

RECEIVED

COMMUNITY POLICE OVERSIGHT BOARD
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

2020 AUG -7 PM 4: 59
CITY SECRETARY
DALLAS. TEXAS

TUESDAY, August 11, 2020
VIRTUAL MEETING VIA WEBEX
5:30 P.M. – 8:00 P.M.
VIRTUAL MEETING

Public Notice

200609

The Community Police Oversight Board meeting will be held by videoconference. The meeting will be broadcast live on Spectrum Cable Channel 95 and online at

bit.ly/cityofdallastv.

POSTED CITY SECRETARY
DALLAS, TX

The public may also listen to the meeting as an attendee at the following videoconference link:

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=eb8ff1ad8438a638eca16b079394fd483>

AUDIO PHONE CONFERENCE LINE:

Event line: 408-418-9388|Access Code: 146 104 5642

CALL TO ORDER

PUBLIC COMMENT/OPEN MICROPHONE

APPROVAL OF MINUTES

1. Approval of the July 15, 2020 Minutes [Board Chairman Enobakhare]

Attachment: Minutes

ACTION ITEMS

2. Monthly Activity Report [Police Monitor McClary, Office of Community Police Oversight]

Attachments: Monthly Activity Report Memo
OCPO July Complaint Summaries
Monthly Activity Chart

3. Review Actions and Requests from Prior CPOB Meeting(s)

- a. Update on Process for Adding Non-Board Members to CPOB Committees & Report of the CPOB Rules Committee and Vote for the Entire Board on Recommendations [Board Chairman Enobakhare]

Attachment: Report from the CPOB Rules Committee Memo & Rules Subcommittee Minutes

- b. Case Updates from Prior Board Meetings and Board Review [Police Monitor McClary, Office of Community Police Oversight]
 - i. Diamond Ross Case
 - ii. Chief Hall Complaint
 - iii. Margaret Hunt Hill Bridge Protest

Attachment: Case Update Memo

- c. Update on Police Monitor McClary's Review of the Dallas Police Department's Use of Force Policies [Police Monitor McClary, Office of Community Police Oversight]

Attachment: DPD UOF Policy Update Memo

- d. Update on OCPO staffing [Police Monitor McClary, Office of Community Police Oversight]

Attachments: Memo Detailing OCPO Current Staff

4. New Discussion Items

- a. Training schedule for the Board [Board Chairman Enobakhare]

Attachments: Memo Detailing Board Training

- b. Discussion with Dallas County Criminal District Attorney John Creuzot Regarding Fair and Equitable Policing in the City of Dallas [Police Monitor McClary, Office of Community Police Oversight]

Attachments: Memo Discussing D.A. Creuzot's Presentation

5. Board Member Update on Community Engagement Activity [All]

Attachments: Memo

UPCOMING MEETING

6. September 8, 2020

Attachments: Schedule

PUBLIC COMMENT/OPEN MICROPHONE

ADJOURN

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

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

HANDGUN PROHIBITION NOTICE FOR MEETING OF GOVERNMENTAL ENTITIES

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

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

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

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

Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Office of Community Police Oversight July Report**

Attached you will find the July monthly complaint statistical report from the Office of Community Police Oversight (OCPO). This report provides a summarization of the total number of External complaints turned into the OCPO and IAD, the source of the complaints, and the disposition of the complaints. Also attached is an external Complaint Workflow Process diagram and general definition document that defines categories for no investigation which are listed as "No Investigation" on the monthly reports.

Attached are also summaries of the complaints received by OCPO in July.

The external complaints for August are in the review process and will be provided once this information has been completed.

Please do not hesitate to reach out should you have any questions or concerns.

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

External Administrative Complaints Received October 1, 2020 through July 31, 2020

Total External Complaints by Source

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
DPD Total	93	67	69	58	81	82	66	69	158	74
External Email	43	18	34	30	32	33	39	44	115	35
External Fax	0	0	0	1	0	0	0	0	0	0
External Letter	9	5	7	4	5	8	3	4	8	14
External Online Form	0	9	7	6	15	16	15	15	23	14
External Walk-in DPD	41	35	21	17	29	25	9	6	12	11
OCPO Total	3	3	25	21	27	46	22	15	30	38
External Email OPO	1	3	15	12	12	28	3	0	2	1
External Fax OPO	0	0	0	0	0	1	0	0	0	0
External Letter OPO	1	0	1	0	2	0	0	0	0	0
External Online Form OPO	1	0	8	9	10	16	19	15	28	37
External Walk-in OPO	0	0	1	0	3	1	0	0	0	0
Grand Total	96	70	94	79	108	128	88	84	188	112

External Complaints Processed by Internal Affairs as of 7/31/2020

Divisional Investigations with Category	29	22	21	19	17	18	14	10	7	7
Discourtesy or Unprofessionalism	10	7	6	7	7	7	10	5	3	4
Fail to Complete Reports	2	1	1	3	1	2	0	1	0	1
Improper Action	7	8	7	2	5	3	2	2	0	0
Improper Comments	1	1	3	0	0	0	0	0	0	0
Improper or No Investigation	9	5	4	7	4	6	3	3	4	2

Internal Affairs Investigations and Category	9	4	6	10	7	4	4	5	14	54
Abuse of Authority			1	1	1	1	1	1	1	0
Adverse Conduct					1		1	1	0	0
Dispatch/911 Violation				1					0	0
Failed to Complete Report on Time				1				1	0	0
Failed to Secure Property			1	1					0	0
Harassment	1							1	0	1
Improper or False Arrest	1		2	1					0	1
Improper or No Investigation	1						1		0	1
Improper Release of Information	1						1		0	0
Incomplete or Erroneous Report				1					0	0
Inquiry				1					1	0
Lost/Damaged Citizen Property		1		1		1			1	0
Mistreatment of Citizen		2		1	4			1	1	1
Placed Citizen in Danger		1				1			0	0
Racial Profiling	2				1				0	0
Use of Force	3		2	1		1			4	0
No Subclass	1				1				6	50
Public Integrity Investigation Referral	0	1	2	2	3	0	0	2	0	0

No Investigation Conducted and Reason	57	43	69	51	80	106	69	67	151	51
Did not meet criteria	1		3						0	0
Duplicate Complaint	4	3	1		2			1	3	0
Fail to Articulate	5	10	25	21	16	44	25	23	19	4
Guilt or Innocence	2	3	5	3	5	11	12	5	0	4
Information Only	1	4	2	1	1	4	3	3	1	2
More Information	4	4	5	4	6	7	6	4	3	9
Need Signature			1						0	0
No Violation	7	7	10	9	20	11	4	11	15	14
No Violation BWC	13	7	10	7	10	7	5	9	13	2
Non Employee	14	3	4	5	14	9	7	6	5	5
Other		1				3			4	8
Possible						4	3	3	2	0
Sixty Day	3		1	1	2	1	1	1	1	1
Third Party		1			4	3	1	1	12	0
Unknown Officer	1		1						0	0
OCPO Investigation										2
No Subclass (as of 8/4/20)	2	0	1	0	0	2	2	0	73	0

External Complaint Workflow

No Investigation Sub-Classification General Definitions

It is the policy of the Department to accept and investigate all complaints of misconduct or wrongdoing from any citizen as prescribed by state law and Department policy. Complaints are handled in accordance with Texas Government Code, Section 614.021-614.023, as interpreted by the City Attorney.

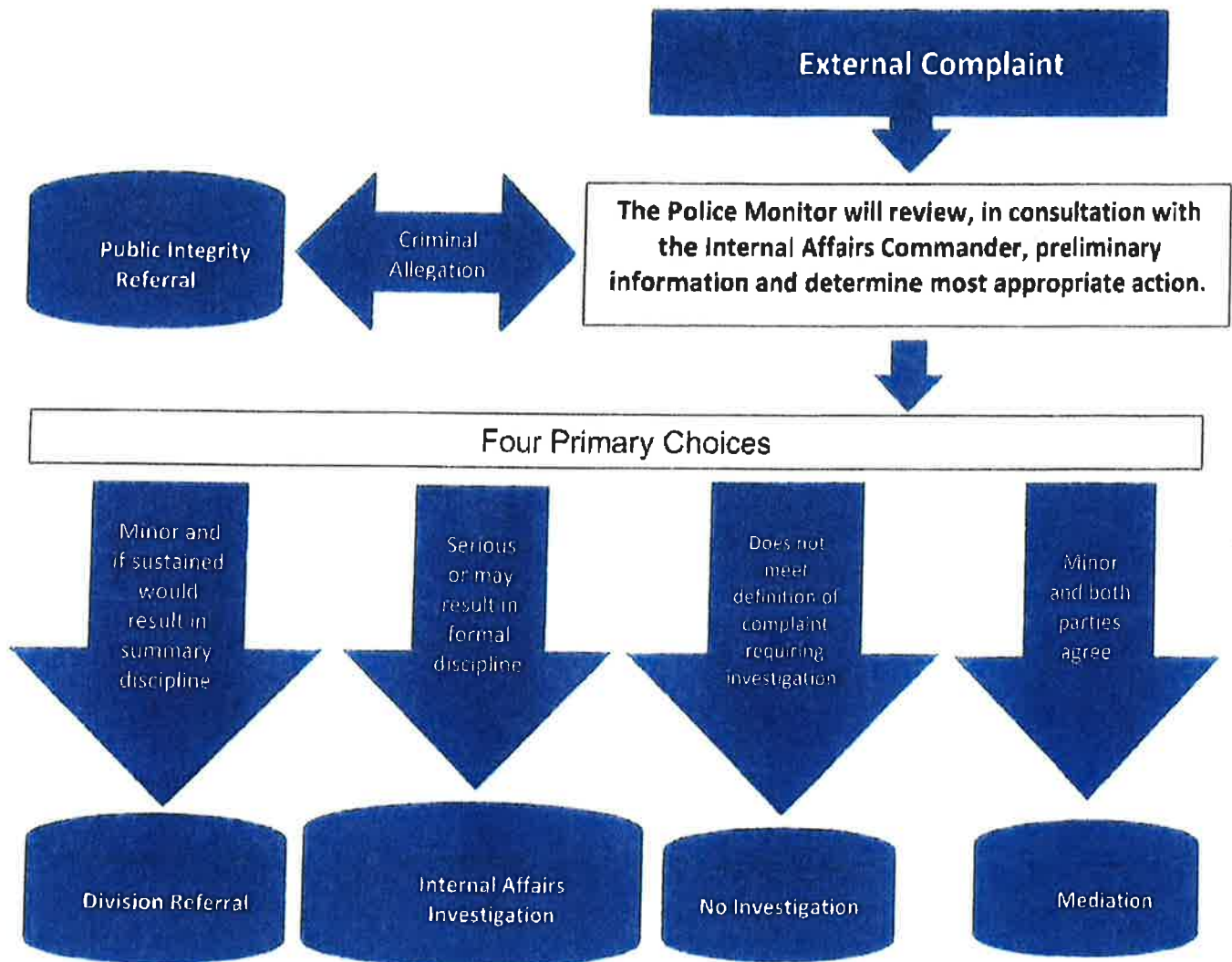
A No Investigation (NI) number is assigned to information received in the Internal Affairs Division that does not meet the guidelines of a complaint requiring a full investigation by the Department. The information is given a sub-classification for statistical tracking purposes. The current sub-classifications used are:

- **Does not meet criteria-** Complaints relative to differences of opinion between a citizen and the investigating officer regarding the contributing factors listed on an accident report will not be investigated. If a person calls or comes in but does not want to provide a written statement at that time, it will be entered. If they fail to follow up and provide a written complaint in any format, it may result in this sub-classification.
- **Duplicate Complaint-** Person is making a repeated allegation that has already been handled by the department.
- **Fail to Articulate-** Person may be complaining but does not make an allegation of misconduct.
- **Guilt or Innocence-**
 - Complaints relative to differences of opinion between a citizen and an arresting police officer regarding the guilt or innocence of that citizen will not be investigated but will be properly disposed of within the judicial system. If a citizen can furnish evidence that the arrest was malicious and/or illegal, the complaint may be investigated at the discretion of the Internal Affairs Division Commander.
 - Complaints relative to differences of opinion between a police officer and a citizen over the issuance of a traffic citation will not be investigated unless there is an allegation of a violation of law or departmental rules on the part of the officer.
- **Information Only-** A person may just be sending information or needing something from a member of the department. For instance, needing a detective to call them back about a case. A complaint about having to wait a long time for a police response to a 911 call may receive this sub-classification. Information is forwarded to division of responsibility.
- **More Information-** Person makes an allegation of misconduct, but the department needs more information to make determination on how to proceed.

- **No Violation-** Preliminary investigation is able to determine, based on evidence available, there is no violation of department procedures. Complaints involving a citizen's misunderstanding of departmental policy, which are resolved by a supervisor explaining the correct departmental policy and where the citizen is satisfied with the response, will not require investigation.
- **No Violation BWC-** Preliminary investigation is able to determine there is no violation due to review of officer's body worn camera.
- **Non-Employee-** Person makes allegation into misconduct of person who is not an employee of the police department.
- **Sixty Day-** Complaints are not typically accepted more than sixty days after the alleged incident, with the following exceptions:
 - When the complaint involves a criminal violation, the criminal statute of limitations will prevail.
 - When the complainant can show good cause for not making the complaint within the specified time limit.
- **Third Party-** Person complaining has no direct knowledge of incident. Often used when person sends an email or letter after seeing a negative news or social media story.

In all case, the citizen is sent a return letter to inform them that the information or complaint has been received and how it will be handled. If the department is not going to investigate, the reason is given with contact information on who they may call to discuss.

External Complaint Workflow Process



Memorandum



CITY OF DALLAS

DATE June 15, 2020

TO Members of the Community Police Oversight Board

SUBJECT Update on Process of Adding Non-Board Members to the CPOB Subcommittees and a Report of the Rules Subcommittee

At its June 9, 2020 meeting, the CPOB passed a motion to add non-CPOB members to its subcommittees. This was the Board motion that passed:

A motion allowing no more than three members of the community to be on any subcommittee.

CPOB Chairman Enobakhare, Jr. tasked the Rules Subcommittee with developing the rules for implementing this process.

The Rules Subcommittee met on June 22, 2020 and developed criteria for adding and removing non-Board members to CPOB subcommittees.

The Rules Subcommittee presented its recommendations to the full CPOB at the July 15, 2020 meeting. During discussion of the suggested criteria, many Board members had suggestions regarding what the Rules Subcommittee presented. Because of this, CPOB Vice Chairman Jose Rivas requested that the item be tabled and sent back to the Rules Subcommittee for further consideration. Vice Chairman Rivas also gave a date that members of the CPOB should send feedback to the Rules Subcommittee for consideration.

The Rules Subcommittee meet again on August 7, 2020 to discuss the feedback they received from CPOB members to see if they wanted to rethink some of their former recommendations regarding the process.

At the Rules Subcommittee meeting, members made a motion to adopt the rules they developed. That motion will be brought before the full Board for consideration and vote at its August 11, 2020 meeting.

Tonya McClary
Police Monitor

Cc: T.C. Broadnax

Memorandum



CITY OF DALLAS

DATE August 11, 2020
TO Members of the Community Police Oversight Board
SUBJECT Case Updates

i. Diamond Ross Case

The family of Diamond Ross filed a lawsuit against the Dallas Police Department on June 25, 2020. According to Ordinance Number 31192 that created the Community Police Oversight Board and the Office of Community Police Oversight Section 37-33 (c)(3):

“Board review or independent investigation of any incident, complaint, or request for review, whether received by the board or director shall be postponed pending the conclusion of any claim or civil litigation involving the incident or complaint”.

Because of this provision of the Ordinance, the Board and the OCPO will not be able to continue working on this case or give any public comment regarding the investigation until the lawsuit is concluded. Police Monitor McClary will stay in contact with the City Attorneys Office and will let the Board and public know when the lawsuit is concluded so the Board and OCPO can continue the review of this case.

ii. DPD Police Chief U. Renee Hall Complaint

At the July 15, 2020 CPOB meeting, members were given a briefing from Retired Section Chief D.L. Mullins (IAD) from Dallas Fire-Rescue regarding the investigation she conducted regarding the complaint against DPD Chief U. Renee Hall stemming from an incident that occurred at the October 8, 2019 CPOB meeting.

Upon reviewing the investigation conducted by Retired Section Chief D.L. Mullins and hearing her presentation, the Board tasked Police Monitor McClary and OCPO with conducting an independent investigation of the complaint regarding DPD Police Chief U. Renee Hall.

On August 3, 2020 OCPO welcomed its first staff investigator K.A. Williams. Police Monitor McClary will work with Mr. Williams to complete the independent investigation and bring those findings to the Board.

iii. Margaret Hunt Hill Bridge Protest

At the June 9, 2020 CPOB meeting, the Board tasked Police Monitor McClary with conducting an independent investigation into the activities that took place on the Margaret Hunt Hill Bridge on June 1, 2020.

Monitor McClary has been reviewing declarations and complaints from protestors and observers from that night to gather data. Monitor McClary also wants to review the final DPD After Action Report as part of her investigation. That report will have valuable information and intel into the actions of DPD on the night of June 1, 2020.

As stated above, on August 3, 2020 OCPO welcomed its first staff investigator K.A. Williams. Now that the OCPO Special Investigator has been hired Monitor McClary will work with Mr. Williams to finish the review.

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT Update on the Dallas Police Department's Use of Force Policies Review

At the June 9, 2020 CPOB meeting, the Board tasked Ms. McClary with conducting a review of the Dallas Police Department's use of force policies. This request was based on events that happened regarding protests in the City of Dallas in May and June.

Police Monitor McClary started her review of the policies. She recently learned from Chief U. Renee Hall that the Dallas Police Department is also reviewing their use of force policies.

Based on conversations between Monitor McClary and DPD Chief U. Renee Hall, the two departments have decided to work together on the review.

Monitor McClary will bring her findings to the Board once the review is concluded.

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT Update on OCPO Staffing

Staff Departures

On July 31, 2020 Ashley Anderson concluded her service with OCPO. Ms. Anderson had been on loan to OCPO since March 11, 2020 from the Courts and Detention Services Department.

New Staff

- 1) **Kevin (K.A.) Williams** started with OCPO on Monday, August 3, 2020 as OCPO's first Special Investigator. Mr. Williams was chosen after a nationwide search. Director McClary is happy to add him as a member of the OCPO team.
- 2) **Taylor Wood** started with OCPO on Tuesday, August 4, 2020. Taylor is on loan to OCPO from the Office of Business Diversity. She is serving as the Interim Executive Assistant to Director McClary and the Interim CPOB Liaison. Director McClary is happy to add her as a member of the OCPO team.

Please join Director McClary in welcoming K.A. and Taylor!

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT Training schedule for the Board

The CPOB is not only committed to community engagement, it is also committed to continued learning in the areas of oversight, policing, criminal justice and any other topics the Board deems relevant to its work.

In order to maintain transparency with the Dallas community, Chairman Enobakhare, Jr. has asked that Director McClary maintain a record of past and current trainings that CPOB members attend.

Starting with the August 11, 2020 Board meeting, this report will be made available as part of the CPOB monthly packet of Board materials.

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

Calendar of CPOB Training 2020

January

- 16th = Implicit Bias Training (2 ½ hours)

June

- 17th = United Nations tackles Police Violence & Racism
- 23rd = NACOLE Critical Incident Review in Policing: Preventing Errors and Learning from Mistakes (1 hour)
- 24th = WPFW podcast: Policing with Dr. RaShawn Ray (1 hours)

July

- 1st = NACOLE Civilian Oversight 101 (1 hour)
- 2nd = Black Lives Matter Community Conversation on Justice (1 ½ hours)

August

- 3rd = NACOLE Annual Conference: Oversight of Deaths in Custody (1 ½ hours)
- 4th = NACOLE Annual Conference: Police, Police Oversight, and Our Youth: Young People A Voice in Police Oversight (1 ½ hours)
- 5th = NACOLE Annual Conference: Media: Does their camera report the truth, the whole truth, and nothing but the truth? (1 ½ hours)
- 7th = NACOLE Annual Conference: Dolores Huerta (1 hour)
- 10th = NACOLE Annual Conference: What went Wrong: Deficiencies in the Investigation of an Officer Involved Shooting (1 ½ hours)

Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT Discussion with Dallas County Criminal District Attorney John Creuzot Regarding Fair and Equitable Policing in the City of Dallas

Director McClary has been in conversations with various leaders in Dallas regarding their views on fair and equitable policing. She has also solicited their suggestions on how to bring about positive change for the community.

One of her most recent conversations was with John Creuzot, Dallas County Criminal District Attorney. Director McClary invited D.A. Creuzot to address the CPOB Board and give them his viewpoints on some of the crucial issues impacting policing in the City of Dallas.

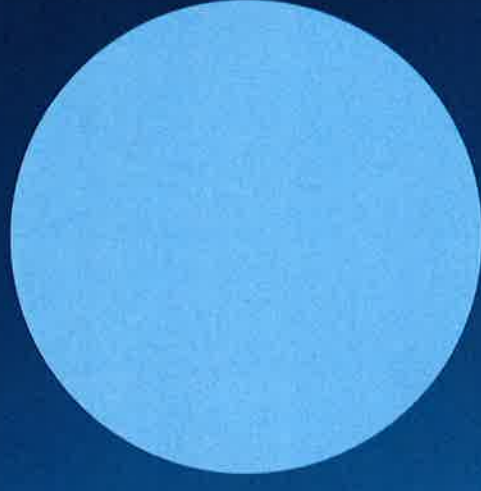
D.A. Creuzot will attend the August 11, 2020 CPOB meeting and is looking forward to a dialogue with CPOB members. He has documented his thoughts in a PowerPoint presentation that is contained in the Board packet.

Tonya McClary
Police Monitor

cc: T.C. Broadnax, City Manager

John Creuzot

Dallas County Criminal District Attorney



Goals of This Presentation

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- ▲ To support and encourage fair and equitable policing.
- ▲ To examine current and past data in order to understand policing practices in the City of Dallas.
- ▲ To work with public officials, elected and appointed, to bring about positive change for our community.
- ▲ To encourage open and frank dialogue to enhance trust between law enforcement and our community.

Locking Up Our Own

By James Forman, Jr.

3

- ▶ “Pretext stops are responsible for most of the racial disparity in traffic stops nationwide...when police are actually enforcing traffic safety laws they tend to do so without regard to race, but when they are carrying out investigatory or pretext stops, they are much more likely to stop black and other minority drivers: blacks are about two and a half times more likely to be pulled over for pretext stops.”

Locking Up Our Own

By James Forman, Jr.

- ▶ “In 1995, when appearing as a guest of the D.C.-based radio journalist Diane Rehm in order to build support for Operation Ceasefire, the Attorney General of D.C. told Rehm that his goal was to cut violent crime in the city by 40% over the next four years. The Attorney General said he wanted to train D.C. police ‘to do constitutional, appropriate things to confront people and ultimately, to get their guns.’ When asked to explain what he meant by ‘constitutional means’ his response laid bare why pretextual policing was so powerful-and so problematic.”

Locking Up Our Own

By James Forman, Jr.

- ▶ “Investigatory car searches start...with the fact that the police have broad authority to pull over any driver who violates traffic laws. ‘The police for instance are able to stop cars that do not have their lights on at night...the police are able to stop cars that don’t have license plates...traffic infractions give police just as much authority to pull over a car. A broken taillight...a rear license plate but no front one...-these are also valid bases for a traffic stop.’”

-Eric Holder, Former D.C. Attorney General, 1995

Chief Hall on Enforcement Policy

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- ▶ On May 30, 2020, Judge Clay Jenkins hosted a Facebook Live Conversation with Community Leaders, Faith Leaders, and Law Enforcement.
- ▶ Rev. Dr. Michael Waters asked for assurances with regards to what is going to happen this summer with the State Troopers. Judge Jenkins directed the question to Chief Hall:

Click Here

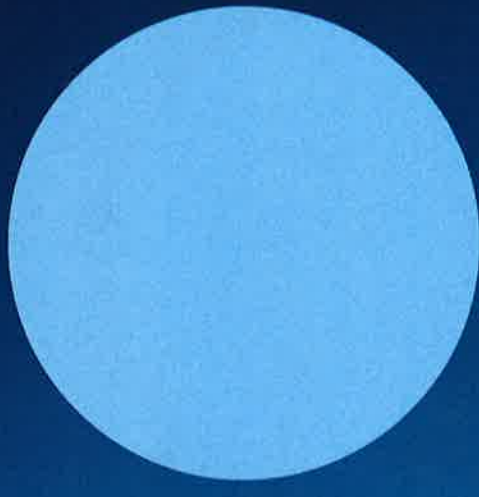


Source: <https://www.facebook.com/judgejenkins/videos/249255479734019/>

Rev. Dr. Michael Waters' Response

7

Click Here



Source: May 30, 2020, Judge Clay Jenkins' Facebook Live Conversation with Community Leaders, Faith Leaders, and Law Enforcement: <https://www.facebook.com/judgejenkins/videos/249255479734019/>

Research and Crime Reduction

8

- ▶ Arresting and incarcerating people for possessing small amounts of marijuana does not reduce violent crime.
- ▶ Data from the Dallas County Criminal District Attorney's Office (DCCDAO) shows Black, Indigenous, and People of Color are disproportionately arrested at a much higher rate for possessing small amounts of marijuana in Dallas County.
- ▶ The DCCDAO is committed to enhancing the safety of the community by prosecuting violent and repeat offenders.
- ▶ By diverting low-level offenses, we hope to reduce recidivism and save taxpayers' money.

Sources

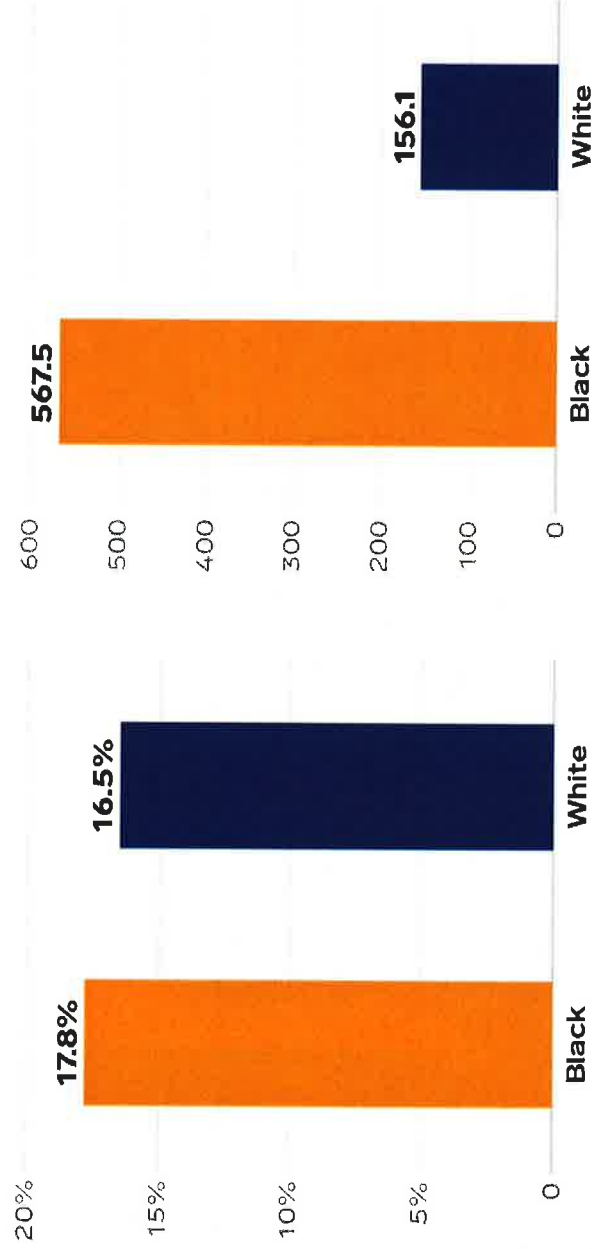
Justice Quarterly, The Cannabis Effect on Crime: Time-Series Analysis of Crime in Colorado and Washington State, October 8, 2019, <https://doi.org/10.1080/07418825.2019.1666903>
Journal of Drug Issues, Medical Marijuana and Crime: Further Evidence From the Western States, January 13, 2016, <https://doi.org/10.1177/0022042415623983>

Marijuana usage vs. possession arrests, by race

■ White ■ Black

Marijuana usage in the past year, ages 12+ (2018)

Marijuana possession arrest rates per 100K (2018)



Sources: SAMHSA; US Department of Health and Human Services;
FBI/Uniform Crime Reporting Program; US Census

BUSINESS INSIDER

Source: <https://www.businessinsider.com/us-systemic-racism-in-charts-graphs-data-2020-6#black-americans-have-historically-been-underrepresented-in-the-highest-echelons-of-government-as-well-4>

DPD MJ Cases Filed with DCCDAO by Race/Ethnicity

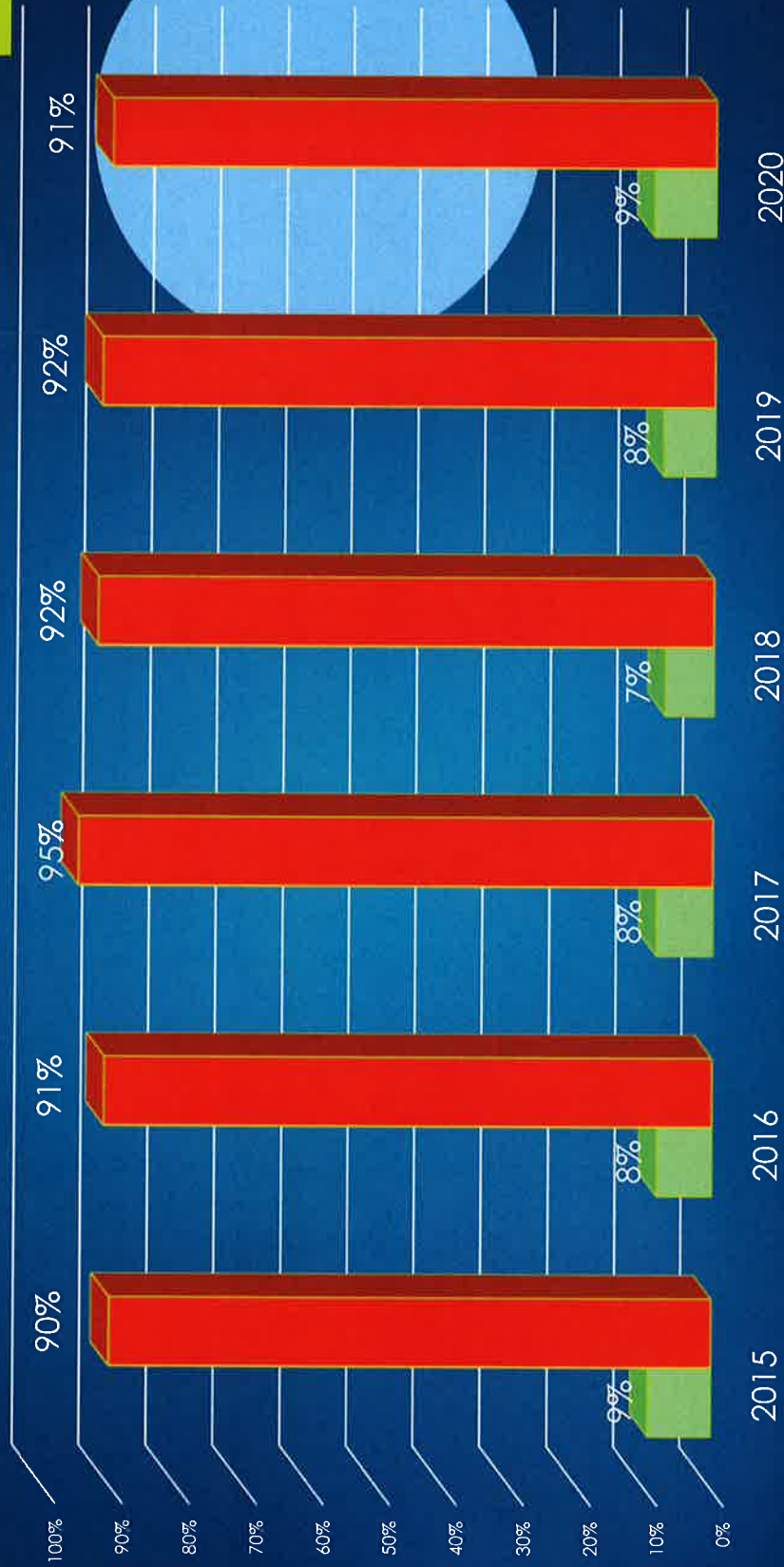
10



*2020 Data includes January through June.

DPD MJ Cases Filed with DCCDAO (By Percentage)

11



■ White (Non-Hispanic or Latino) ■ Black and Hispanic

*2020 Data includes January through June.

How Does this Relate to Violent Crime?

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Violent Crime Rate + Marijuana Filings by Ethnicity: 2015–2019

Marijuana Filings by Ethnicity

Year	Violent Crime Per 1,000 people	White (Non- Hispanic or Latino)	Black	Hispanic or Latino	Other (Asian / Native American	Total
2015	6.9	9%	63%	27%	0.3%	2212
2016	7.6	8%	60%	31%	0.6%	2682
2017	7.7					
2018	7.6					
2019	8.1	6%	62%	31%	0.4%	2235

2019 **

- 200+ homicides – most since 2007
- Homicides involving a gun up 32%
- Domestic violence killings up 55%

* DPD arrests only

** Dallas Morning News 12/20/2019

Policing Costs of Marijuana Arrests

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- ▶ Often, a marijuana arrest involves a traffic stop and at least two officers. One officer takes the individual to jail while the other waits for a towing company to pick up the arrested person's vehicle.
- ▶ Not including the time for the stop, investigation, and arrest, it takes an officer up to **four hours** to book the individual into jail and complete the paperwork.
 - ▶ The arresting officer and the back-up officer are both removed from street patrol for an extended period of time.
 - ▶ This contributes to slow 911 call response times and a decrease in officers on the streets.
 - ▶ Marijuana arrests cause officers to be unavailable to respond to more serious crimes occurring in the community.

Lab Costs for Marijuana Prosecution

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- ▶ Prior to June 2019, the cost for testing marijuana was **\$105/test**
 - ▶ Testing **was not** required for **ALL** possession of marijuana cases because any concentration of THC was deemed illegal.
- ▶ In June 2019, the legislature passed HB1325 which defined marijuana as having a THC concentration of .3% or more.
 - ▶ Anything less than .3% is considered hemp (legal).
- ▶ After June 2019, the cost increased to **\$217/test** for offenses occurring after June 10, 2019 due to the change in law (HB1325).
 - ▶ Laboratory analysis **is now** required for **ALL** cases to ensure .3% or greater concentration of THC to be classified as marijuana rather than hemp.

Cost-Savings Due to New DCCDAO Marijuana Policy

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DPD Rejections by DCCDAO:

- ▶ 2019: **815** cases rejected prior to June 10 (\$105/test) and **1143** after (\$217/test).
- ▶ 2020: **1,203** cases rejected from January to June.
- ▶ **\$509,082** actual cost savings to the City of Dallas since January 2019 due to DCCDAO new policy.
- ▶ **22%** of cases submitted, the packaging weighed more than the marijuana.

Policing *Suggestions* and Alternatives to Current Practices

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- ▲ *Suggestion:* DPD could save officer time and resources by ceasing to arrest for the possession of small quantities of marijuana.
 - ▲ We have seen people arrested for as little as 1 gram of marijuana - the equivalent of 1 packet of Splenda/Sweet'N Low.
- ▲ *Suggestion:* If DPD filed Class C offenses, i.e. possession of paraphernalia or attempted possession of marijuana, the cases could be handled in municipal court and would not require testing or county jail book-in processes.

Marijuana Reform in Oklahoma City

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- ▶ In late 2018, Police Chief Bill Citty, then a 41-year veteran of the department, **proposed to the City Council** that the punishment for possession of marijuana be reduced to the issuance of a citation (no arrest) and a maximum fine of \$400.
- ▶ The **City Council** passed the amendment with a vote of 6-2 on September 25, 2018. The new ordinance went into effect October 26, 2018.

<https://kfor.com/news/okc-city-council-approves-proposal-reducing-marijuana-possession-penalty/>

<https://agenda.okc.gov/sirepub/mtgviewer.aspx?meetingid=4755&doctype=AGENDA>

Former Oklahoma City Police Chief

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- ▶ “I am not in favor of legalizing marijuana, this is not about legalizing it. This is about still holding people accountable for having it. We still want to hold people accountable for it, they just don’t need to go to jail for it. Jail does not make things better.”
- ▶ “There’s no reason to take somebody to jail when we can give them a citation and tell them, ‘You have to show up to court and face the consequences.’”

- Former Police Chief Bill Citty, September 2018

Marijuana Reform in Oklahoma

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- ▶ Current Oklahoma law allows the following with a prescription:
 - ▶ Possession of up to 3 ounces of marijuana on their person;
 - ▶ Possession of six mature marijuana plants;
 - ▶ Possession of six seedling plants;
 - ▶ Possession of one ounce of concentrated marijuana;
 - ▶ Possession of up to seventy-two ounces of edible marijuana;
 - ▶ Possession of up to 8 ounces of marijuana in their home.

Marijuana Reform in Oklahoma

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- ▶ Since medical marijuana was legalized, violent crime* decreased by 9.8% from 2018 to 2019.
- ▶ Index crimes** decreased by 2.8% from 2018 to 2019.

Source: Source: Oklahoma State Bureau of Investigation Office of Criminal Justice Statistics
<https://osbi.ok.gov/publications/crime-statistics>

*Violent Crimes are: Murder, Rape, Robbery, Aggravated Assault

**Index crimes are: Murder, Rape, Robbery, Aggravated Assault, Burglary, Larceny (Theft), and Motor Vehicle Theft

Talking Points for Stakeholders

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- ▶ Today, the Dallas community is concerned about disparate policing that targets and negatively impacts communities of color.
- ▶ An analysis of DPD misdemeanor marijuana arrests and filings shows violent crime is not reduced by continuing to arrest individuals for misdemeanor marijuana offenses (see slides 17, 18, and 20).
- ▶ The DCCDAO policy of rejecting first-time marijuana filings reduces racial disparity in this category of cases.

Talking Points for Stakeholders

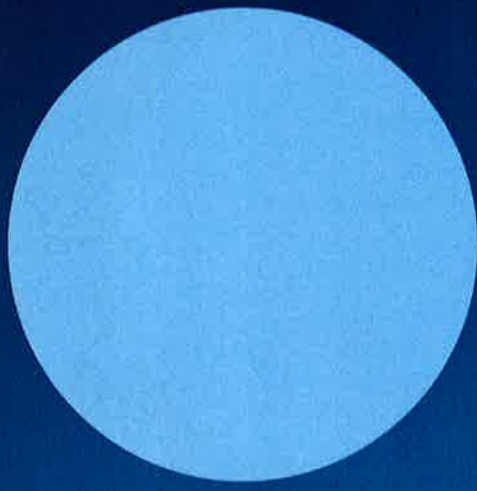
22

- ▶ Just as recognized by former long-time Oklahoma City Police Chief Bill Citty, issuing a Class C citation for possession of misdemeanor marijuana keeps patrol officers on the streets, answering calls, and available to reduce violent crime.
- ▶ In this time of tight budgets and increased expenditures because of the COVID-19 pandemic, the policy of the DCCDAO regarding misdemeanor marijuana has saved the City of Dallas \$509,082 in testing for hemp vs. marijuana, a test which is now required by law.

“Policing is almost entirely a local affair, and almost 90 percent of American prisoners are in state and local jails, not federal ones. For those of us who seek to create a more humane criminal justice system, the message is clear: We must redouble our efforts at the state and local levels.”

- James Forman, Jr., *Locking Up Our Own*

Thank You



Memorandum



CITY OF DALLAS

DATE August 11, 2020

TO Members of the Community Police Oversight Board

SUBJECT Board Member Update on Community Engagement Activity

The Board will discuss and provide an update on Community Engagement Activities.

cc: T.C. Broadnax, City Manager



City of Dallas

Community Police Oversight Board (CPOB)

2020 Schedule

City Hall
1500 Marilla Street
City Council Chambers, 6EN
Dallas, Texas 75201

Community Police Oversight Board meetings are held every 2nd Tuesday of each month, unless noted otherwise. Meetings are held at Dallas City Hall, 1500 Marilla, City Council Chambers, 6EN or virtually. Meetings normally begin at 5:30p.m. unless noted otherwise.

January 14, 2020 – City Council Chambers,

6EN February 11, 2020 – City Council Chambers,

6EN March 10, 2020 – City Council Chambers,

6EN April 14, 2020 – No Meeting Held

6EN May 12, 2020 – No Meeting Held

6EN June 9, 2020 – Video Conference at 5:00 p.m.

July 15, 2020 – Video Conference at 5:30 p.m.

August 11, 2020 – Video Conference at 5:30 p.m.

September 8, 2020 – City Council Chambers, 6EN

October 13, 2020 – City Council Chambers, 6EN

November 10, 2020 – City Council Chambers, 6EN

December 8, 2020 – City Council Chambers, 6EN

