



Policy on Purpose

Episode 15: Dallas County District Attorney John Creuzot

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ANGELA EVANS: Hello everyone, this is Angela Evans and this is “Policy on Purpose,” and I am so so pleased today to be having some time to spend with the honorable John Creuzot. When I asked him what he should be called, “the honorable whatever,” he said, “Just call me John,” and I said, “I can't do that because the office is a very high office.” So John, which I'll do, at this podcast is now serving as the district attorney for Dallas County, but [he] has an incredible public service history as a DA and as a judge, and has done an enormous amount of work in terms of understanding the prison population, understanding people who get caught up in crime and what to do with them when they meet — when they come into a court. And I'm very pleased to have him here. I have some questions and I think what we're going to be doing is having a conversation because before this podcast we talked — he has a lot to say, he's an enormously talented man with a lot of different ideas. So I'm so pleased to have you here with us today.

JOHN CREUZOT: Well thank you, glad to be here.

EVANS: So we talked a little bit — when we were meeting, and one of the things that we talked about is when you get into an organization. In the past, when you're soloing it or you have one other colleague it's one thing to do your own work, be independent, do your investigations, etc., and prepare your own arguments. But now you're running an entire agency with hundreds of people with different perspectives. So talk to us a little bit about how the work you did building up to that has really helped you in terms of how you're going to run — or are you running right now, the office?

CREUZOT: Well, first of all, going from a private practice to 400+ employees is overwhelming, and I spent — well, I've only been there two months, so I've certainly spent the first —

EVANS: Newbie.

CREUZOT: Yeah! The first two to three weeks just trying to get a grip on what was there and who was in a certain place. And it became obvious to me over this two-month period that there needs to be a culture change, and that the vast majority of people there are prosecutors. The upper staff, that's what they've spent their lives doing, they have — maybe some of them have some criminal defense experience, but not many and even if so, they've still dedicated their lives to being a prosecutor. And what I've learned is that prosecutors are — like many of the lawyers, we decide how to go forward by looking back, right? It's called precedent and so we don't progress very quickly. *[laughs]* And —

EVANS: It's part of your culture.

CREUZOT: Part of my culture, right, but then on the other hand, here I am where I've looked at different things and tried different things and looked at research and tried to put together a research-based approach to criminal justice. And so the challenge is, with these 400 people, 270 or so who are lawyers, is to get them to stop thinking about doing things a certain way just because they did it that way and instead think about what is the goal, and has your decision forwarded yourself toward the goal? If we're trying to reduce crime, reduce recidivism, the reflexive action of putting someone in jail just because they violated their probation is not going to do that.

This idea that jail is our default, or prison is our default posture in criminal justice has to stop. We ruin a lot of people's lives, we create recidivism in doing that, we create mass incarceration, we create disparities in sentencing, and we're just not smart. And when we have decided in the state of Texas to get smart on crime, back in 2005, that legislative session in 2007, in 11 legislative sessions when we focused on assessments and we focused on treatment, we actually reduced our prison population from 150,000 to today, [when] it's about 141,000. Now, mind you, back in 2005 it was projected that we would need 17,000 more prison beds, up to 167,000, so that's quite a difference —

EVANS: A drop, yes, mm-hmm, yeah.

CREUZOT: And quite a savings to the taxpayer. So the main thing that — my main challenge is, I think, the changing of the culture and trying to help them understand that we are all complicit in creating this system. The police are complicit by their arrest and their charging, we're complicit by accepting the cases and moving forward with them, the judges are complicit by the way they handle the cases, the defense lawyers are complicit in the way they handle their clients, and the defendants are complicit in the way they make decisions about their cases often. So it's kind of a system where everybody's got a piece of this action that has gone in the wrong direction, and trying to correct that is my mission.

EVANS: Well, when you were talking about this earlier, it made me think about some of the very things we all, we're all challenged with when you're dealing with a public agency. It's like a big echo system and you've got different components and it's trying to bring that all together at once, but yet you have to look at individual needs and, like you say, individual precedent. Because most people want to do a good job, so what happens is they come in and they get into a rut or a pattern and they don't often think the way you're thinking.

So what do you think is going to be your biggest challenge? You've only been two months in so it's kind of an unfair question because you really haven't had a chance to do, you know, a really deep dive into all of these, but going in what do you think is going to be your biggest challenges in moving them away

from, sort of this, typical way of looking at things versus looking at evidence and looking at individual cases and thinking about the principles upon which you're going to make decisions?

CREUZOT: Well, I think you just named it. I mean, looking at individual cases, thinking about principles that make sense, that create public safety as opposed to just a reflexive, you know, "You violated your probation, you go to prison." I have found that even though we conduct — or the probation department conducts risk-needs assessments, nobody reads them and they don't know what they mean.

EVANS: Are they — they don't read them because they're not forced to or they're too long or they're not in plain English or there's just never been an expectation?

CREUZOT: Well, when I was a judge I did some training back many years ago with the DAs on what is a pre-sentence report — what are the components of it, what can you-- you know, what kind of decisions can you make off of this? But that was many prosecutors and many years ago. We now have an entire generation that has no relationship to that. The other thing is, is we no longer, in the state of Texas to my knowledge, train judges on evidence-based sentencing practices, and I did that for a number of years — not only for the college of new judges, but also in individual settings we would do that. That's no longer done, so the judges, I'm not sure, really understand and appreciate —

The other thing, the other component, is the probation department; they're the ones who are conducting these assessments — if they're not well-trained and if they're not doing a good job, you know? It's garbage in, it's garbage out, and I've seen a lot of that. I've seen a lot of that, not just on the risk assessments, but on psychological assessments where they've made some pretty drastic conclusions about people that's not supported by any evidence whatsoever; they just decided to do that and they won't back down.

And so, you know, the other component of this that's complicit in where we are and that I left is the probation department and because they're doing all of this for the judges. The other thing is, big issue, that we've discussed is when should the judge read the pre-sentence report? And one of the practices that we fell into for many, many years is putting a person on probation, then having the risk-needs assessment done and screening and possible assessment. Yeah, well you've already put them on probation, and let's say they're a drug-addicted person. They're not likely to come in any time soon to get this done, OK? So we changed in Dallas back in the mid-2000s where we require, before the plea — or before the sentencing, that all of these assessments be done, and we would not allow the lawyers to plea-bargain because they have no understanding of different levels of treatment and they have no understanding of risk-needs. And so we would fashion the terms and conditions of probation according to the assessments, and what we found was we had a 59 percent drop in technical violations when we did it that way.

Well now, I don't even know which judges are doing risk assessments and all the other assessments prior to placing a person on probation, because as we talked about earlier, I have yet to have a meeting with the judges even though I've requested — the district judges, even though I've requested twice to meet with them, I've gotten no response, so I'm not really certain what's going on, but it may get to the point — and they don't have to talk to me, that's fine, but it may get to a point where I just, "Well we're not going to sign any plea papers until you have that done."

EVANS: "Until you see this," yeah.

CREUZOT: And I'm sure that'll be quite controversial, and I don't know —

EVANS: You'd rather not, yeah — I mean, you'd rather get engaged and do it from the ground up and have people enroll in it and agree to it and see it.

CREUZOT: Well, so when — everything works better collaboratively as long as you're doing the right thing, if you're moving in the right direction. If you have to fight somebody to do it, then it becomes a turf battle and judges have their turf. I don't care who they are, what their background is, when they get elected and they become a judge of a court, that's their turf and whether they understand these principles or not, it's still their turf and you find yourself getting, sometimes, in battles that spill over into trials and this and that, and you get, you know, different rulings because they're mad at you about something else and —

EVANS: It's like human nature in a kind of a system —

CREUZOT: It is, it's human nature, it —

EVANS: Yeah, this is a high-risk environment because it's the law and we have the rule of law. I think one of the things that I'm interested in talking to you about, because I think a lot of people in public service who are in leadership worry about this, is like — you have a personality and you have a dynamic approach to things is new, once you get that done, how do you sustain it? I mean, how do you sustain it beyond you? Because part of it is you get some really great people in there and they've got a lot of motivation, a lot of energy, lots of great ideas, and then they leave and then people go back or settle into a different way, you know? Not that different isn't better, but they'll sometimes say, "I'll just outlast him or her and then we — he goes or she goes, we'll go back to the way that was easier for me." So did you — are you thinking about how you can sustain this type of approach, this evidence-based —

CREUZOT: Well, you sustain at their numbers, No. 1. You show, you — one of the things we don't have, I was told: "Oh, we have this robust, you know, data system." Well, you start asking questions and, "No, we don't do that," "No, we don't do this." And well, it's not so robust after all. *[laughs]* And then there was an article in the paper where they're so frustrated with it that they're going to trash it, so there that goes, we had to start all over.

EVANS: That may not be a bad idea though to start all over in terms of what you need, in terms of jail.

CREUZOT: For Dallas County, it's not a good idea.

EVANS: No? No?

CREUZOT: Dallas County has a history of deciding that as far as data in moving people and cases, you know, even who's in jail and who's not, they have a long history of deciding to create a system rather than purchase a system and adjust it, and this is not the first time that we have gone along and spent millions of millions of dollars and decided, "Oh, we messed up, this doesn't work, the company's gone bankrupt," or this, that, or the other. But anyway, back to your question.

EVANS: Yes.

CREUZOT: So one of the things that I'm trying to communicate to the staff is that they are the leaders, I'm not the leader and that this is about their future that they are the future leaders. That I've been licensed since 1982, and I've done all these various and sundry things and had success, national success and national recognition, but that doesn't have anything to do with their decision-making today, and that my goal is to create new leaders from them.

EVANS: To grow, right.

CREUZOT: Not each and every one of them will be a leader because that's just not the way it works, but there are some who want to be leaders and so I am willing to spend time with them individually to give them assignments so that they can become leaders. I mean, if I look back at the whole group of lawyers that I was with, you know, I'm probably the only one who — well, not the only one, but one of few who's really become a leader in a sense, the vast majority are still practicing law and maybe about to retire, whatever, but...

So leadership is not for everyone, but I'm trying to provide an environment where those who want to be leaders can become leaders and do so with the right idea — that No. 1, we've over incarcerated, OK? No. 2, we've incarcerated the wrong people based on race and based on wealth or lack of wealth. And No. 3, this default position that everybody needs to go to jail is false and wrong and often creates more problems for the individual and for the community and we need to get off of it. Now part of that is also communicating that to the police departments and the police chiefs, because they want to take people to jail a lot of times, and that's not always the best answer, especially on low-level offenses. So it's a challenge across the board — not just to the staff, but to other stakeholders and probation officers, you know? Trying to communicate that to them, so...

EVANS: Well it seems like you — one of the things that I think is really important when you're dealing with a big sea change and when you're dealing with the bureaucracy and when you're dealing with a lot of different folks in the bureaucracy, is the leader has, you know, the principles — these are the principles upon which we're going to operate.

CREUZOT: Yes.

EVANS: And if it supports the principles, we're in; if it's neutral, we'll think about it; if it's not, we're not doing it. And I think sometimes we think that's just such common sense, you know, why verbalize it? But I've come to believe that that's just so important that people get it and having a succession plan and where you're giving people who are the next generation of leaders opportunities to be with you or be with other leaders who they can learn how to do that, that's really important. And it's hard because you're operating — you're operating an agency that has to, you know, have a product, has to have a service, has to do well at the same time you're trying to move it into a different place. And I think that's a big challenge people in your position face.

CREUZOT: Well, yeah and there's a simple way to start it off and it's called a mission statement. So we had a mission statement for Divert Court, which was the first diversion court in the state of Texas and it was quite successful. We actually brought in SMU —

EVANS: I saw that, that you asked them to actually study this from an analytic, objective perspective. Yes.

CREUZOT: Yes, so we had some students in the psychology department do their thesis and they did a recidivism study, and we had a 68 percent reduction in recidivism. That hadn't been seen in the state of Texas; nobody had ever — if they did it, nobody knew about it. And then we had the economics department come in, and some students did a cost-benefit analysis and actually their numbers are small — so it's for every dollar spent there were \$9.34 in avoiding criminal justice cost. That didn't — that's just avoiding criminal justice cost, that's not talking about not going to the hospital, that's not talking about having a job, supporting your kids, paying taxes, etc. So you know if you put all those numbers in, it would have been even more impressive. So, you know, a mission statement guides the principles of the entity.

And we had a mission statement that we developed for Divert Court, and there were times when there were questions that came up as, you know, which way should we go? And I would pull out the mission statement and said, "OK, here's our mission statement. We've agreed upon this and this is our operating principle. Your question: Does it accomplish what's in the mission statement?" And that very often answered the question, and if it — if we were consistent with that, then you know what the answer is. If it's inconsistent with that, you know what that answer is and we need to come up with another solution that's consistent with the mission statement. So the mission statement is the first thing in my mind to guide the direction of the enterprise.

EVANS: Mm-hmm, well it's the anchor, it's the keystone and a lot of it.

CREUZOT: Yes, it is, yes.

EVANS: Did you find — one of the things when you talked to our students was when we were talking about evidence, because evidence is really important — evidence-based decision-making, how you collect data, how you use data, how you tell someone the data isn't good, what the assumptions are, all of that. Have you found a willing audience to listen to that? Because, you know, our students are in this arena now where it's, "Well, don't believe that," or "Don't believe that," or people shop to what they want to believe in. So when you have something that's evidence-based, and especially with the Divert Court and what you did there, do you find that people accept that, or do you have to do extra work to try to convince them that, what this data really means?

CREUZOT: Depends on the person. If somebody's philosophically opposed to what you're doing, they will come up in their minds for the reason to not believe it. For example, we had a county commissioner at the time who — this is hard to express; it's kind of shocking. We were going to the Commissioner's Court giving him periodic updates on these studies, and he just —

EVANS: The studies for the Divert Court?

CREUZOT: For the Divert Court, yes. And so the kids who were doing the — the students who were doing the recidivism study went to, kind of, give an update. And he just attacked them.

EVANS: He attacked the students?

CREUZOT: Yes, he and another one just attacked them and I felt so sorry for them because when they left and went in a side hallway, they just burst into tears. And, you know, that's OK, so that's —

EVANS: Was he questioning their methodology, or just the reason they did it? Or do you remember what that —

CREUZOT: It was some nonsense, I don't remember. Just nonsense. In fact, I think I told them, "Ya'll, just, you know what? We need to go."

EVANS: Oh, you had to cut it short.

CREUZOT: Yeah, you know there's no need in us doing this because this is not productive and even though they were county commissioners and I was a state district judge, I had no problem in cutting them off. In fact, one of them got to the point where I wouldn't even answer his questions. He would ask me a question and I just wouldn't say anything, and finally one of the others next to him said, "He's not going to answer your question." And had to get him off of it because it was just nonsense. I mean, they weren't designed to elicit something useful; it was an attack, and the tone and the questions were attacks. And I wasn't the only one he treated that way. He treated most people that way, so the whole audience understood what was going on, and —

EVANS: But those are people that our students are going to have to work with. I mean, that's the kind of...

CREUZOT: Well, not really, he's no longer in office.

EVANS: Well, maybe not him, not him, but I'm thinking in the policy arena when you're thinking about — you're having evidence, you've done work, you've got an option and a way to approach a problem, there's going to be those who right away are willing to talk to you. Then there's going to be those in the middle kind of waiting to see what you have to say.

CREUZOT: We had a lot of those.

EVANS: And then there's going to be those who will never listen to you, and so those are the things of how we approach those different clusters.

CREUZOT: Well, let me tell you about one of those who will never listen. So one of those attackers that day retired and became a state rep, and I was in a meeting in the Legislature back then. I was here all the time in Austin when we were trying to figure out how not to build those 17,000 prisons — prison beds. And we were in a meeting, and he spoke up and I was like, "Oh, this isn't going to go well." And he started by saying, "You know, I was very skeptical about all this in the beginning and I said some things that showed it," he said. "But I've thought about it, I've looked at it, John, and I want to tell everybody here that what he's done is good work and it's what we need to continue to do." And you know, he may have even — I don't know, he may have said I apologize or something, but the bottom line was it was a 180-degree turn for him.

And so he started off an extreme skeptic — in fact, he would describe himself as the most conservative person on — you know, in the United States, and so he would accuse us of cherry-picking so we could create success. I said, "No, it's based on a clinical assessment and only those who need clinical intervention are put into the program. If you're walking around with your cousin's jacket that you just put on and it's got drugs in it and you don't know they're there, you can't get into this program because

you don't need treatment." And so, you know, this is a drug treatment court with the emphasis on treatment. I said, "And if you think that we're cherry-picking and these people are easy, why don't you just come spend some time with us and go through the staffing and come to court and see that we sometimes have to sanction people and we have to do various and sundry things. We have to take them out of outpatient and put them into inpatient because that was inadequate. And so it's not cherry-picking." But you know, at that point in time that's all he wanted to believe was that we were somehow, some liberal bunch of knuckleheads coming around trying to fool everybody just so we could get money to continue doing something, but he changed.

EVANS: Well, that's it — I mean, that's a good story, that's a good outcome, because sometimes when you're talking to people, you really don't know how they're taking that information and storing it and whether it will come out again. So the fact is just having the faith that if you can talk to some people and talk to people objectively, using objective things that eventually — some may never get it, but eventually some may hear other stories like this and it reinforces that, so that's a really good outcome, I think.

CREUZOT: Yeah it's a good story about him, too.

EVANS: It is, and I was just going to say that, too — that you have somebody who recognizes that, "Wow, you know, maybe I wasn't totally right on this and I need to think about it." So I think, fundamentally, we have to have faith that this is the type of thing that works. We could talk for a long time, but I have to ask you, I really want to know —

CREUZOT: OK.

EVANS: Why did you go into law? Why did you choose law?

CREUZOT: That's a good question.

EVANS: And you stayed in it, so you've been persistent, you've been in the legal arena for a long time.

CREUZOT: It's the only thing I know, first of all. (laughs)

EVANS: Well, no, as a young man — well, as a young man, why did you decide this is what I want to do?

CREUZOT: You know, I really don't remember; my mother tells me that I went to a court with a friend who was a lawyer and saw what was going on and somehow liked it or thought I liked it. You know, I don't mean to speak down about the philosophy degree, but when you get a degree in philosophy, there's not a whole lot you can do with that. [laughs] So I wound up in law school, but I always had this idea that I wanted to go, but I can't — it's been so long now. You know, I've been licensed almost 33 years, so...

EVANS: But you have a — you stayed in it. I mean —

CREUZOT: Almost 37 years, actually.

EVANS: Well, you've been in all the different levels that you can be — the high level now of being the district attorney, so staying in the law and having faith in the rule of law, that's something that's been part of —

CREUZOT: Yeah, the other thing that helps is I was successful as a prosecutor. I mean, in less than seven years I was a supervisor and trying death penalty cases, and that didn't happen back in that era. And then I was for 18 months a criminal defense lawyer, and I did fairly well at that for a short — you know, you can't really get things going in 18 months. But then I became a judge, and then with all the programs and the change — my own inner change about how to look at the law and how to look at outcomes and understand outcomes. You know, we're not taught that; you're not taught that in law school and you're not taught that as a judge, but I did get it through the drug court trainings and then I became a trainer.

EVANS: I saw that, too — the trying to take your experiences and your knowledge and expertise and putting them in different settings.

CREUZOT: Yes, yes, and so it helped me, and when I had to work with different groups of individuals from different parts of the country, I learned a lot. So you would have seven or eight people brought in who were going to be the drug court team, and if you think that all of them are on board, that's rarely the case; it could be the defense attorney who's not on board, it could be the treatment provider who's not on board, or a lot of times, the judge, because who's going to — nobody's telling me what to do. And, well, this is a collaborative effort. We're going to get assessments and we expect you to read the assessment and make a decision. So there were — you know, I was successful at that and had success at it, and then —

EVANS: And made differences.

CREUZOT: And made differences.

EVANS: I mean, you had to see that the outcomes were good. Yeah.

CREUZOT: Yeah, so I remember when I brought the studies to Pete Gallegos in Austin in the early 2000s, and the reason I went to Pete was because somebody says, "He's a mover and a shaker and he works at both sides and he's the guy to talk to." So I remember *[laughs]*, you know, [I] caught him and, you know, got his attention. I said, "I'm John Creuzot, I'm a district judge in Dallas and we have this program and we have these outcomes." I had two executive summaries. And so he kind of looked at them and he said, "Tell me that again." And I said, "Well it's 68 percent reduction in recidivism and the cost-benefit analysis." And he says, "And tell me your name again?" I said, "I'm John Creuzot," "And you're a district judge in Dallas? I don't know you." I said, "No, I know that, but..." "How did you —"

You know so I told him whatever it was, why I picked him, and he's like, "Come with me." And so he's taking me around the inner corridors of the Capitol and said, "Hey so-and-so, come here, I want you to meet this judge from Dallas and he's got this program," and he starts talking about the numbers. And he said, "We need to look into this."

EVANS: He becomes your lobbyist.

CREUZOT: Well, and so we did this five or six times, and so we stopped somewhere and he says, "Let me tell you what I'm doing," he says. "I'm trying to explain to people and we'll go into this, I'll study this and have the staff study this in more detail." He said, "But we've never had a judge come to Austin and want to talk about something other than a pay raise or increasing benefits, and you've come here to talk about something that reduces crime and saves money. And nobody's ever done that, and especially not with these numbers — this is amazing, and so if you've got that going, we need to do this." So even within the state of Texas, you know, I became kind of famous, and we came down and I was on the Judicial Advisory Council for the Board of Criminal Justice.

And so at that time Bonita White was the director. She's retired and she was very proactive in having us — I say us, a handful of judges — go before the Legislature and explain what we needed to reduce prison population to not build those 17,000 beds. And so you develop that, too. And then I was teaching around the United States, and then we developed this whole module, teaching module, for evidence-based sentencing practices for judges and so we did that. We did it in Texas, we did it in other states and, but then it got to be 22 years in and I'm like, "OK, I can run again, I'll be elected, I won't have an opponent, but it's time to move on and let somebody else do this."

EVANS: Take it over.

CREUZOT: Yeah, I don't — you know, I wouldn't mind term limits for judges, and I think term limits might be a good thing. I'm not saying that it has to be a short period of time, but at some point in time we need new blood in our public policy positions and... And so anyway I believe that about myself, and the other thing was I had a son who was in high school and, you know, I had to pay for college. And it's hard to pay for college when you're divorced — you lose money and then also try to pay for college on that salary because I wanted him to be able to go to the best school he could get in, wherever that was. And so I decided that it was time to move on and I went into private practice for six years, and so my private practice was successful also because I treated my clients the same way I treated anybody else — and so the vast majority of my clients had a full psychological assessment, they had a risk assessment, they had a needs assessment, and whatever the recommendations were, we followed them and we put them in there.

And so in Dallas, a lot of the drug cases — there's a big lag between arrest and testing and it going to the grand jury. So what I did was I took advantage of that lag, that several month lag to get this done, get the assessments done, put them into treatment —

EVANS: So by the time they got to the grand jury, yeah.

CREUZOT: I had somebody who had completed treatment and I'd write a nice letter to the grand jury saying, "Look, mission accomplished, we don't need the criminal justice system to accomplish the goal." And there'd be no billed. So I got a reputation *[laughs]* for doing that, and then I got hired on four murder cases, I got all of them no billed. *[laughs]* So there were a lot of different cases that I was able to keep from going to court, and so Dallas Magazine does a best lawyer thing every year.

EVANS: I saw that — yeah, yeah.

CREUZOT: Yeah, so I got that like four years in a row, and so that helps and so it really helped me, because I didn't have to do court appointments and so I didn't have to be beholden to the judges or the

prosecutors. I didn't get mixed up in all that mess that goes on down there with that, and I was able to not have a slew of clients where you're just running all over the place and having to compromise your time and your abilities and really focus on what was needed for the case and investigate the case properly, etc. So I was really a one-man show; I mean, it was my computer and me, and it was a digital practice — I didn't have files. I did at first and then I got away from that. And I could take my phone to the courthouse and if somebody asked me a question about a case or needed a document, I could open up Dropbox or I could open up my mail and attach it from Dropbox and send it to them.

And so it was quite easy for me to practice law in that way, and then I just decided that, looking at the District Attorney's Office, and the state of criminal justice in the state of Texas, that I wanted to make a change, and the only way to do that at the next level was to be the district attorney of Dallas County, and so that was my motivation and here I am today, yeah right. Yeah.

EVANS: Here you are. Well, I think Dallas County's in store for a really interesting next few years.

CREUZOT: I do, too. *[laughs]*

EVANS: They have a great — no, you know, you're just very thoughtful, very accomplished individual and trying to take those accomplishments and take them to the next level. So I really appreciate you taking time to share your experience, your thoughts, your ambitions with us, and I hope you come back any time when you're here to come visit us.

CREUZOT: Absolutely.

EVANS: Thank you so much.

CREUZOT: You're welcome.

♪ (guitar music) ♪

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