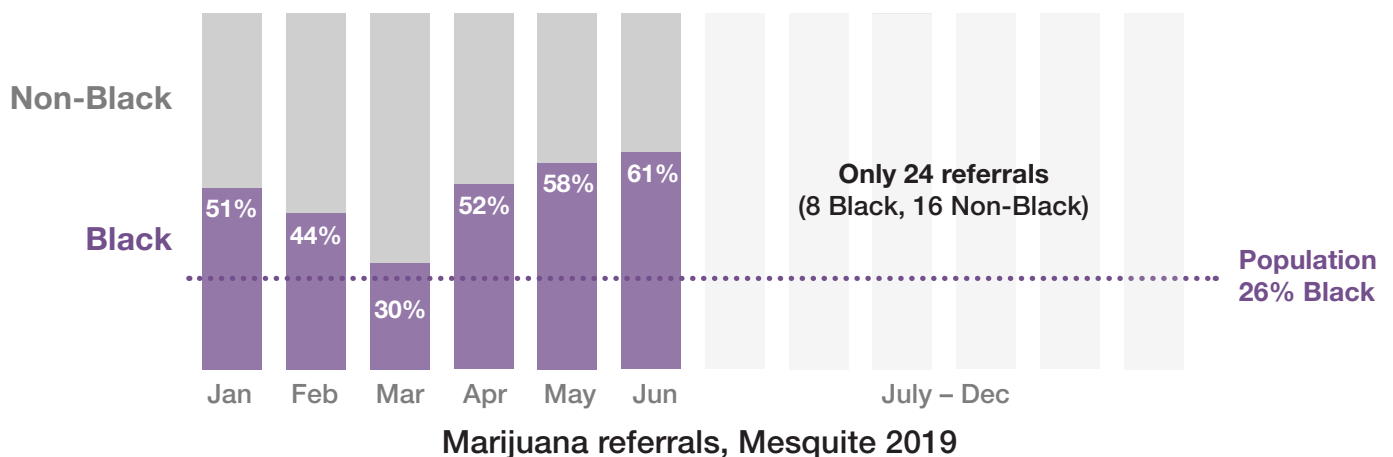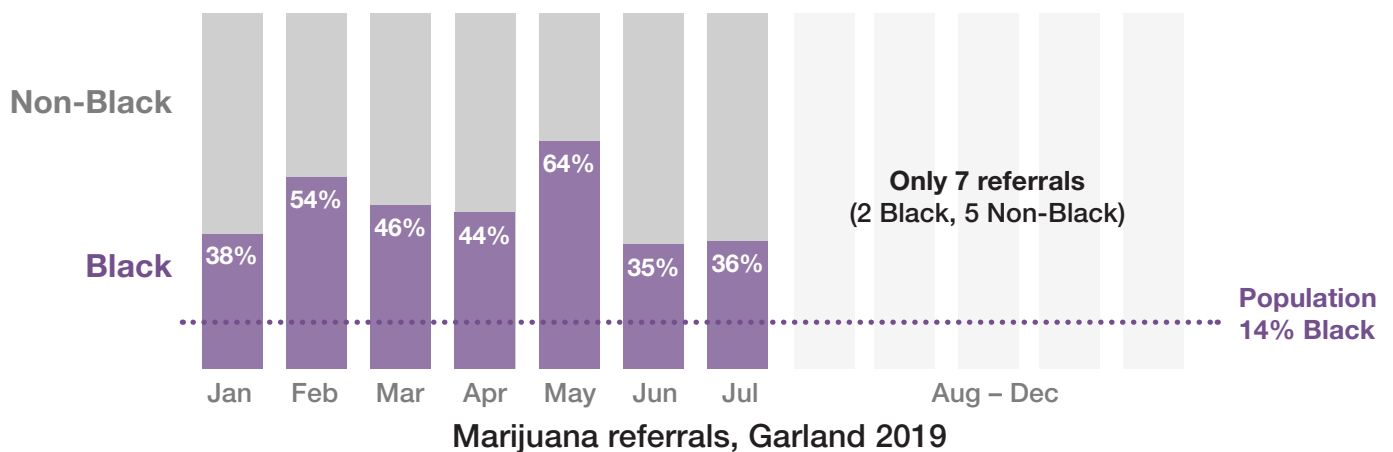
FIGURE 12

Mesquite police referrals for marijuana prosecution declined in the last six months of 2019

Mesquite marijuana referrals, 2019

City Population

Non-Black
74% (106,761)

Black
26% (37,489)

Referrals, First 6 Months

Non-Black
51% (181)

Black
49% (171)

Referrals, Last 6 Months

Non-Black
67% (16)

Black[15]
33% (8)

During the first part of 2019, racial disparity was pervasive in marijuana referrals from police in Garland and Mesquite. Black people accounted for 14% (Garland) and 26% (Mesquite) of the cities' populations. Yet, in some months, police requested the prosecution of Black people in as many as 64% (Garland) and 61% (Mesquite) of their marijuana referrals.

When police in those cities sharply reduced marijuana referrals, they were far less likely to refer Black people for marijuana prosecution. In some months, police in Mesquite submitted only one marijuana case for prosecution, and police in Garland did not submit any cases.

FIGURE 13

In the second half of 2019, police in Garland and Mesquite made very few requests for marijuana prosecution

Marijuana referrals, Garland 2019

Non-Black

Black

Jan 38% | Feb 54% | Mar 46% | Apr 44% | May 64% | Jun 35% | Jul 36%

Only 7 referrals
(2 Black, 5 Non-Black)

Aug – Dec

Population
14% Black

Marijuana referrals, Mesquite 2019

Non-Black

Black

Jan 51% | Feb 44% | Mar 30% | Apr 52% | May 58% | Jun 61%

Only 24 referrals
(8 Black, 16 Non-Black)

July – Dec

Population
26% Black

Conclusion

Conclusion

Overall, DA Creuzot's marijuana reform policies were associated with fewer, not fairer, referrals for prosecution of marijuana possession. These findings highlight the limitations of using prosecutorial policy to change police practices.

But policing practices are profoundly local. And in late 2019, some local police departments in Dallas County came close to realizing DA Creuzot's vision.

In his April 2019 letter to Dallas County residents, DA Creuzot described the rampant racial disparity in marijuana enforcement, insisting that "[t]he District Attorney must take action to end that disparity."[16] His strategy was simple: end the racial disparity in marijuana cases by eliminating almost all of them. Nowhere was that strategy more completely realized than in the cities of Garland and Mesquite.

The *DALLAS* project focuses on prosecutorial policy. So *Fewer, Not Fairer* cannot explain why Garland and Mesquite were such successful manifestations of DA Creuzot's vision. And important questions remain. Chief among them is whether reductions in marijuana enforcement produced corresponding increases in the enforcement of other low-level offenses.

Forthcoming *DALLAS* publications will explore how the Dallas County DA's Office implemented DA Creuzot's reforms. Lessons learned from the *DALLAS* project will provide prosecutors across the nation with actionable recommendations for reform.

Question:
Did racial disparity in Dallas County marijuana enforcement change in 2019?

Conclusion:
Although police referred fewer marijuana cases countywide, racial disparity in those cases got worse. However, some large cities made significant improvements.
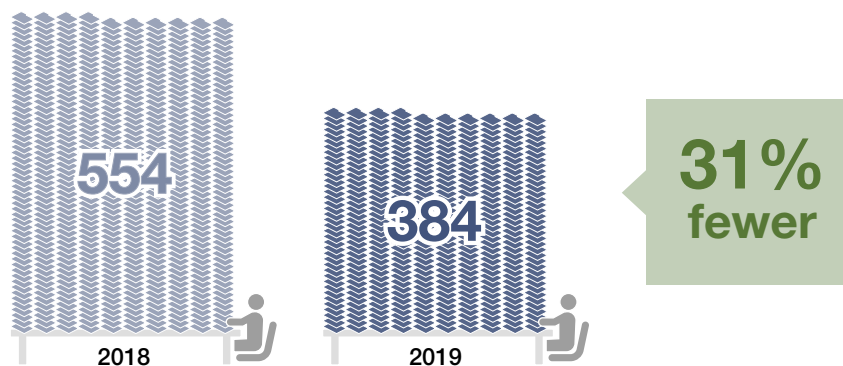
Racial disparity in marijuana referrals for prosecution remains in Dallas County

Black and non-Black people use marijuana at similar rates.

1x **1x**
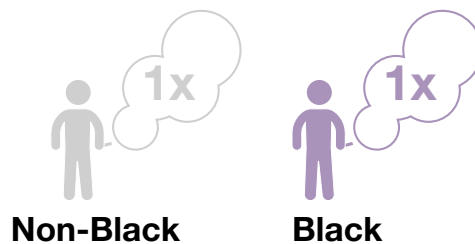
Non-Black **Black**

In 2019, police in Dallas County sent fewer marijuana cases to prosecutors than in 2018.

554 **384**

2018   2019

31% fewer

Average monthly marijuana referrals, Dallas County

But Black people still faced an unfair risk of marijuana prosecution relative to non-Black people.
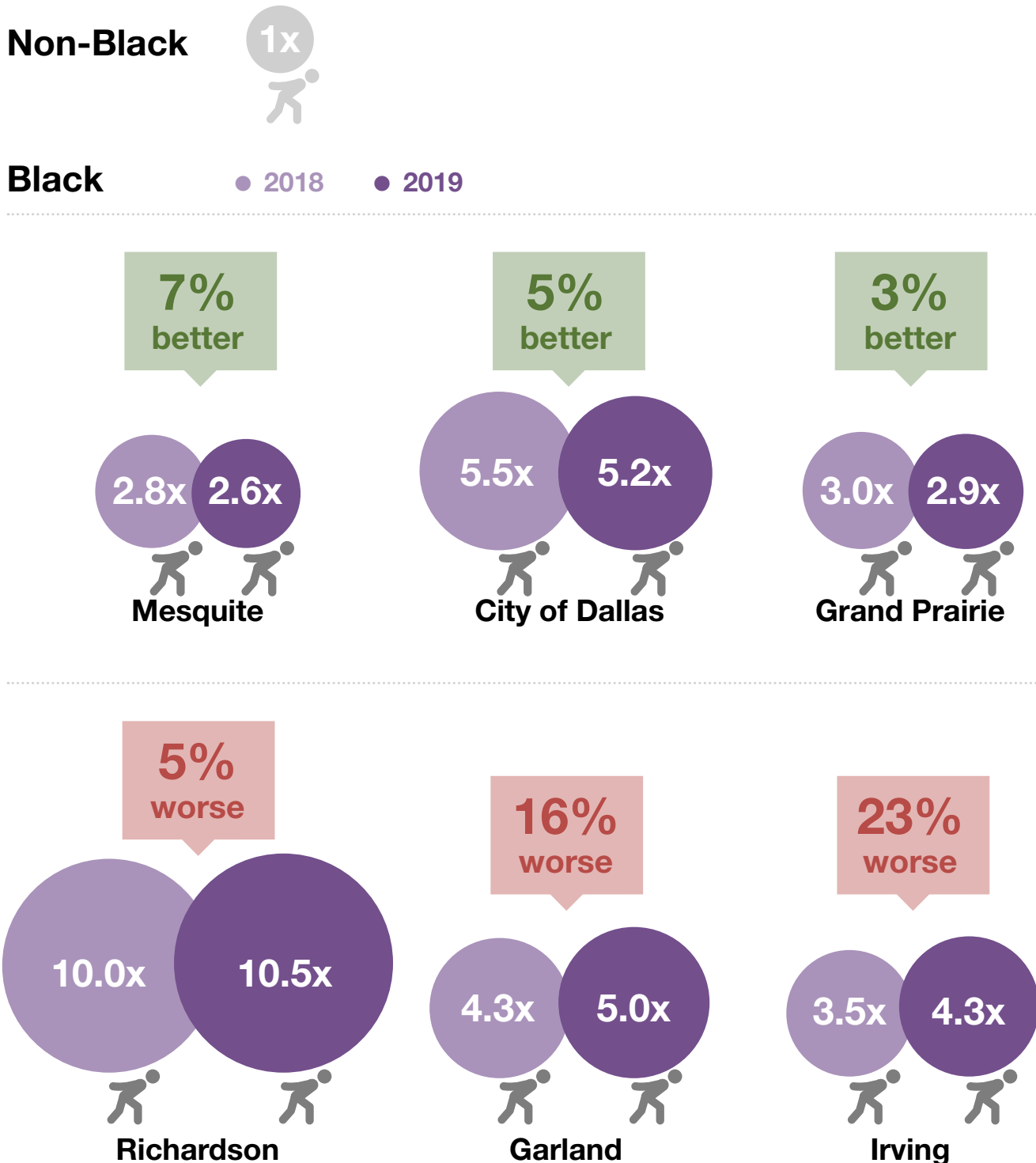
1x

2018 **4.0x**   2019 **4.4x**

10% worse

Non-Black **Black**
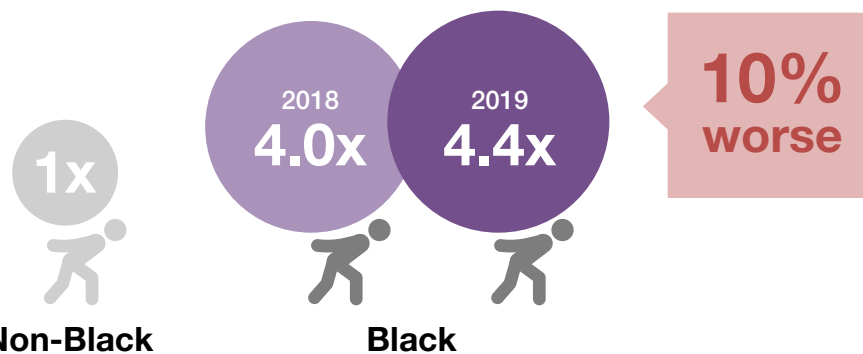
Relative likelihood of marijuana referral, Dallas County

For Black people in six large cities, there was no uniform change in their relative likelihood of referral for marijuana prosecution by municipal police

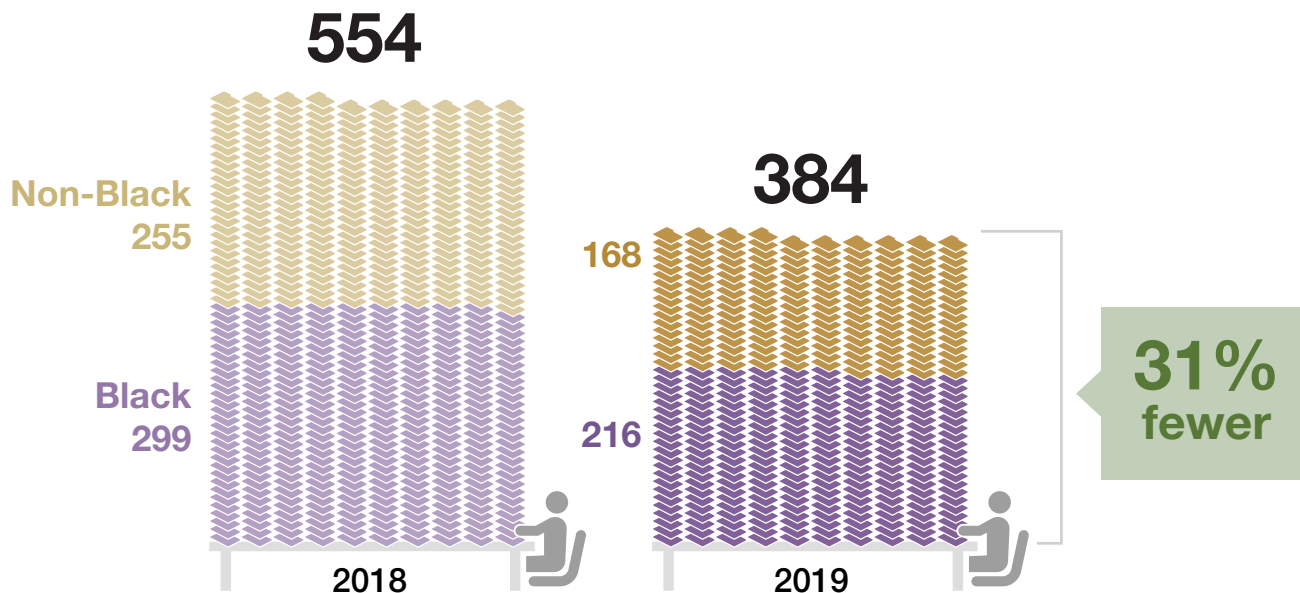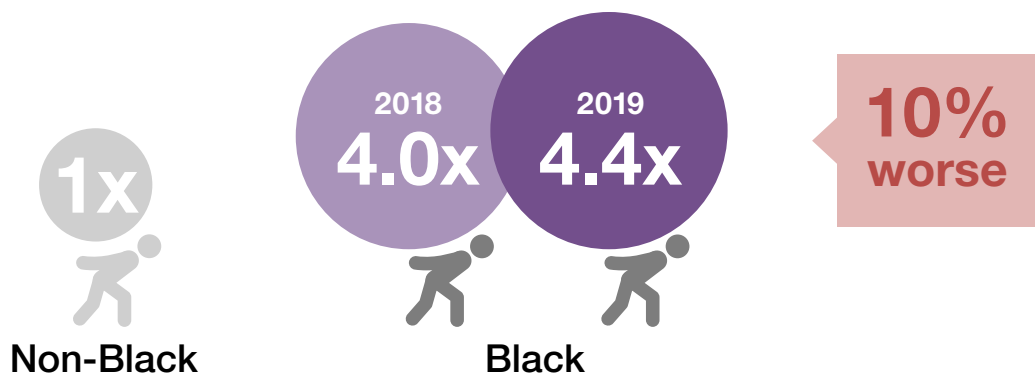Relative likelihood of marijuana referral, Dallas County

Non-Black   1x

Black   ● 2018   ● 2019

7% better
2.8x 2.6x
Mesquite

5% better
5.5x 5.2x
City of Dallas

3% better
3.0x 2.9x
Grand Prairie

5% worse
10.0x 10.5x
Richardson

16% worse
4.3x 5.0x
Garland

23% worse
3.5x 4.3x
Irving

Appendix

Average monthly marijuana referrals, Dallas County

554

Non-Black
255

Black
299

2018

384

168

216

31% fewer

Black people in Dallas County as a percentage of

City Population
23%

2018 Referrals
54%

2019 Referrals
56%

Relative likelihood of marijuana referral, Dallas County

1x

Non-Black

2018
4.0x

2019
4.4x

Black

10% worse

Average monthly marijuana referrals, City of Dallas

218[*]

191

Non-Black 79

72

Black 140

119

2018

2019

> **13% fewer**

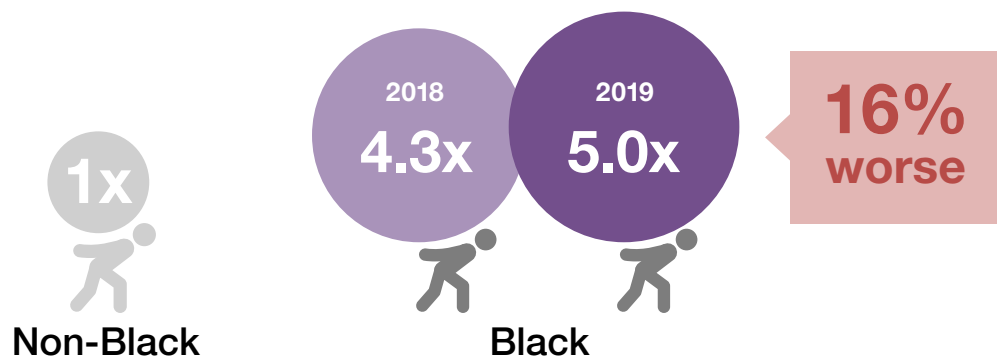> * Due to rounding monthly averages, some numbers presented in the appendix do not add up precisely to the totals provided.
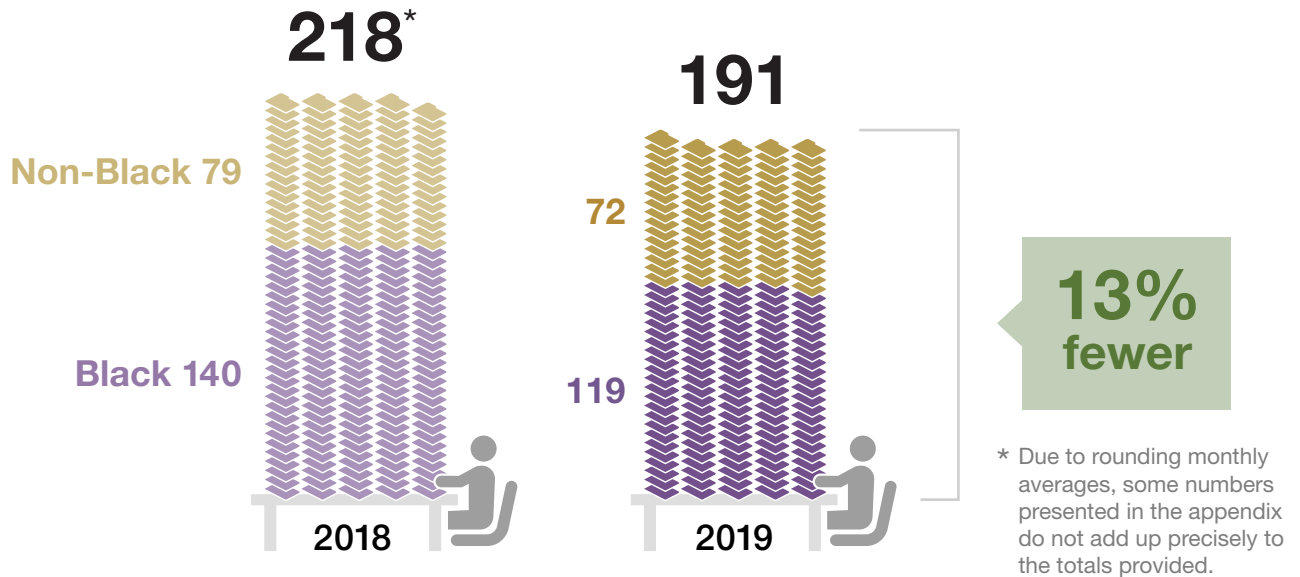
Black people in City of Dallas as a percentage of

City Population
24%

2018 Referrals
64%

2019 Referrals
62%

Relative likelihood of marijuana referral, City of Dallas
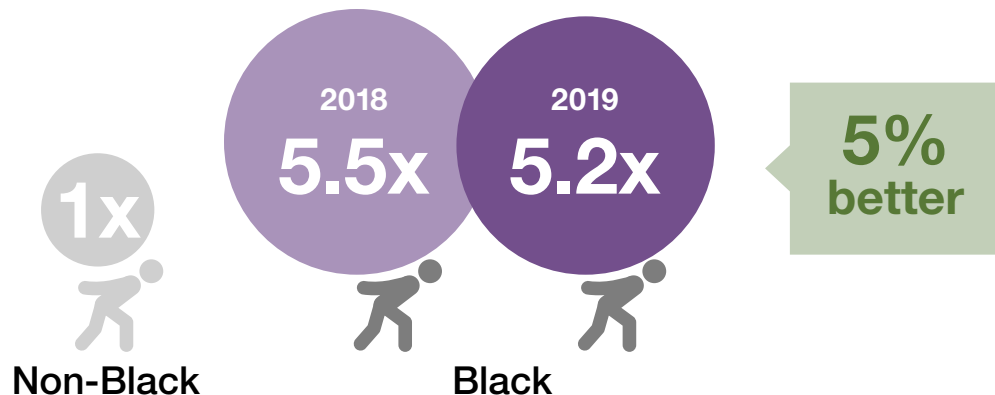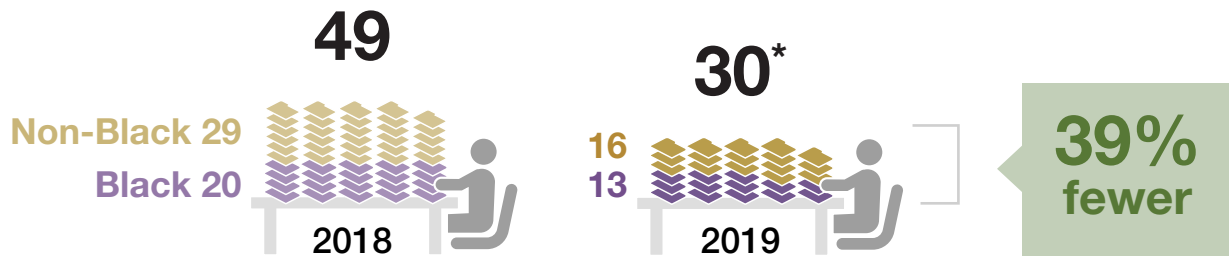
1x

2018 5.5x

2019 5.2x

> **5% better**

Non-Black

Black

Average monthly marijuana referrals, Garland

49

Non-Black 29
Black 20

2018

30*

16
13

2019

39% fewer

* Due to rounding monthly averages, some numbers presented in the appendix do not add up precisely to the totals provided.

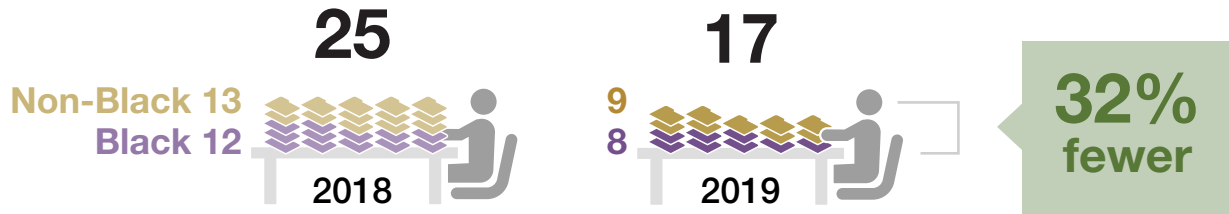## Black people in Garland as a percentage of

City Population

14%

2018 Referrals

41%

2019 Referrals

45%

Relative likelihood of marijuana referral, Garland

1x

Non-Black

2018
4.3x

2019
5.0x

Black

16% worse

Average monthly marijuana referrals, Grand Prairie

25

Non-Black 13
Black 12

2018

17

9
8

2019

32%
fewer

Black people in Grand Prairie as a percentage of

City Population
23%

2018 Referrals
47%

2019 Referrals
47%

Relative likelihood of marijuana referral, Grand Prairie

1x

Non-Black

2018
3.0x

2019
2.9x

Black

3%
better

Average monthly marijuana referrals, Irving

54

Non-Black 35
Black 19

2018

31

19
12

2019

43% fewer
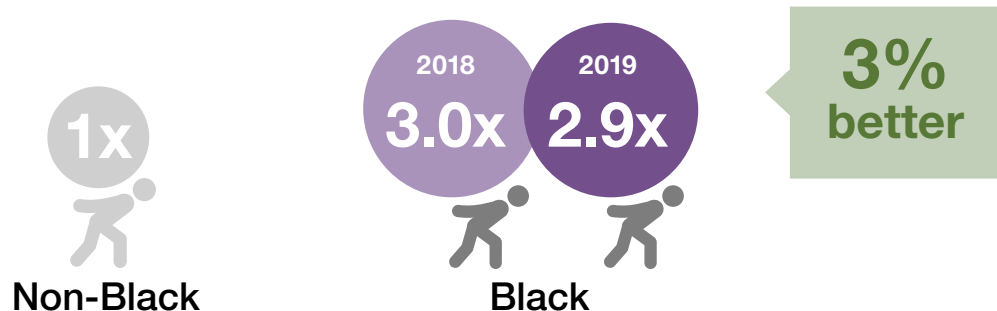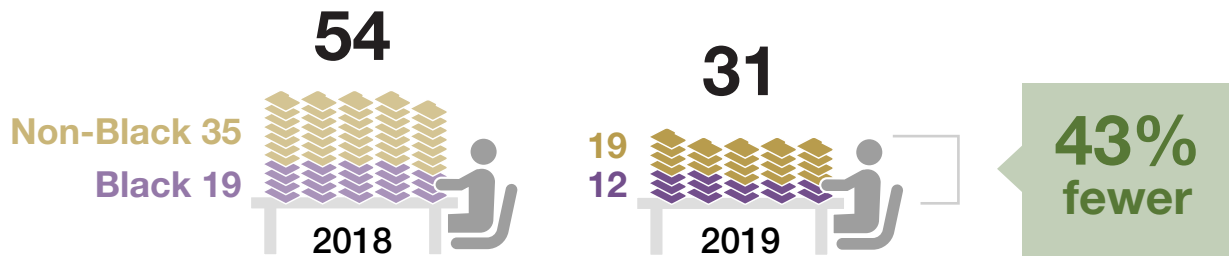
Black people in Irving as a percentage of

City Population
13%

2018 Referrals
34%

2019 Referrals
40%

Relative likelihood of marijuana referral, Irving

1x

Non-Black

2018 **3.5x**

2019 **4.3x**

Black

23% worse

Average monthly marijuana referrals, Mesquite

52

Non-Black 26
Black 26

2018

31

16
15

2019

40%
fewer
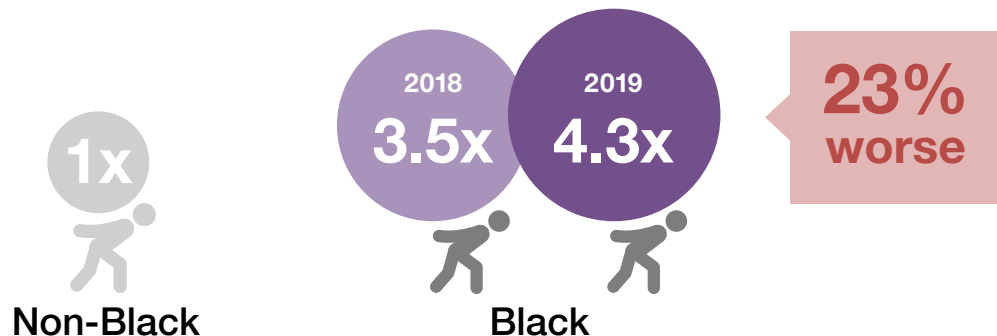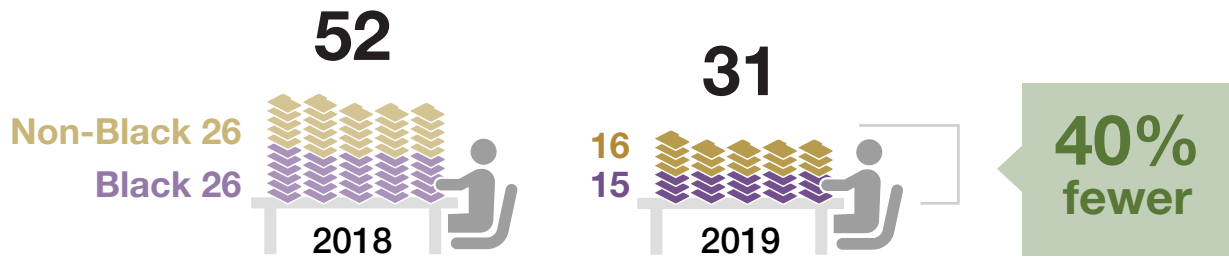
Black people in Mesquite as a percentage of

City Population

26%

2018 Referrals

50%

2019 Referrals

48%

Relative likelihood of marijuana referral, Mesquite

1x

Non-Black

2018
2.8x

2019
2.6x

Black

7%
better
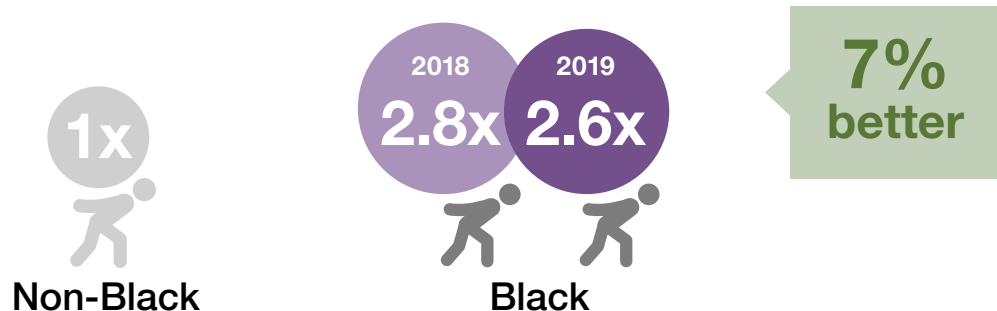
Average monthly marijuana referrals, Richardson
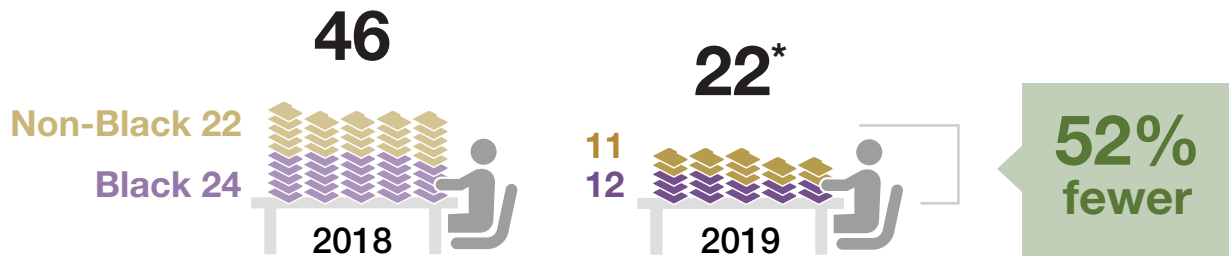
46

Non-Black 22
Black 24
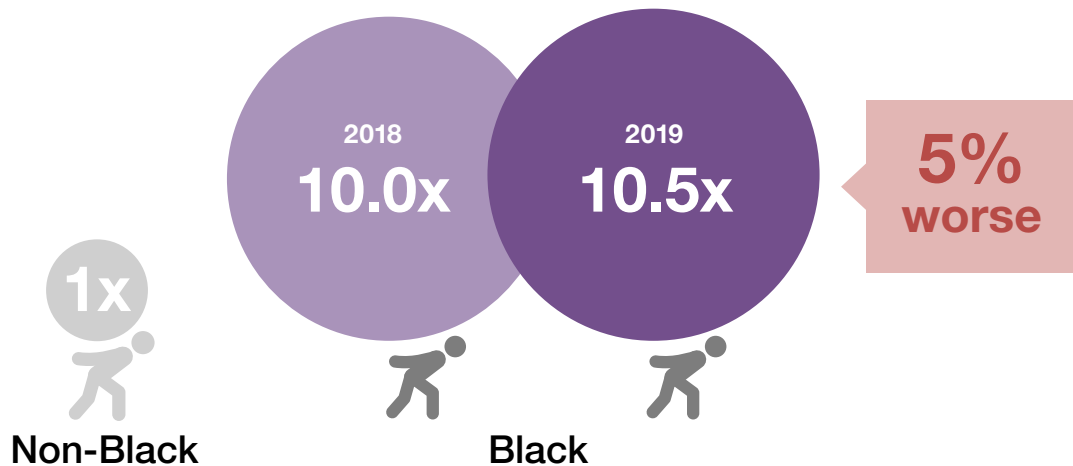
2018

22*

11
12

2019

**52%
fewer**

* Due to rounding monthly averages, some numbers presented in the appendix do not add up precisely to the totals provided.

Black people in Richardson as a percentage of

City Population
10%

2018 Referrals
52%

2019 Referrals
53%

Relative likelihood of marijuana referral, Richardson

2018
10.0x

2019
10.5x

**5%
worse**

1x

Non-Black

Black

ENDNOTES

1. Dallas County Criminal District Attorney John Creuzot Announces Sweeping Justice Reform Policies Press Release, *Dallas County Criminal District Attorney's Office*, (April 11, 2019) ("His initiatives include reducing mass incarceration and saving taxpayer's money by using innovative approaches and alternatives rather than simply locking up people who have committed low-level offenses and are not a threat to the community."); Letter of District Attorney John Creuzot, (April 11, 2019). (Dallas County District Attorney's Office will "decline [ ] prosecution on misdemeanor possession of marijuana cases for first-time offenders whose offenses do not occur in a drug-free zone, involve the use or exhibition of a deadly weapon, or involve evidence of delivery.")

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

3. The Deason Center endeavors to use language that reflects and affirms the Center's commitment to the equal dignity and worth of all people. Consistent with the 2021 conventions of the APA style guide, the AMA style guide, the Chicago Manual of Style, and others, the Deason Center capitalizes the terms 'Black' and 'White.'

4. *Budding Change*, *supra*.

5. Subst. Abuse and Mental Health Svces Admin., 2018 National Survey on Drug Use and Health: Methodological summary and definitions, (2019); Maxwell, J., Ph.D., Substance Abuse Trends in Texas 2017: A Report to the National Drug Early Warning System, 21 Tbl. 4b (2017); Keyes, K. M., et al., Racial/Ethnic Difference in Use of Alcohol, Tobacco, and Marijuana: Is There a Cross-Over from Adolescence to Adulthood?, 124 Soc. Sci. & Med. J. 132, 136-137 (2015); Am. Civ. Liberties Union, The War on Marijuana in Black and White (2013).

6. 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); *Budding Change*, *supra*; Am. Civ. Liberties Union, *supra*.

7. *The ABCs of Racial Disparity, supra*; *Budding Change*, *supra*; Am. Civ. Liberties Union, *supra*.

8. Referral is the process by which police request that prosecutors pursue an arrest or citation. Some jurisdictions use other terminology such as 'file' or 'present.' In Dallas County, police 'submit' misdemeanors for prosecution.

9. 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) (DA Creuzot's policy "declined prosecution on misdemeanor possession of marijuana cases for first-time offenders whose offenses [did] not occur in a drug-free zone, involve the use or exhibition of a deadly weapon, or involve evidence of delivery."); Letter of District Attorney John Creuzot, *supra*. This report only explores data related to marijuana possession misdemeanors that fall—or would have fallen—within the parameters of DA's Creuzot's policy.

10. Letter of District Attorney John Creuzot, *supra*. ("Although African Americans and people of other races use marijuana at similar rates, in Dallas County African Americans are three times more likely to be prosecuted for misdemeanor marijuana possession than are people of other races…The District Attorney must take action to end that disparity.")

11. 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).

12. Tex. Health & Safety Code § 481.002(17), (26).

13. *The ABCs of Racial Disparity*, *supra*; 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. 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); Eiserer, T. & Trahan, J., Critics say Blacks, Hispanics unfairly targeted in marijuana enforcement, *WFAA* (October 26, 2020).

14. This percentage calculation utilizes a small population of referrals. This calculation is provided for context, but represents an unstable estimate.

15. See note 14.

16. Letter of District Attorney John Creuzot, *supra*.

RESEARCH METHODS

The Deason Center obtained data on the race of each person referred to the Dallas County District Attorney's Office in 2018 and 2019 for either Class A or Class B possession of marijuana offenses. Consistent with DA Creuzot's non-prosecution policy, the data included 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). Because DA Creuzot excluded offenses occurring within a drug-free zone, involving the use or exhibition of a deadly weapon, or involving evidence of delivery from his non-prosecution policy, the data underlying this report do the same.

Population and demographic data came from the 2018 American Community Survey (ACS) conducted by the U.S. Census Bureau. We used ACS's 5-year estimates of population. The Census Bureau advises researchers to use 1-year ACS population estimates when studying changes over time. However, 1-year estimates are less accurate and have large margins of error. In some of the cities we studied, 1-year ACS estimates appeared to show substantial changes in the racial composition of the population between 2018 and 2019. These changes generally fell within the margins of error for the 1-year estimates, however, and were therefore potentially misleading. Because these population data were the baseline against which disparities in referrals were compared, any conclusions regarding changes in those disparities between the two years would also have been potentially misleading. In order to avoid misstating the size and direction of changes in disparities in referrals that did occur, we used the 5-year 2018 ACS to quantify populations and demographics throughout the report.

Our analyses broke down referrals by municipality. We did this using data about the police department that referred each arrest. For example, cases referred by the Mesquite Police Department were counted as originating in the city of Mesquite. Where city boundaries cross into counties adjacent to Dallas County, our data capture only referrals made by the police department for cases within the geographic jurisdiction of the Dallas D.A. Population data for each city reflect the total populations of each city whether within Dallas County or not.

We calculated the relative likelihood of referral of Black and non-Black individuals using a metric known as a 'risk ratio.' These statistics compute the disproportion in the number of Black people referred for prosecution in comparison to the number of non-Black people referred, using their presence in the population as a baseline. To calculate these statistics, the numbers of Black and non-Black individuals referred for prosecution were first divided by the total numbers of Black and non-Black individuals in the population, respectively. This quantified the proportion of each group referred in a given year—known as the 'risk' of referral for each group. Second, to calculate the relative likelihood of referral of Black and non-Black people, the Black group's risk was divided by the non-Black group's risk. The result quantified the ratio between the risks that members of the Black and non-Black groups would be referred for prosecution, respectively.

Where Black and non-Black people are arrested at rates proportionate to their presence in the general population, the relative likelihood of referral is '1'. Any number above 1 reflects that Black people experienced a disproportionate likelihood of referral. For example, a risk ratio of '2' means that a Black person had twice the risk of referral for prosecution than a non-Black person had in the year in question, given the racial composition of the general population.

ACKNOWLEDGMENTS

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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. This powerful collaboration considers how prosecutorial reforms impact racial equity and due process, and empowers the District Attorney to make data-informed decisions.

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