

April 2021



Decarcerating the Dallas County Jail

Emily Barksdale



FRANK BATTEN SCHOOL
of LEADERSHIP *and* PUBLIC POLICY



Executive summary

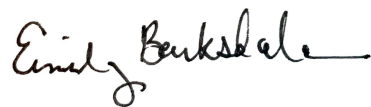
Too many people are unnecessarily incarcerated in the Dallas County Jail (DCJ) in Dallas, Texas, and this disproportionately affects low-income and non-white individuals. In this memo, I evaluate four proposed alternatives on their effectiveness, cost-benefit, equity, feasibility, and sustainability. These alternatives to the status quo include ending pretrial detention, expanding parole officer authority, increasing the practice of citing and releasing individuals rather than arresting, and increasing funding for diversion programs serving community needs currently answered by our criminal justice system. I recommend moving forward with a multipoint plan to end pretrial detention as the most effective, sustainable, and highest-scoring overall option.

Disclaimer

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, by Faith in Texas, or by any other agency.

Honor pledge

On my honor as a student, I have neither given nor received unauthorized aid on this assignment.



Acknowledgments

Special thanks to Adam Felder, who helped to create a usable database for this analysis, Jacob Reece for assisting me with thousands of records, Professors Thomas Frampton and Megan Stevenson for legal perspectives and provoking thoughts, Joe Swanson for being a fount of knowledge and most excellent sounding board, and Steffan Stroud for keeping me fed and relatively calm while I put this together. Ben Robinson and the Faith in Texas Policy Campaign Subcommittee inspired and grounded me, Professors Jim Wyckoff and Chris Ruhm gave thoughtful feedback on seemingly constant revisions, and Bruce Barksdale provided moral support.

Table of contents

Executive summary	2
Disclaimer	2
Honor pledge	2
Acknowledgments	2
Table of contents	3
Introduction	5
Problem statement	5
Client overview	5
Background	6
Figure 1: Comparing Jail and County Demographics	7
Consequences of the problem	8
Figure 2: Cost to Taxpayers	9
Existing evidence	10
Ending pretrial detention	11
Rethinking parole	12
Cite and release	13
Diversion programs	13
Policy alternatives	15
1. End pretrial detention	15
2. Expand parole officer authority	16
3. Increase cite and release	17
4. Increase funding to diversion programs: drug courts, homeless shelters, substance use disorder programs, mental health treatment, etc.	17
Evaluative criteria	18
Effectiveness (30%)	18
Cost (20%)	18
Equity (20%)	18
Feasibility (15%)	19
Sustainability (15%)	19
Evaluation	19

Option 1: End pretrial detention	19
Option 2: Expand parole officer authority	20
Option 3: Increase cite and release	21
Option 4: Increase capacity of diversion programs	21
Outcomes:	22
Figure 3: Outcomes Matrix	23
Figure 4: Scores	23
Recommendation	24
Implementation	24
Stakeholders and approach	24
Challenges	26
Conclusion	26
References	27
Appendix A: A note on sources	33
Appendix B: Methodology	34
Appendix C: Net present value calculations	35
Figure 5: NPV calculations	35
Appendix D: Sensitivity analysis	36

Introduction

As the jail population has increased nationwide since the 1980s, the number of convictions has remained relatively flat (Rabuy & Kopf, 2016). As many as 70 percent of individuals incarcerated in local jails nationwide are pretrial detainees who are legally presumed innocent, awaiting trial, and unable to afford bail (Rabuy & Kopf, 2016). People in jail are poorer than people in prison and drastically poorer than their nonincarcerated counterparts; the median bail bond nationwide represents eight months of income for a typical detained defendant (Rabuy & Kopf, 2016).

Most of the DCJ is filled with pre-trial detainees who have been unable to afford bail or have been refused such an offer due to their perceived risk of reoffending (*Jail Population Committee Meeting Agenda*, 2021). Many of these people might be better served by mental health, homelessness, or substance use disorder treatment or diversion programs. A preponderance of those currently incarcerated have been accused of low-level - or no, for technical violations of parole - crimes and should be afforded the legal presumption of innocence. If they are instead released, Dallas County stands to not only save money but also demonstrate a commitment to equity as they work to reduce and equalize the numbers of Black and Brown individuals behind bars. The entire incarcerated population could be reduced with strategic reallocation of funding and targeted programming. In the following paragraphs, I lay out the latest efforts to reduce incarceration in localities across the country, first framing the problem in the context of Dallas itself.

Problem statement

Too many people are unnecessarily incarcerated in the Dallas County Jail in Dallas, Texas, and this disproportionately affects low-income and non-white individuals. The vast majority of the jail is filled with pretrial detainees.

Most people ensconced in the criminal legal system, especially in local jails, are simply too poor to get out of it (Burdeen, 2016; Neal, 2012; Rabuy & Kopf, 2016). While a current challenge to Dallas's unlawful bail practices is tied up in the court system (McCullough, 2018; Shinneman, 2020), alternative avenues exist for abolishing the pretrial detention system entirely: local or state legal reform and prosecutorial discretion. The former require major political capital, while the latter is already lawful and simply uncommon. Other potential policy solutions include rethinking parole, increasing police use of cite and release policies, and increasing funding for diversion programs.

Client overview

In August 2020, Faith in Texas (FIT) launched the "Road to Liberation" advocacy campaign, which advocates for divestment from the Dallas County criminal justice system and reinvestment of those funds into community resources (*Road to*

Liberation Campaign Launch Opening Session, 2020). According to their mission statement, FIT is “a nonpartisan, multi-racial, multi-faith grassroots movement of people united in values working together to achieve economic, racial, and social justice for all people” (Faith in Texas, 2020). This analysis aims to inform the divestment side by defining the problem and then to evaluate some reinvestment options divestment makes possible.

Background

Dallas County is responsible for the operation and maintenance of the Dallas County Jail located in the city of Dallas, Texas (Dallas County Sheriff’s Department, n.d.-b). The city and county have connected and sometimes overlapping but distinct jurisdictions. The City, governed by a mayor and council, has its own police force that operates within the city limits (*Maps*, n.d.). The County, by contrast, has a sheriff’s department with eight deputies who have jurisdiction over the entire county, including within the 32 cities located therein as well as unincorporated areas in between (*Dallas County Cities*, n.d.; Dallas County Sheriff’s Department, n.d.-a). The County operates the seventh-largest jail in the country (Dallas County Sheriff’s Department, n.d.-a).

Dallas County is home to more than 2.6 million people and has a budget of nearly \$600 million (*Dallas County Approved Budget FY2020*, 2019, p. 20; U.S. Census Bureau, 2019). In Fiscal Year (FY) 2020, Dallas County heavily invested in a criminal legal system that locks up over 100,000 people who are overwhelmingly Black and Brown every year (*Dallas County Approved Budget FY2020*, 2019; The Texas Tribune, 2020). To do so, we estimate that the County budgeted over \$67 million on “inmate housing” alone and over \$430 million total in 2020 on incarceration and law enforcement (*Dallas County Approved Budget FY2020*, 2019). In contrast, Dallas County invests less than \$67 million into community, health, and social services (*Dallas County Approved Budget FY2020*, 2019). Furthermore, the County uses its investment in incarceration and law enforcement to make money off of the people it polices through fines and fees (Méndez, 2019). The County estimates it received over \$15 million in 2017 in reimbursement for fees to lock up, transport, and bond or bail people out¹ (*FY2018 Budget Detail*, 2017).

The average daily occupancy of Dallas County Jail facilities, which have a total maximum capacity of 7,100, is 6,500 (Dallas County Sheriff’s Department, n.d.-b). Somewhere between 65% and 80% of these inmates were awaiting trial and not yet convicted of the crime for which they were arrested (*Jail Population Committee Meeting Agenda*, 2021; Jail Population Committee Meeting, 2020; Pinney, 2016). Jail population data indicates that over 14% of individuals incarcerated in the Dallas County Jail on an average day were there for a parole violation (*Jail Population*

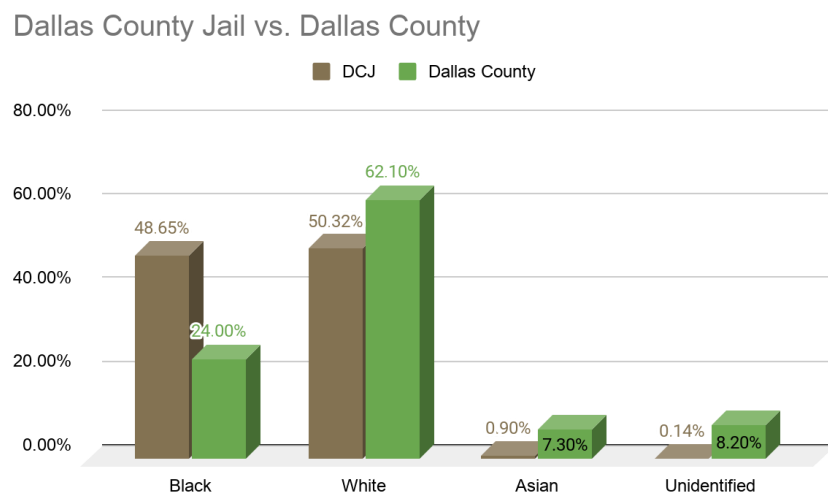
¹ The terms “bond” and “bail” are often used interchangeably, as they both refer to money exchanged for an individual’s freedom. Technically, a bond is a small percentage of the total bail amount charged that may be secured with collateral (Rabiner, 2011).

Committee Meeting Agenda, 2021). Detailed, comprehensive data is unavailable, but if Dallas County jail continues to follow state prison and jail trends, we would expect that, of that 14%, more than half had committed a technical violation rather than a new offense (*Confined and Costly*, 2019). Such violations may include missing a meeting with a parole officer, missing a drug test, missing a court date, or being unable to pay fines and fees but do not include arrests, charges, book-ins, or convictions.

Nearly three-quarters of the individuals booked into² the Dallas County jail in February 2021 were flagged as having potential mental health issues (*Jail Population Committee Meeting Agenda*, 2021). This is higher than national trends, which indicate as of 2006 that more than 50% of all prison and jail inmates have a mental health problem (Tartaro, 2015). Seventeen percent of these individuals have a “serious” mental illness, compared with just four percent nationwide (Grasso et al., 2018). Of that 17%, national data indicates 72% of individuals in jail with a serious mental illness also have a substance addiction (Grasso et al., 2018). Individuals with mental illness were three times as likely to be in jail as to be in a hospital, and 40% of individuals with serious mental illnesses reported having had at least one jail or prison stay (Tartaro, 2015). A movement to close mental institutions in the late 20th century was shortsighted and resulted in decreased options for individuals with mental illness; as a result, we now see the highest ever numbers of mentally ill individuals in jail (Steadman et al., 1995).

Despite Dallas having just under 25% Black residents, Black individuals make up 49% of book-ins in the last year (U.S. Census Bureau, 2019).³ Individuals booked in are overwhelmingly male (81%), and the largest portion (25%) are booked in on

Figure 1: Comparing Jail and County Demographics



² Much of the data for this report is obtained from county book-in records from April 6, 2021 through March 11, 2020. Book-in information is obtained for each individual who is arrested and charged with one or more offenses at the beginning of their jail stay. Information collected includes name, race, sex, address, and offense charged and is matched with any outstanding state offenses.

³ For more information about the source of this data, see Appendix A.

public order offenses, followed closely by drug charges (24%). Felony charges make up 58% of book-in charges, with misdemeanors comprising the other 42%. Almost 8% of offenses charged are eligible for citations rather than jail time. Most individuals are booked in with only one charge, but some are charged with as many as 13 separate local offenses at one time plus possible additional state-level offenses.

Recently, even some inmates who have posted bail continue to be held in jail as a result of a COVID-19 diagnosis. In the first half of 2020, Dallas County ordered more than 500 ankle monitors to be fitted on individuals who had posted bail, but the employees of monitoring technology companies and pretrial services refused to be present for fittings, so individuals remained in cells for months more (Hicks, 2020). Even outside the pandemic, such monitors and associated fees can add up to \$300 per month in additional costs (Hicks, 2020).

National trends over the past four decades have shown dramatic increases in incarceration along with decreases in crime rates - though research shows these two phenomena are not causally related (Vallas & Dietrich, 2014). Just recently, as 28 major cities in the US have released individuals from jail to ease overcrowding during the coronavirus pandemic, serious crimes have continued to decrease in all but one of those cities (Li, 2020). Increased numbers of individuals behind bars are direct results of criminal justice policies, whereas decreases in crime are results of improving economic conditions, demographics, and policing (Council of Economic Advisers, 2016).

In the last several years, various localities around the country have taken steps to decrease their lockup numbers. Some places, like King County, Washington, where Seattle is located, have even voted to close jails altogether ("King County Exec Plans to Close 'obsolete' Downtown Jail, Youth Detention Center," 2020; LaVoice, 2020). Most jurisdictions have reduced incarcerations in one of the following ways: reducing or eliminating money bail or pretrial detention; increasing access to and availability of diversion programs like mental health facilities and drug courts; increasing the authority of parole officers; or law enforcement officers opting for citations and releases rather than arrests and bookings.

Consequences of the problem

The average cost per bed per night in the Dallas County Jail is just over \$59. (*Jail Population Committee Meeting Agenda*, 2021; Pinney, 2016) The Dallas County Sheriff's Department reports a maximum capacity of 7,100 inmates and a daily average of 6,500 (Dallas County Sheriff's Department, n.d.-b). I used the latter figure to determine an overall daily cost for services of \$383,500. An average length of stay of 49 days and counting puts the average monthly cost to taxpayers at nearly \$16 million, though actual figures vary between just under \$10 and nearly \$20

million (*Jail Population Committee Meeting Agenda*, 2021). The average annual cost to taxpayers, using the above figures, is roughly \$140 million.

The nearly \$28 million in legal fees to court-appointed attorneys is paid separately. (Pinney, 2016) Direct costs presumably included in the nightly jail bed figure include employee wages, inmate services, and basic maintenance. Capital investments, however, are not covered, and have reached nearly \$18 million for just one project in recent years (S. White, 2018).⁴

Obviously, the six jail facilities operated by the Dallas County criminal justice system emit carbon, as do the sheriff's and deputies' cruisers. Thus, both the law enforcement and incarceration mechanisms have a negative environmental impact, and the cost thereof should be considered in a comprehensive analysis. Unfortunately, the best available data on the carbon footprint of crime is from 2009 in the UK and thus not comparable to 2020 Dallas County statistics. However, I used their findings of 4 million tons of carbon dioxide equivalents of emissions in the UK that year as a low bound, recognizing that our crime rates, population, and jails are larger but not whether the data would scale accordingly. (Skudder et al., 2017) Using a minimum of \$50 cost per ton of emissions, I expect externalities to total much higher than \$200 million. (*The True Cost of Carbon Pollution*, n.d.) Reducing the jail population via one or more methods described below could lead to a substantial reduction in such costs, as entire wings of the jail can be closed off to save not only on staff salaries but utilities and maintenance, as well (Curts, 2021).

Figure 2: Cost to Taxpayers

Category	Annual Cost (estimated)
Jail beds	\$140,000,000
Legal fees	\$28,000,000
Facilities and maintenance	\$18,000,000
Carbon emissions	\$200,000,000
Lost wages	\$140,000,000
Total	\$526,000,000

Possessing a criminal record creates additional barriers to employment and housing for an individual. Upon re-entry to society, former offenders face a myriad of discriminatory laws that make accessing government benefits, securing

⁴ The Sheriff's Department cites some other figures regarding services provided but no cost for such programs, so I assume most are encompassed in the \$59 rate mentioned above. (Dallas County Sheriff's Department, n.d.-b)

affordable housing, and finding gainful employment difficult (“Expanding Justice throughout America’s Justice System,” 2020). Criminal records can disbar individuals from voting, earning occupational certificates, and opening bank accounts. Without these and other crucial services, the chances for an individual’s recidivism rise: the national rate of ex-felons who reoffend within three years is 83%. Of that 83%, 82% were arrested within the first three years after release⁵ (Alper et al., 2018).

Having a criminal record reduces earning potential for an individual by somewhere between 10% and 30% (Spjeldnes & Goodkind, 2009). Employers’ unwillingness to hire ex-offenders harms both the formerly incarcerated population as well as the employers themselves as they miss out on otherwise qualified and willing workers. Furthermore, limited funds post-release inhibit residential stability, a critical component to preventing recidivism and establishing long-term success. Without a stable place to live, ex-offenders may have trouble addressing crucial issues such as unemployment, substance abuse, and/or mental health problems (Greenberg & Rosenheck, 2008).

At first glance, none of the policy alternatives proposed herein would change the criminal records of individuals affected. However, approximately 95% of all criminal cases, depending on the jurisdiction, end in plea deals rather than trials (Dressler et al., 2020). We might surmise that, rather than 95% of individuals charged with crimes being guilty, there is instead extreme pressure exerted on people in cages to get out of the cage as soon as possible. The above professional consequences as well as family issues like custody can be created or exacerbated the longer someone is detained. Even one or two nights in jail may result in a person losing their job and their children. So, we consider the above consequences as potentially reversible collateral damage - if processes of the criminal legal system were to change, perhaps we’d see fewer guilty pleas and fewer criminal records overall.

Finally, I’d be remiss not to consider the opportunity costs of the lost wages of incarcerated individuals. The average length of stay for an inmate at the DCJ as of February 2021 accounts for a loss of at least \$2,842 in hourly work for each individual, or a running daily total of nearly \$400,000 in lost wages, not to mention the community loss of tax contributions. (*Jail Population Committee Meeting Agenda*, 2021) Estimated annual lost wages amount to just under \$140 million.

Existing evidence

While a considerable volume of literature regarding recidivism and reentry programming exists, we know less about the most effective alternatives to the current system of mass incarceration. Further complicating the dearth of relevant

⁵ Methods of tracking recidivism vary by jurisdiction, with some focusing on any encounter with law enforcement, and others focusing specifically on arrests, convictions, or detentions - and still others tracking only re-arrests for the same crime. Time periods of data collection and analysis also vary.

literature is the unique set of circumstances each county faces with its own demographics, geography, and funding structure. Thus, while no known solutions will lead to a certain reduction in crime, I've provided some potential paths forward below. Most of these reflect research-based policies that have been implemented and are under review, while others are more anecdotal and still in nascent stages of development. Wherever possible, I've tried to include county policies rather than city- or statewide policies; I also sought to profile somewhat similar jurisdictions as much as I could: metro areas, high minority populations, counties in Texas, etc., to provide comparable and realistic solutions.

Some researchers claim to have identified a clear set of “best practices” that have been proven effective deterrents from crime upon release. What remains unclear for many programs is the potential reach; others lack a causal link that can separate interventions from demographic or personal data (Ames, 2019; Unruh et al., 2009; *What Works in Reentry*, 2018). Recently, randomized controlled trials have become more popular, but it is difficult to track long-term results - and this problem may remain for some time. Thus, this analysis will focus on finding a proactive approach to prevent Dallas County residents from entering the criminal justice system in the first place.

Ending pretrial detention

The United States Constitution prohibits pretrial detention, as laid out in the Fifth Amendment's Due Process Clause and decided in *U.S. v. Salerno* (*United States v. Salerno*, 1987). Individuals are presumed innocent until proven guilty and may not receive punishment imposed by the State in advance of such a guilty finding (*Coffin v. United States*, 1895). Narrow exceptions are made to this rule - in theory, to promote the safety of the community. In practice, how such exceptions are applied varies greatly from state to state with different circumstances (Stevenson & Mayson, 2021).

As the jail population has increased since the 1980s, the number of convictions has remained relatively flat. As stated above, as many as 70% of individuals incarcerated in local jails are pretrial detainees who are legally presumed innocent, awaiting trial, and unable to afford bail (Rabuy & Kopf, 2016). Some states, like Kentucky, and cities, like Washington, DC, have eliminated money bail without meaningful deterioration of their criminal justice systems (Rabuy & Kopf, 2016). Johnson County, Iowa reformed their system in 2012-2013 to incarcerate fewer low-level offenders, reducing their jail population by 44% and saving \$500,000 in 2016 (P. P. Jones, 2019).

Though ending cash bail could, in theory, lead to a preponderance of releases, laws abolishing this practice elsewhere often replace money bail with risk assessment tools (RATs), over which judges have even less discretion (Pohl, 2020). Designed to remove bias from the process, unfortunately, such RATs often lead to similarly slanted decisions as those resulting from racist sentencing laws or judicial bias

(Eaglin, 2017). Words from lawyers and professors Kate Stith and Jose Cabranes, though writing about sentencing guidelines in their book, sum the peril up thusly: “By replacing the case-by-case exercise of human judgment with a mechanical calculus, we do not judge better or more objectively, nor do we judge worse. Instead, we cease to judge at all” (Stith & Cabranes, 1998). They explain further, “[t]his solemn confrontation was predicated on the fundamental understanding that only a person can pass moral judgment, and only a person can be morally judged,” that is, perhaps we should trust judges to do their jobs (Stith & Cabranes, 1998).

According to legal doctrine, each decision about whether to jail or release an individual accused of a crime should be based on the considered balance of societal safety versus the individual interest in liberty (Stevenson & Mayson, 2021). Even the “highest risk” individuals have just a 2.5% to 8% chance of reoffending in the study periods following pretrial release, which range from one to nine months (Stevenson & Mayson, 2021). In contrast, the harm done to an individual by one day of incarceration is equivalent to the harm inflicted by a burglary; robbery is equivalent to three days, and serious assault is equivalent to 30 days, according to the cost-benefit survey administered and analyzed by Stevenson and Mayson (Stevenson & Mayson, 2021). In sum, the use of RATs continues to encourage incarceration of far more than only those individuals at truly high risk of committing serious crime. Many people are no better off with automatic categorization from a RAT than they would be if granted the option by a judge to post unaffordable bail.

Rethinking parole

As mentioned above, another alternative to consider is to give parole officers more leeway, as many individuals return to jail following a minor parole violation. In South Carolina, administrative reforms to minimize technical violations have measurably and reliably decreased recidivism (Pelletier et al., 2017). Recategorizing infractions like missing a meeting with a parole officer, traveling without permission, or failing a drug test and allowing supervision officers greater liberty in enforcement could result in up to 746 fewer arrests in Dallas County (Jail Population Committee Meeting, 2020), if everyone incarcerated for parole violations had committed a technical violation rather than been arrested for committing a crime. If the Dallas County Jail population follows Texas trends, instead, recategorization would likely yield a reduction closer to 410 fewer arrests (Confined and Costly, 2019). Incentivizing good behavior and approaching parolees based on risk factors and needs is a subtle culture or perspective shift that could have far-reaching consequences (*Parole Perspectives in Maryland: A Survey of People Who Returned to Prison from Parole and Community Supervision*, 2015).

In Maryland, researchers came to a consensus that community supervision agents should use tools and strategies to address specific risks and needs of their clients. Their experiences led them to recommend these reforms in three parts: first, altering regulations to avoid as many technical violations as possible; second,

incentivizing good behavior for parolees who meet the requirements of supervised release; and finally, allowing the community the latitude to troubleshoot potential problem areas of the reformed system (*Parole Perspectives in Maryland: A Survey of People Who Returned to Prison from Parole and Community Supervision*, 2015). The report concluded that engaging people in work and supportive services is likely to ensure they will refrain from committing new offenses and remain in the community (*Parole Perspectives in Maryland: A Survey of People Who Returned to Prison from Parole and Community Supervision*, 2015).

Cite and release

An agreement by law enforcement to issue a citation rather than arresting and booking an individual into jail can meaningfully impact the individual and the system. One study found that pretrial detention increased the likelihood of conviction and sentencing to jail or prison as well as the length of one's sentence; however, those who were released were likely to show up in court and unlikely to be arrested for further activity (Lowenkamp et al., 2013). This study controlled for risk level, supervision status, offense type, offense level, time at risk in the community, demographics, and other factors and found that low-risk defendants in Kentucky who were detained for the entire time between arrest and trial were 5.41 more likely than individuals who were released for all or part of that time to be sentenced to jail (Lowenkamp et al., 2013). These low-risk individuals were 3.76 times more likely to be sentenced to prison, while moderate and high-risk individuals who were detained the whole time were 3 times more likely to be incarcerated in either jail or prison (Lowenkamp et al., 2013). The same study found increased sentence lengths for those who had been detained the entire pretrial time that were also substantial and significant, and again, low-risk defendants were the most affected (Lowenkamp et al., 2013).

A state law passed in 2007 allows localities in Texas to determine which offenses are citation-eligible rather than carrying mandatory jail time. (Monte & Wallace, 2020) Bexar and Nueces Counties and the city of Houston, Texas have recently shifted to a cite and release model for most misdemeanors. (*Cite and Release Program | Nueces County, TX*, n.d.; "Some Misdemeanor Suspects Will No Longer Go to Jail under New Houston Program," 2020; SA Stands, 2019) While Dallas's City Council voted in favor of using this model for marijuana possession in 2017, police used it in just 6.5% of cases in its first eight months. (*Dallas Police Use "Cite And Release" In Fraction Of Marijuana Possession Cases*, 2018)

Diversion programs

Los Angeles County recently published a robust, comprehensive report with over 100 specific recommendations centering on the premise that the county should provide a wide array of care and services to its most vulnerable individuals and jail them only as a last resort (*Care First, Jails Last: Health and Racial Justice Strategies for Safer Communities*, 2020). The report addresses the county's own racial inequities,

which appear to be similar to Dallas's. Several of these strategies, then, could be used as a model for Dallas County expanding their network of services as they divest in their criminal justice system. One study found that upwards of 60% of inmates in the Los Angeles County Jail would be eligible for mental health diversion services if they were available (Holliday et al., 2020). In February 2021, over half of book-ins at the Dallas County Jail were given a "suspected mental health issue" flag (*Jail Population Committee Meeting Agenda*, 2021). Even a fraction of this eligibility in Dallas County could lead to substantial decarceration.

Pre- and post-booking mental health programs as far apart as New England and Nebraska have been proven successful (Tartaro, 2015). One example of such a program was studied by a team of researchers in the mid-1990s, who found statistically significant reductions in incarcerated time of individuals with mental illnesses who received the treatment compared to those who did not (Hoff et al., 1999). These individuals lived in a small New England town and likely faced, upon release, an environment meaningfully different from the urban melting pot of Dallas, Texas. Another program, Project Link, is based in Rochester, New York, another midsize city. Project Link provides therapy, medication management, and case advocacy to clients with mental illnesses and was evaluated in the early 2000s (Tartaro, 2015). Results indicate that participants in the program spent fewer days in jail as well as in the hospital, reduced their drug and alcohol usage, and improved money management skills and personal hygiene (Tartaro, 2015). Douglas County, Nebraska, population 571,000, offers a Mental Health Diversion Program as an alternative to incarceration. A 2011 analysis thereof showed 76 percent completion, or 184 successful diversions, which resulted in cost savings of \$38,340 using a \$90 per inmate per day figure (Tartaro, 2015). However, this analysis was conducted by the program itself; impartial, third-party evaluations have not been completed (Tartaro, 2015). Though various program results seem to show meaningful, similar capacities for successful diversion from incarceration, the lack of causal evidence in demographically similar locales should be taken into account.

The Justice Policy Institute estimated in 2005 potential savings of \$1.24 million if people were sent to drug courts instead of the Dallas County Jail (Ziedenberg & Schiraldi, 2005). Nationally, greater than two-thirds of individuals incarcerated in jails meet medical standards for diagnosis of a substance use disorder (P. P. Jones, 2019). Despite the effectiveness of such diversion measures, people of color are underrepresented in the programs and overrepresented in the proportion of those incarcerated for drug-related crimes (Ziedenberg & Schiraldi, 2005). In 2011, King County implemented a pilot program targeting poor, chronically homeless, low-level drug dealers, users, and prostituted people that, according to a non-random, statistically controlled evaluation, reduced recidivism rates by up to 60%. The sample size was small, but such results are still notable (Green, 2015).

Keeping the numbers of individuals with mental illness in mind, Dallas County Commissioners allocated in September 2020 \$1 million toward a new "Dallas Deflects" program facility, which was set to open by March 2021 with a 15-person

capacity (Spillyards, 2020). Dallas Deflects will provide the option of comprehensive mental health care and substance abuse recovery services to individuals who would otherwise face jail time (Spillyards, 2020). The program is based on a similar model from Houston, which boasts 3,000 diversions, or a 50% reduction in incarcerations, over the past two years (Spillyards, 2020). Officials from Houston report cost savings of \$5.54 per dollar spent, or \$18 million in total (Spillyards, 2020). Given the estimated numbers of jailed individuals with a mental illness, though, the starting capacity of Dallas Deflects could serve just one-half of one percent of potentially eligible individuals, each with a \$66,667 price tag.

Policy alternatives

Meeting FIT's goal of systemic change is impossible through a single "silver bullet" initiative. Rather, a combination of options should be implemented to reduce or eliminate incarceration in the DCJ. Each can be executed separately or in combination with others. If approached as a comprehensive suite, constraints on resources may force prioritization of some alternatives before others. After one or two options are underway, FIT can reevaluate and determine whether to alter their current path or continue forward to the next piece. To prepare for such a scenario, I have evaluated the following alternatives to the current carceral system:

1. End pretrial detention

Some states, like Kentucky, and cities, like Washington, DC, have eliminated money bail without meaningful deterioration of their criminal justice systems (Rabuy & Kopf, 2016). Johnson County, Iowa reformed their system in 2012-2013 to incarcerate fewer low-level offenders, reducing their jail population by 44 percent and saving \$500,000 in 2016 (P. P. Jones, 2019).

In 2018, United States District Judge David Godbey filed a preliminary injunction in *Daves v. Dallas County*, thus halting the previous practice of using an automatic bail schedule for arrestees (*Daves v. Dallas County*, 2018a). The decision requires judges to hear from defendants about their ability to pay within 48 hours of arrest and to consider alternatives to money bail (*Daves v. Dallas County*, 2018b). While magistrates have the option to release individuals on personal release bond, requiring payment only if the court date is missed, the vast majority of judges require payment up front (McCullough, 2018). The injunction took effect in January 2019, and as of February 2021, both sides had appealed the order, but the court had filed no further decisions (Mejia, 2018). Attorneys also await the scheduling of a civil trial (AP, 2018). In the meantime, the state legislature could enact legal changes (Shinneman, 2020).

To end the practice statewide, Texas legislators could introduce a bill replacing the current bail systems used in 254 Texas counties with more compassionate and effective needs assessments for individuals charged with crimes. Then, rather than holding them in cells for weeks or months as they await trial, individuals could be

released on their own recognizance.⁶ Available evidence from Washington, DC and Kentucky indicates that these people would show up on their court date, thus refuting the common argument for pretrial detention (Rabuy & Kopf, 2016).

Locally, prosecutors are already given broad authority in the pretrial, charging, and sentencing phases of the criminal system. Current Dallas District Attorney (DA) John Creuzot has indicated willingness to implement progressive changes in the county (Marfin, 2019). He has halted prosecution of first-time misdemeanor marijuana possession charges and low-level thefts not for economic gain and recently enhanced the county's mental health resources by bringing in specially trained case coordinators to review misdemeanors and felonies committed by individuals struggling with substance use disorders and mental illnesses (Grigsby, 2021; Osborne, 2019). His stated goals with such a program are reducing recidivism and crime by enlisting the aid of community-based services (Grigsby, 2021). A memo from his office to all county government officials detailing a clear policy of releasing individuals before their trial dates could serve as the basis for an explicit change.

2. Expand parole officer authority

Current estimates indicate that as many as 14% of individuals currently incarcerated in the DCJ are locked up due to technical violations of the terms of their parole (*Jail Population Committee Meeting Agenda*, 2021). Examples of such violations include missing a meeting with their assigned officer, being unable to pay a related fee, or returning a positive drug test (Jail Population Committee Meeting, 2020). Though such administrative violations require no arrest, the consequences can be dire: without committing a new crime, parole violators often end up back in the cell they were recently released from. Expanding the authority of individual case managers to make a discretionary call in such instances could reduce such readmissions to the DCJ. Instead, individuals might be counseled, referred to community programs, put on a new payment plan, or otherwise excused. As alluded to above, increasing the authority of any individual actor while maintaining or even reducing current checks on behavior can be a slippery slope. However, in

⁶ There are several pretrial options a judge might order: personal recognizance (PR), release with conditions, surety bond, cash bond, pretrial detention, or some combination of these. PR bonds allow the accused to go free after they've agreed to return for their appointed court date. Releases with conditions are similar to PR bonds but may involve any number of restrictions, such as refraining from drinking alcohol or avoiding contact with a particular individual or group. Surety bonds are issued when a bail bondsman agrees to post the entire amount of an individual's bail in exchange for a small percentage and their showing up to court. The bondsmen are on the hook for their clients' attendance, so to entice them, there are often hefty penalties, required collateral, and persistent reminders as the court date nears. Cash bonds are issued as amounts individuals may pay the court for their freedom (Frampton, 2021; Wykstra, 2018).

concert with the other reforms listed, this may serve to decarcerate individuals who may not otherwise be affected by policy changes.

3. Increase cite and release

Across the country, progressive prosecutors are refusing to pursue charges for low-level, nonviolent offenses, thus reducing incarceration and saving government funds while maintaining public safety. The Dallas Police Department (DPD) is currently authorized to cite, fine, and release individuals found with less than four ounces of marijuana if they are Dallas County residents who show photo identification and have no prior convictions (McClary, 2021). This charge applies to more than one-third of drug arrests made by DPD, but only 16 of 737 individuals arrested in February 2021 met all of the above conditions (McClary, 2021). Dallas should follow the lead of prosecutors in Bexar, Travis, Harris, and other Texas counties and expand this program to apply to more charges with fewer restrictions (Marfin, 2019).

4. Increase funding to diversion programs: drug courts, homeless shelters, substance use disorder programs, mental health treatment, etc.

I leave this alternative broad intentionally, because to evaluate the impact of all individual diversion programs would warrant another APP-like undertaking entirely. Encouragingly, Dallas County already has several options available, including but not limited to Unlocking DOORS, the DIVERT Court, Mental Health Jail Diversion Unit, and other speciality courts (*Criminal Justice Department*, n.d.). Ideally, partaking in such options would be completely divorced from the carceral system rather than run under the same umbrella, and individuals who take advantage of such offers would not be compelled to have any contact with the county legal system before being referred to one. With that in mind, enough needs exist in the Metroplex to utilize each program at a greater capacity. Expansion will, of course, require increased capital to fund everything from staff to materials. Such a scaling up will also require time.

For the purposes of analysis, we'll consider doubling the capacity of Dallas County specialty courts currently in existence. These courts, administered by Dallas County judges, admit individuals with offenses that meet certain criteria like level (e.g. misdemeanor or felony) or number (e.g. first, repeated) and oversee their cases for 6-18 months (*Community Supervision and Corrections | Programs, Services & Specialty Courts*, n.d.). Upon successful completion of requirements like substance use treatment, meeting attendance, by the time of completion, individuals are released without further penalty. In this analysis, we assume any marginal need for increased staff hours might be cancelled out by more efficient use of overhead costs and, thus, simply doubling funding would at least double program capacity.

Evaluative criteria

I have evaluated the four alternatives described above across five criteria: effectiveness, equity, cost, feasibility, and sustainability, each with descending weights, per FIT's preference. More details on methodology may be found in Appendix B. I introduce and summarize these methods below.

Effectiveness (30%)

Faith in Texas's first priority in this endeavor is to reduce incarceration. This will be measured in the projected number of individuals who would have otherwise been incarcerated who would no longer be behind bars with the implementation of the specified intervention. Because this is the most important consideration for FIT, this criterion will be weighted most, at 30%. The score itself is simply the percentage reduction of the jail population.

Cost (20%)

Another major priority of FIT is decreasing spending in the Dallas County Sheriff's Department. Thus, I will consider the cost of each of the above options and weigh this slightly below effectiveness at 20%. For this criterion, I will numerically total the approximate benefit amount in the net present value of dollars for each alternative. Only option 4 has an associated cost outside the scope of expected employee job descriptions, and all options will result in cost savings equivalent to a specified percentage reduction of the average DCJ monthly cost. Appendices B-D include more details on calculations. To keep scoring consistent on a 0-1 scale, the highest cost was set as 1, and the rest computed as ratios.

Equity (20%)

Relatedly, FIT is concerned with the equity implications of each alternative detailed above. I view the entire undertaking through an equity lens; historically marginalized racial and socioeconomic class groups are already disproportionately represented in the DCJ. FIT is committed to holistic solutions that place people on more equal footing and would not support options that help one group of people by harming another. Unfortunately, available data does not include ethnicity or income, so with limited capacity to consider the relative equity of each option, I will detail the differential effects on racial groups. For instance, increasing funding and access to drug courts instead of otherwise entering the criminal legal system will disproportionately benefit Black individuals, who are arrested for low-level drug crimes at much higher rates than their peers and than the Black population of Dallas might suggest (McClary, 2021). This disproportionate benefit would be a direct response to decades of disproportionate harm demonstrated by high numbers of Black individuals behind bars. Such an alternative, then, receives a high equity score. I calculate this in a ratio of Black to white individuals to be released

with implementation of the option, and this ratio is factored into scoring at a weight of 20% of the overall score.

Feasibility (15%)

FIT must consider the feasibility of implementing any or all of the alternatives laid out in this report. While the political landscape may change quickly with various local and state elections and public pressure, the required administrative steps are likely to evolve more slowly. The former component, political feasibility, will be evaluated according to who is in office as of February 2021 using public statements and past policies. I will determine likely support, opposition, or neutrality toward proposed alternatives.

The latter portion, administrative feasibility, will be addressed more comprehensively: what steps are required? Are these tedious or likely to be delayed by outside actors? Has someone in the FIT ecosystem begun the process already? If not, does this fall squarely in someone's purview? If not, how manageable and clear are next steps?

Together, these projections will be combined into an overall rating on a scale from high (easy to implement) to low (difficult to implement). Ratings are then converted into numerical scores from 0-1, with .2 indicating a difficult option, .5 medium feasibility, and .8 the easiest to implement.

Sustainability (15%)

The final consideration for the above options will be the long-term viability and staying power, which I refer to as "sustainability." A single injection of money, attention, or other resources will not dismantle and reshape the existing structure. A one-time gift will not establish a lasting alternative to caging people. In view of FIT's commitment to challenging long standing beliefs and changing our system of incarceration at its core, sustainability is included as an evaluative criterion. I will measure an alternative's capacity for sustainability via the number of years it is likely to remain in place, all else equal, from less than one through perpetuity. The same ratings and conversions as those in the feasibility category are used to calculate the total weighted score.

Evaluation

Option 1: End pretrial detention

Taking this issue on would be a monumental but extremely effective task. As roughly 80% of those currently in the DCJ are incarcerated pre-trial (*Jail Population Committee Meeting Agenda*, 2021), this would be the most highly effective option, reducing the population of the DCJ by more than three-quarters. Dallas County would incur a net present value (NPV) of roughly \$5.6 million in cost savings from such a reduction within the first year of this policy's institution. This figure does not

account for overhead costs that may not be reduced as much as others, nor does it take into account avoided capital expenditures, but those two categories may be assumed to balance each other out in the long term. Because such decisions would be administrative, they would incur only negligible costs.

This option has a medium equity score. Approximately 25% of individuals living in Dallas County are Black, but .97 Black individuals is booked in for every white person within the last year - much higher than the expected proportion of .25 to 1. To put it differently, while proportional book-ins would result in 1 Black person being booked into DCJ for every 4 white people, we see Black and white individuals being booked in at nearly equal rates. Thus, releasing pretrial detainees would move DCJ toward equity at an almost 4 to 1 rate, reversing some of the racial biases currently present in the jail and helping to correct that to more proportional levels. The feasibility of such a monumental task is low, as it would take a multipronged effort and lots of political capital, earning a rating of 0.2. While not impossible, required policy and administrative changes would necessitate many dedicated resources. Assuming this option's success, the sustainability is high, as implementing changes necessary for this alternative to take effect would require a combination of policies and rules that would be difficult to undo, especially as the effectiveness bears out in the community. We imagine such a policy shift would remain in place for 10 years or more and score this option's sustainability as 1.

Option 2: Expand parole officer authority

Perhaps the riskiest option explored, as increasing discretion could backfire, expanding parole officer authority to avoid incarcerating technical violators would have a maximum reduction of 10% of the current daily jail book-ins (*Jail Population Committee Meeting Agenda*, 2021). This represents all individuals currently booked in as parole violators; we do not have access to specific data to determine whether these were technical violations or new crimes. Some data from the state of Texas as well as other states suggests slightly above half of those reincarcerated for parole violations have made only a technical violation, though different locations and years do see great variation (*Confined and Costly*, 2019; Legislative Budget Board, 2019). Without greater certainty around an appropriate reduction, I've decided to project the maximum impact.

Because this is a purely administrative decision, it would incur no costs. The modest reduction in the number of inmates would save a total NPV of approximately \$0.7 million. The equity score is medium, as there are slightly more Black than white individuals booked into the DCJ for parole violations at a 1.045 ratio - though, as mentioned above, individual parole officers could choose to apply their authority unequally and not reach this full reduction percentage or racial ratio.

This option is moderately feasible. While it may not be difficult to gain buy-in, the process itself is multilayered. Individual parole officers are hired to work in specific jurisdictions, but the Texas state parole board oversees much of their conduct and

sets standards for officers. Low feasibility is scored as a 0.2. If such a change were to be supported by the board, that rule would likely be long-lasting, but local trends may or may not support greater leniency toward parole violators as the makeup of Dallas changes. So, while the argument is easy enough to make (people who haven't committed a crime shouldn't be put in jail), it must be made at both the state and local levels to successfully alter the system. The parole system is not straightforward, but it is not overly complicated. Acknowledging this hurdle, we assume that the success enactment of this alternative would remain in place for at least 5 years, scored as a 0.5.

Option 3: Increase cite and release

Increasing the practice of "cite and release" for eligible offenses rather than booking those accused into the jail has the potential to reduce the jail population in the short term by 8% and in the longer term by up to 24%, pending potential legislative changes based on models used by jurisdictions elsewhere across the nation. The expected 8% reduction, derived from the current number of individuals incarcerated for citation-eligible offenses, would generate an NPV of just over half a million dollars in cost savings; this number could grow in the future if local or state governments expanded the list of such offenses. The equity score for this option is the highest of all considered. Currently, 1.5 Black persons per every white person are booked in to the DCJ for a citation-eligible offense. The feasibility is also high, as the current police chief of the city of Dallas has expressed willingness to implement and even expand this policy, and DA Creuzot has also expressed his support. While not a sure bet, this option scores 0.8 for feasibility. The sustainability of this option, however, is low, as the cite and release policy ultimately depends on these local elected or appointed officials, whose employment statuses and whims may change each election season. We rate this as a 0.2, assuming that, even if such a policy is approved immediately upon publication of this report, it may then be overturned by a new chief or the current one surrounded by new employers, employees, and constituents.

Option 4: Increase capacity of diversion programs

For evaluative purposes, I considered doubling the current capacity of diversion programs (445 individuals), though commissioners could ultimately propose more or less funding. Assuming doubling the funding could allow for 890 individuals to be served, this increase of 445 would reduce the current average monthly book-ins to DCJ by 12%. This option incurs the highest cost of all, as funding the various specialty courts requires heavy investment. In turn, different cost-benefit analyses of program effectiveness generate a return on investment of just under \$1 to over \$9 per dollar spent (Fomby & Rangaprasad, 2002; Roman, 2013; *WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections*, 2010). Without a more detailed analysis of the individual Dallas County programs, I split the difference for this analysis and assumed an expected return on investment of just over \$5 per dollar invested. This is in line with many other programs found to be

effective, though the dearth of literature on such programs and lack of standardization of data and statistics admittedly makes such evaluations difficult to extrapolate. At any rate, Dallas County can expect to at least earn back its investment while recouping the costs of incarcerating 12% of the individuals currently in DCJ.

This option has the lowest of all equity scores. I used the race of individuals facing drug charges as a proxy for overall eligibility for these programs, because some of the largest specialty courts are drug courts, and nearly all drug charges are eligible for consideration of admission, which many other categories bar eligibility. Current DCJ data shows a Black/white drug charge book-in ratio of .75. While this is still higher than the proportional Black population, funding specialty courts compared to the other options would not move the needle as far toward equity. Both the feasibility and sustainability of these options are medium to medium-high. Requesting an increase in appropriations always presents an uphill climb, but resources would only need to be dispersed as far as the four county commissioners rather than the multiple voting bodies mentioned in some of the options considered above. Medium feasibility means this option was given as score of 0.5 in this category. In terms of sustainability, the county budget does not tend to change drastically from year to year, so we do not see major cutbacks that would impact the specialty courts happening within the first few years following the program rollout. Depending on the demonstrable success of these courts, a new commission five or 10 years down the road may consider cutting program costs. While success is likely, as mentioned in option 3, attitudes of the voters and, thus, the commissioners, are difficult to predict. For now, we rate the sustainability of this option at 0.8.

Outcomes:

I ranked the above alternatives across each of the five below criteria. I also performed several sensitivity analyses, as detailed in Appendix C, but none affected the ultimate outcome or rank order. My calculations yield the following results:

Figure 3: Outcomes Matrix

Option	Effectiveness (30%)	Net present value (20%)	Equity (20%)	Feasibility (15%)	Sustainability (15%)	Weighted total score
End pretrial detention	80% reduction	\$5.6 million	Medium (.97)	Low	High (10+ years)	6.84
Expand parole authority	Up to 10% reduction	\$0.7 million	Medium (1.045)	Low	Medium (>5)	3.52
Cite & release	8% reduction	\$0.6 million	High (1.495)	High	Low (<5)	4.81
Diversion programs	12% reduction	\$15.9 million	Low (.75)	Medium	Medium (~8)	5.82

Figure 4: Scores

Option	Effectiveness (30%)	Net present value (20%)	Equity (20%)	Feasibility (15%)	Sustainability (15%)	Weighted total score
End pretrial detention	0.8	0.35	0.97	0.2	1	6.84
Expand parole authority	0.1	0.04	1.045	0.2	0.5	3.52
Cite & release	0.08	0.04	1.495	0.8	0.2	4.81
Diversion programs	0.12	1.0	0.75	0.5	0.8	5.82

Recommendation

After thorough and careful analysis, I recommend creating a plan to end pretrial detention in Dallas County. This is in line with legal doctrine and, though a tall order, is not impossible. Doing so will require a targeted, comprehensive campaign beginning immediately and will ultimately yield the highest reduction in the number of individuals incarcerated. This has the second-highest NPV and is the second-most-equitable of all options considered. While feasibility is low, enacting the necessary series of policies will create a strong, multilayered system of protection for historically oppressed communities for years to come.

Implementation

Stakeholders and approach

Ending incarceration for those legally presumed innocent can happen with one of two approaches at one of two levels: changes via the judicial or legislative system at either the local or state level. Any combination of these would result in a reduction of the DCJ population by up to 80%.

In the current local court case, *Daves v. Dallas County*, the complainants include representatives from FIT, the Texas Organizing Project, the American Civil Liberties Union and its Criminal Law Reform Project, Civil Rights Corps, and the Texas Fair Defense Project, whereas the defendants include Dallas County Sheriff Marian Brown, judges, and magistrates (*Daves v. Dallas County*, 2018a). As this case continues litigation and is heard by the Fifth District Court of Appeals en banc⁷ (*Daves v. Dallas County*, No. 18-11368 (5th Cir. 2021), 2020), the former group of organizations should continue to meet and update one another on progress made within their respective organizations and constituencies. While most of what's left to be done in the courts is a waiting game, the argument can always be strengthened with more local perspective, such as that being currently gained through FIT's community listening campaign.

This campaign will also lend credence to FIT's invest/divest campaign, The Road to Liberation. FIT should continue these initiatives and continue to build relationships with county commissioners and DA Creuzot. Such connections can be leveraged when FIT and other community organizations propose language to the former individuals for countywide passage to eliminate pretrial detention. Potential proposals include a new policy of stopping the use of money bail as well as a

⁷ Federal appellate courts are usually made up of anywhere from 8-20 judges and typically hear cases as 3-judge panels. A few times a year - quite rarely - the entire court will sit "en banc" to hear and decide the case (T. Frampton, personal communication, March 14, 2021).

stricter, more literal legal test by magistrates to weigh the relative harms of incarceration to an individual against the very low likelihood of that individual creating a danger to society.

The final local solution is largely up to Creuzot and the courts: if he declares to his prosecutors a new policy of not prosecuting certain crimes, many current and future DCJ inmates would be released. Prosecutors are already given broad authority in the pretrial, charging, and sentencing phases of the criminal system, and Creuzot has indicated willingness to implement progressive changes in the county (Marfin, 2019). A memo from his office to all county government officials detailing a clear policy of releasing individuals before their trial dates could serve as the basis for an explicit change. The more crimes he includes in this list, the higher the reduction. While this solution does not directly address pretrial detention but rather all detention, the outcome would yield a similar decrease in jail population to that of FIT's goal. The Dallas-based organizations named above can create a campaign that demonstrates their commitment to the community as well as their electoral prowess to persuade Creuzot to craft such a memo. This is the least preferred solution, as policies could be changed as soon as a new DA replaces Creuzot.

To end the practice statewide, Texas legislators, who are elected for two- or four-year terms (*Legislative Directory*, n.d.), could introduce a bill abolishing pretrial detention of individuals. The recently approved Illinois Pre-Trial Fairness Act, which ended cash bail payments across the state as part of a sweeping package of criminal justice reforms in Illinois House Bill 3653, can be used as a model for much of the language (Corley, 2021). Campaigners should be careful to learn from the mistakes of a similar measure voted down as a proposition in California last fall, including a lack of buy-in from key progressive stakeholders and the community and failing to propose a worthy replacement for the current system (Pohl, 2020).

In the immediate term, defeating Senate Bill 21 will provide good practice and ensure a strong foundation. If passed, this bill would vastly reduce a judge's discretion in issuing bonds and make it mandatory to incarcerate repeat offenders in several broad categories. Its counterpart in the House, House Bill 20, imposes similar restrictions (*Bail Briefing*, 2021). Currently, these bills have stalled in committee (*Texas Legislature: Bills by Committee: Jurisprudence - 87th Legislature Regular Session*, 2021), but many law enforcement and criminal justice administration agents from across the state - with several from Houston, where Senator Huffman, who introduced the bill, is from (*The Texas State Senate - Senator Joan Huffman*, n.d.) - have spoken in support (*Senate Committee on Jurisprudence - Mar 18th, 2021*, 2021).⁸

⁸ Evaluation is an essential follow-up to any organizing action. Because FIT has already designed a plan for doing so in this campaign, I've opted not to reiterate it herein.

Challenges

As mentioned, all of the above options can work in concert and concurrently; FIT need not choose a single initiative to take forward. However, FIT should be strategic and realistic when determining their resources and timeline. As they work to convince elected officials, they must not lose sight of the respective constituencies that will hold these officials accountable and be responsible for their continued or discontinued election. A combination of hard evidence supporting the cost savings and lack of reduction in safety with storytelling from those most affected by the current criminal legal system will be the most effective technique.

As alluded to above, researchers should seek to comprehensively evaluate various programs as they are planned and in reality. Recently implemented programs should be tracked and monitored closely, and executives should be ready to adjust quickly should results be less promising than expected.

Conclusion

Dallas County officials would do well to consider any or all of the above options as cost-saving decarceration measures. As mentioned, the alternatives need not be considered in isolation; creating a multi-tiered campaign pursuing different initiatives simultaneously or successively would lead to the largest reduction in jail population. Worth naming, too, is that the above solutions are limited to county jurisdiction, but strategically targeting city police chiefs and department policies could also lead to massive reductions in the county jail population.

Going forward, regardless of the level of success of the above recommendation, Dallas County constituents should demand greater data access and transparency. Disparate systems, paywalls, and incomplete recording make drawing conclusions and evaluating trends difficult, if not impossible. Collecting ethnicity data, explaining the reporting system, and making records public, even if anonymized, would empower residents with the knowledge needed to take meaningful action.

References

- Alper, M., Durose, M. R., & Markman, J. (2018). *2018 Update on Prisoner Recidivism: A 9-year Follow-up Period (2005-2014)* (p. 24) [Special Report]. Office of Justice Programs.
- Ames, B. (2019). NIJ-Funded Research Examines What Works for Successful Reentry. *National Institute of Justice*, 281.
<https://nij.ojp.gov/topics/articles/nij-funded-research-examines-what-works-successful-reentry>
- AP. (2018, September 21). Judge orders Dallas County to revise bail system. *AP NEWS*. <https://apnews.com/article/9d8937c8a93740fb9b4683ed5c208ec8>
- Bail Briefing: Stop SB21*. (2021, March 28).
<https://faithintexas.salsalabs.org/bailbriefingstopsb21/index.html>
- Burdeen, C. F. (2016, April 12). *How Money Bail Traps the Poor*. The Atlantic.
<https://www.theatlantic.com/politics/archive/2016/04/the-dangerous-domino-effect-of-not-making-bail/477906/>
- Cite and Release Program | Nueces County, TX*. (n.d.). Retrieved October 27, 2020, from
<https://www.nuecesco.com/courts/district-attorney/cite-and-release-program>
- Community Supervision and Corrections | Programs, Services & Specialty Courts*. (n.d.). Dallas County. Retrieved March 16, 2021, from
<https://www.dallascounty.org/departments/cscd/programs.php>
- Confined and Costly*. (2019). The Council of State Governments Justice Center.
<https://csgjusticecenter.org/publications/confined-costly/>
- Corley, C. (2021, February 22). Illinois Becomes 1st State To Eliminate Cash Bail. *NPR*.
<https://www.npr.org/2021/02/22/970378490/illinois-becomes-first-state-to-eliminate-cash-bail>
- Council of Economic Advisers. (2016). *Economic Perspectives on Incarceration and the Criminal Justice System*. Executive Office of the President of the United States. *Criminal Justice Department*. (n.d.). Dallas County. Retrieved February 16, 2021, from
<https://www.dallascounty.org/departments/criminal-justice/>
- Curts, T. (2021, March 11). *Faith in Texas Policy Campaign Subcommittee Meeting. Dallas County Approved Budget FY2020* (p. 243). (2019). Dallas County.
<https://www.dallascounty.org/Assets/uploads/docs/budget/fy2020/FY2020-ApprovedBudgetBook-FINAL.pdf>
- Dallas County Cities*. (n.d.). Dallas County. Retrieved April 24, 2021, from
<https://www.dallascounty.org/about-us/cities/>
- Dallas County Criminal Justice Department (Ed.). (2021). *Jail Population Committee Meeting Agenda* (p. 38). Dallas County.
<https://www.dallascounty.org/Assets/uploads/docs/criminal-justice/jail-pop/2021/2021-02.pdf>
- Dallas County Sheriff's Department. (n.d.-a). *About The Office – Sheriff Department*. Retrieved September 28, 2020, from
<https://www.dallascounty.org/departments/sheriff/about-the-office/>

-
- Dallas County Sheriff's Department. (n.d.-b). *Jail Facts – Sheriff Department*. Retrieved September 28, 2020, from <https://www.dallascounty.org/departments/sheriff/jail-facts/>
- Dallas Police Use “Cite And Release” In Fraction Of Marijuana Possession Cases. (2018, August 14). KERA News. <https://www.keranews.org/texas-news/2018-08-14/dallas-police-use-cite-and-release-in-fraction-of-marijuana-possession-cases>
- Daves v. Dallas County. (2018a, January 19). ACLU of Texas. <https://www.aclutx.org/en/cases/daves-v-dallas-county>
- Daves v. Dallas County, No. 18-11368 (5th Cir. 2021). (2020, December 28). Justia Law. <https://law.justia.com/cases/federal/appellate-courts/ca5/18-11368/18-11368-2021-02-25.html>
- Dressler, J., Thomas, G., & Medwed, D. (2020). *Criminal Procedure: Principles, Policies, and Perspectives* (7th ed.). West Academic Publishing.
- Eaglin, J. M. (2017). Constructing Recidivism Risk. *Emory Law Journal*, 67, 65.
- Expanding justice throughout America’s justice system. (2020). *Stand Together*. <https://standtogether.org/issues/expanding-justice-throughout-americas-justice-system/>
- Faith in Texas. (2020). *About Us*. Faith in Texas: The Power of Faithful People. <https://faithintx.org/about-us/>
- Fomby, T., & Rangaprasad, V. (2002). *DIVERT Court of Dallas County: Cost-Benefit Analysis*. 24.
- Frampton, T. (2021, February 22). *Criminal Adjudication: Bail Part I* [PowerPoint].
- Frampton, T. (2021, March 14). *RE: Dallas bail update* [Personal communication]. *FY2018 Budget Detail* (p. 272). (2017). Dallas County. https://www.dallascounty.org/Assets/uploads/docs/budget/fy2018/FY2018_BudgetDetail.pdf
- Daves v. Dallas County, 3:18-cv-00154-N (United States District Court in the Northern District of Texas, Dallas Division September 20, 2018).
- Grasso, M., Mosehauer, K., & Rodriguez, M. (2018). *50-State Report on Public Safety*. The Council on State Governments Justice Center.
- Green. (2015, April 8). LEAD program for low-level drug criminals sees success. *The Seattle Times*. <https://www.seattletimes.com/seattle-news/crime/lead-program-for-low-level-drug-criminals-sees-success/>
- Greenberg, G. A., & Rosenheck, R. A. (2008). Jail incarceration, homelessness, and mental health: A national study. *Psychiatric Services (Washington, D.C.)*, 59(2), 170–177. <https://doi.org/10.1176/ps.2008.59.2.170>
- Grigsby, S. (2021, January 8). Dallas County DA Creuzot flexes new crime-fighting muscle in cases involving mental illness. *The Dallas Morning News*. <https://www.dallasnews.com/news/commentary/2021/01/08/dallas-county-da-a-creuzot-flexes-new-crime-fighting-muscle-in-cases-involving-mental-illness/>
- Hicks, T. (2020, June 29). *As COVID-19 Cases Surge, Some Incarcerated People Remain Behind Bars After Making Bail*. The Texas Observer. <https://www.texasobserver.org/pretrial-covid-dallas-electronic-monitoring/>
-

-
- Holliday, S. B., Pace, N. M., Gowensmith, N., Packer, I., Murrie, D., Virani, A., Han, B., & Hunter, S. B. (2020). *Estimating the Size of the Los Angeles County Jail Mental Health Population Appropriate for Release into Community Services*. 31.
- Jail Population Committee Meeting. (2020). *Agenda* (p. 38). Dallas County.
<https://www.dallascounty.org/Assets/uploads/docs/criminal-justice/jail-pop/2020/2020-09.pdf>
- Jones, L. (Ed.). (2015). *Parole Perspectives in Maryland: A Survey of People Who Returned to Prison from Parole and Community Supervision* (p. 23). Justice Policy Institute.
<http://www.justicepolicy.org/uploads/justicepolicy/documents/paroleperspectivesinmaryland.pdf>
- Jones, P. P. (2019). *Does our county really need a bigger jail? A guide for avoiding unnecessary jail expansion*. Prison Policy Initiative.
<https://www.prisonpolicy.org/reports/jailexpansion.html>
- King County exec plans to close “obsolete” downtown jail, youth detention center. (2020, July 21). In *KOMO News*. ABC 4.
<https://komonews.com/news/local/new-memo-outlines-constantines-plans-to-close-king-county-jail-in-phases>
- LaVoice, O. (2020, July 21). *Downtown Seattle jail to close, plans for inmates unclear*. Q13 FOX.
<https://www.q13fox.com/news/downtown-seattle-jail-to-close-plans-for-inmates-unclear>
- Legislative Budget Board. (2019). *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*. 81.
- Legislative Directory*. (n.d.). Retrieved February 16, 2021, from
<https://legdir.capitol.texas.gov/about.aspx>
- Li, W. (2020, September 25). *Did the protests this summer lead to rising crime rates? Here's what the data shows*. Vox.
<https://www.vox.com/21454844/murder-crime-us-cities-protests>
- Lowenkamp, C. T., VanNostrand, M., & Holsinger, A. (2013). *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*. 21.
- Maps*. (n.d.). Dallas Police Department. Retrieved April 24, 2021, from
<https://www.dallaspolice.net/abouts/maps>
- Marfin, C. (2019, May 21). Texas prosecutors want to keep low-level criminals out of overcrowded jails. Top Republicans and police aren't happy. *The Texas Tribune*.
<https://www.texastribune.org/2019/05/21/dallas-district-attorney-john-cruez-not-prosecuting-minor-crimes/>
- McClary, T. (2021, February 8). *Overview and Analysis of Misdemeanor Offenses by the Dallas Police Department*.
<https://cityofdallas.legistar.com/LegislationDetail.aspx?ID=4790666&GUID=11493E1D-256E-4066-AE21-384049714571&Options=&Search=>
- McCullough, J. (2018, September 21). *Federal judge rules against Dallas County bail practices*. The Texas Tribune.
<https://www.texastribune.org/2018/09/20/dallas-bail-system-judge-order/>
-

-
- Mejia, I. (2018, September 20). *Federal Court Orders Dallas County to Stop Unconstitutional Bail Practices*. ACLU of Texas.
<https://www.aclutx.org/en/press-releases/federal-court-orders-dallas-county-stop-unconstitutional-bail-practices>
- Méndez, M. (2019, July 5). Dallas County studying whether it can reduce or eliminate criminal fees, fines. *Dallas Morning News*.
<https://www.dallasnews.com/news/courts/2019/07/05/dallas-county-studying-whether-it-can-reduce-or-eliminate-criminal-fees-fines/>
- Monte, K., & Wallace, R. (2020, February 6). FAQ: Harris County new “cite and release” for certain crimes. In *FOX 26 Houston*. FOX 26.
<https://www.fox26houston.com/news/faq-harris-county-new-cite-and-release-for-certain-crimes>
- Neal, M. (2012). *Bail Fail: Why the US Should End the Practice of Using Money for Bail* (p. 56). Justice Policy Institute.
<http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail.pdf>
- Osborne, R. (2019, April 11). Dallas County’s marijuana policy now as lenient as any other in Texas. In *WFAA News 8*.
<https://www.wfaa.com/article/news/local/dallas-county/dallas-countys-marijuana-policy-now-as-lenient-as-any-other-in-texas/287-bdb82685-0624-4f38-bc5f-68a126a8a71e>
- Pelletier, E., Peterson, B., & King, R. (2017). *Assessing the Impact of South Carolina’s Parole and Probation Reforms*. Urban Institute.
<http://search.proquest.com/policyfile/docview/1894455536/AB493BCED6A7411CPQ/16>
- Pinney, L. (2016). *Dallas County, Texas: Adult Criminal Justice Data Sheet* (p. 6). Texas Criminal Justice Coalition.
https://www.texascjc.org/system/files/publications/Adult%20Dallas%20County%20Data%20Sheet%202016_0.pdf
- Pohl, J. (2020, November 6). California’s far-left activists shocked they beat Prop. 25. What’s the future of bail now? *The Sacramento Bee*.
<https://www.sacbee.com/news/politics-government/election/article246968937.html>
- Rabiner, S. (2011, December 14). *What’s the Difference Between Bond and Bail?* Findlaw.
<https://blogs.findlaw.com/blotter/2011/12/whats-difference-between-bond-and-bail.html>
- Rabuy, B., & Kopf, D. (2016). *Detaining the Poor: How money bail perpetuates an endless cycle of poverty and jail time*. Prison Policy Initiative.
<https://www.prisonpolicy.org/reports/incomejails.html>
- United States v. Salerno, 481 U.S. 739 (Supreme Court of the United States 1987). *Road to Liberation Campaign Launch Opening Session*. (2020, August 30). [Facebook live recording]. Faith in Texas.
- Roman, J. (2013). Cost-Benefit Analysis of Criminal Justice Reforms. *NIJ Journal*, 272, 31–38.
- Ross, R. (Ed.). (2020). *Care First, Jails Last: Health and Racial Justice Strategies for Safer*
-

-
- Communities* (p. 100). Los Angeles County Alternatives to Incarceration Work Group.
- SA Stands. (2019). *Bexar County Cite & Release*.
- Senate Committee on Jurisprudence—Mar 18th, 2021. (2021, March 18). https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=15494
- Shinneman, S. (2020, January 17). In Dallas County, Hope For Bail Reform Collapses Into Confusion. *D Magazine*. <https://www.dmagazine.com/frontburner/2020/01/in-dallas-county-hope-for-bail-reform-collapses-into-confusion/>
- Skudder, H., Druckman, A., Cole, J., McInnes, A., Brunton-Smith, I., & Ansaloni, G. P. (2017). Addressing the Carbon-Crime Blind Spot: A Carbon Footprint Approach. *Journal of Industrial Ecology*, 21(4), 829–843. <https://doi.org/10.1111/jiec.12457>
- Some misdemeanor suspects will no longer go to jail under new Houston program. (2020, September 28). In *Khou.com*. KHOU 11. <https://www.khou.com/article/news/local/mayor-turner-houston-police-cite-and-release-program/285-18e07c24-5b4f-4047-8dd8-a1bcb37f38b5>
- Spillyards, A. (2020, September 25). *Dallas on Forefront of Nationwide Effort to Fix Problems With Mental Illness, Criminal Justice System – NBC 5 Dallas-Fort Worth*. <https://www.nbcdfw.com/news/health/dallas-on-forefront-of-nationwide-effort-to-fix-problems-with-mental-illness-criminal-justice-system/2450594/>
- Spjeldnes, S., & Goodkind, S. (2009). Gender Differences and Offender Reentry: A Review of the Literature. *Journal of Offender Rehabilitation*, 48(4), 314–335. <https://doi.org/10.1080/10509670902850812>
- Steadman, H. J., Morris, S. M., & Dennis, D. L. (1995). The Diversion of Mentally Ill Persons from Jails to Community-Based Services: A Profile of Programs. *American Journal of Public Health*, 85(12), 1630–1630. <https://doi.org/10.2105/AJPH.85.12.1630>
- Stevenson, M. T., & Mayson, S. G. (2021). *Pretrial Detention and the Value of Liberty* (SSRN Scholarly Paper ID 3787018). Social Science Research Network. <https://papers.ssrn.com/abstract=3787018>
- Stith, K., & Cabranes, J. (1998). *Fear of Judging: Sentencing Guidelines in the Federal Courts*. University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/F/bo3683348.html>
- Tartaro, C. (2015). An Evaluation of the Effects of Jail Diversion and Reentry for Mentally Ill Offenders. *Journal of Offender Rehabilitation*, 54(2), 85–102. <https://doi.org/10.1080/10509674.2015.1009966>
- Texas Legislature: Bills by Committee: Jurisprudence—87th Legislature Regular Session. (2021, March 30). <https://capitol.texas.gov/Reports/Report.aspx?ID=committee&LegSess=87R&Code=C550>
- The Texas State Senate – Senator Joan Huffman: District 17. (n.d.). Retrieved March 30, 2021, from <https://senate.texas.gov/member.php?d=17&lang=en>
- The Texas Tribune. (2020, May). *Crimes Committed in Dallas County By Current Inmates | Texas Prison Inmates*. The Texas Tribune.
-

-
- <https://www.texastribune.org/library/data/texas-prisons/counties/dallas/crime/>
- The true cost of carbon pollution*. (n.d.). Environmental Defense Fund. Retrieved September 30, 2020, from <https://www.edf.org/true-cost-carbon-pollution>
- Unruh, D. K., Gau, J. M., & Waintrup, M. G. (2009). An Exploration of Factors Reducing Recidivism Rates of Formerly Incarcerated Youth with Disabilities Participating in a Re-Entry Intervention. *Journal of Child and Family Studies*, 18(3), 284–293.
<http://dx.doi.org.proxy01.its.virginia.edu/10.1007/s10826-008-9228-8>
- U.S. Census Bureau. (2019). *QuickFacts: Dallas County, Texas*.
<https://www.census.gov/quickfacts/dallascountytexas>
- Vallas, R., & Dietrich, S. (2014). *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records* (p. 79). Center for American Progress.
<https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>
- What Works in Reentry*. (2018, October 29). [Webinar]. National Institute of Justice.
<https://nij.ojp.gov/events/what-works-reentry>
- Coffin v. United States, 156 US 432 (Supreme Court 1895).
https://scholar.google.com/scholar_case?case=636828310639272318&q=Coffin+v.+United+States+1895&hl=en&as_sdt=6,47&as_vis=1
- White, S. (2018). *MBE/WBE Participation Report RFQ-2010-089-5231: Request for Qualifications of Energy Services Companies for Performance Contracting* (p. 1).
- WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections*. (2010). Washington State Institute for Public Policy.
<http://www.wsipp.wa.gov/ReportFile/1071>
- Wykstra, S. (2018, October 17). *Want to fix the criminal justice system? Start by getting rid of bail*. Vox.
<https://www.vox.com/future-perfect/2018/10/17/17955306/bail-reform-criminal-justice-inequality>
- Ziedenberg, J., & Schiraldi, V. (2005). *Race and Imprisonment in Texas* (p. 11). Justice Policy Institute.

Appendix A: A note on sources

The data herein has been obtained from the Dallas County Auditor's Office. I aggregated, cleaned, and analyzed it to arrive at the following conclusions. Supplementary information is available on monthly jail population meeting agendas and reports published by the county as cited below. All available reports differentiate only among Black, Asian, white, and unidentified or unidentified race, so I was unable to project the baseline or impact of any outcomes for Latinx individuals.

Appendix B: Methodology

Effectiveness was calculated based on the projected % reduction of individuals in the jail; NPV is a calculation of the cost savings and additional benefits minus inputs at the industry-standard 3% discount rate and is discussed further in Appendix C. To compare across other measures of percent, NPVs were converted to a percentage scale.

Equity, sustainability, and feasibility are shown below as ranking “low,” “medium,” or “high;” I converted each to a numerical score slightly differently. Because Dallas County provides data on race but not ethnicity, all individuals booked into the DCJ are classified as either White, Black, Asian, or Unidentified. The latter two are only negligible percentages of the overall charge numbers, so equity is converted to a numeric score by dividing the projected number of Black people who would be released under the policy by the number of white people who would be released. To stick with the percentage theme, feasibility was assigned .2 for low, .5 for medium, and .8 for high, and sustainability was included by factoring in one-tenth the minimum projected number of years the policy would be in place - 1.0 for 10, 0.5 for 5, etc. These two criteria were ranked using my best predictions based on the current political climate in Dallas. I believe that, given recent comments by the Chief of Police in the City of Dallas, cite and release for at least some drug offenses is a real, imminent possibility. Diversion programs can garner support among county commissioners and constituents when demonstrated to be cost-effective. Expanding parole authority would require a different tack, lobbying the state parole board to convince people in hired rather than elected or appointed positions to change their approaches. And ending pretrial detention requires a multi-pronged response to a multifaceted problem that spans judicial and legislative branches with deep roots that involve both state and local jurisdiction. Sustainability is a related, though separate, calculation: assuming the measure is enacted, will it last through a budget cycle? An election? How long will it take to collect evidence of effectiveness or lack thereof?

Appendix C: Net present value calculations

I used the industry standard 3% discount rate for all NPV calculations and compared the implementation of all options at the same future time; i.e., if ending pretrial detention is achieved in one year, thus reducing the current cost savings of \$15,033,200 - an 80% reduction of the current approximated DCJ monthly costs - by 3% to \$14,595,399.81, then expanding parole authority, which would reduce current costs by an estimated 10% to \$1,879,150 today, is also calculated at its value one year from now, with a 3% reduction in total cost savings to account for the decreasing time value of money and an NPV of \$1,824,417.48. Greater use of citation and release processes would save \$1,503,320 today, or \$1,459,533.98 in the future. Doubling capacity for diversion programs would cost approximately \$3,496,128, save \$4,697,875, and create \$18,080,556 in future benefits; combined and discounted, these amount to a total of \$19,282,303 and NPV of \$18,720,682.25.

Figure 5: NPV calculations

Option	Cost	Benefit	Cost Savings	Total	NPV
End pretrial detention	\$0	undetermined	\$15,033,200	\$15,033,200	\$14,595,339.81
Expand parole authority	\$0	undetermined	\$1,879,150	\$1,879,150	\$1,824,417.48
Cite & release	\$0	undetermined	\$1,503,320	\$1,503,320	\$1,459,533.98
Diversion programs	\$3,496,128	\$18,080,556	\$4,697,875	\$19,282,303	\$18,720,682.25

Appendix D: Sensitivity analysis

To perform as comprehensive an analysis as possible, I considered variations on the above options. Effectiveness percentages in the matrix reflect the maximum in each scenario, with the exception of cite and release, which reflects the current state of affairs. Projecting a 24% jail population reduction, which could conceivably be achieved with further law and policy changes, only raises option 3's score to 4.84, as the bump in effectiveness is tempered by lower feasibility. Further, I explored different degrees of diversion program increases, including 1.1, 1.5, and 3 times current capacity in addition to the doubling shown in the matrix above. Adjusting effectiveness percentages accordingly, tripling the program funding came close to option 1's weighted score, but any less than the doubling option lowered overall scores. Obtaining triple the current funding is even less feasible now and less likely to be sustained through multiple future budget cycles, and reducing the feasibility and sustainability scores even while increasing effectiveness and net present value meant this option topped out at 6.46.