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COMMUNITY POLICE OVERSIGHT BOARD
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

210535

CITY SECRETARY
DALLAS, TEXAS

TUESDAY, June 8, 2021
VIRTUAL MEETING VIA WEBEX
5:30 P.M. – 8:30 P.M.
VIRTUAL MEETING

POSTED CITY SECRETARY
DALLAS, TX

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.

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=e7472771def00680641c9dc53caa09e26>

Access Code: cpob2021
AUDIO PHONE CONFERENCE LINE:
Event line: 408-418-9388 | **Access Code:** 187 680 7330

CALL TO ORDER

PUBLIC COMMENT/OPEN MICROPHONE

APPROVAL OF MINUTES

1. Approval of the May 11, 2021 Minutes [Board Chairman Enobakhare, Jr.]

Attachment: Minutes

ACTION ITEMS

2.
 - a. Michael Fowler Complaint Review & Decision Regarding Additional Investigation by OCPO [OCPO Special Investigator Williams and Board Chairman Enobakhare, Jr.]

Attachment: Case Summary Memo

- b. Darren Reynolds Complaint Review & Decision Regarding Additional Investigation by OCPO [OCPO Special Investigator Williams and Board Chairman Enobakhare, Jr.]

Attachment: Case Summary Memo

A quorum of the City Council may attend this board meeting.

BRIEFING ITEMS

3.
 - a. CPOB Chair & OCPO Director Monthly Meeting with the DPD Chief of Police Eddie Garcia [CPOB Chairman, Enobakhare, Jr. & OCPO Director McClary]

Attachment: Memo

- b. Update RIGHT NOW series [CPOB Chairman, Enobakhare, Jr. & OCPO Director McClary]

Attachment: Memo

4. Monthly Activity Report [OCPO Complaint Intake Specialist Woods]

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

5. Board Training: Community-Police engagement: *“Improved Outcomes in Racially Charged Police Encounters: Making the Case for Decision-Based Training”*
[OCPO Director McClary]

Attachment: Memo

6. Board Training Schedule [Board Chairman Enobakhare, Jr.]

Attachment: Memo

7. Board Member Update on Scheduling Town Hall Meetings [All]

Attachments: Memo

UPCOMING MEETING

8. August 10, 2021 (Board will be in recess the month of July)

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."

Community Police Oversight Board

Meeting Minutes

Agenda Item 1

The Community Police Oversight Board meetings are recorded. Agenda materials and recordings may be reviewed/copied by contacting the Board Coordinator at 214-671-8283.

Meeting Date: May 11, 2021

Convened: 5:44 p.m.

Adjourned: 8:04 p.m.

Board Member(s) Present:

Jesurobo Enobakhare, Jr., **Chair** – District 3
Jose Rivas, **Vice Chair** – District 7
Jonathan E Maples – District 2
Loren Gilbert- Smith – District 4
Ronald Wright – District 8
Tami Brown Rodriguez – District 9
Ezekiel Tyson – District 10
Ejike E. Okpa – District 11
Deatra Wadsworth – District 12
David Kitner – District 13
Alan Marshall – District 14
Juan Olivo – District 15

Board Member(s) Absent:

Ozzie Smith – District 1
Andre Turner – District 5
Kristian Hernandez – District 6

Staff Present:

Kanesia Williams, City Attorney's Office
Tonya McClary, Police Monitor OCPO
Kevin Williams, Special Investigator OCPO
Taylor Woods, Interim OCPO Board Coordinator/ Complaint Intake Specialist OCPO

AGENDA:

Call to Order: 5:44 p.m.

Public Comment/ Open Microphone

Public comments were received by two speakers.

1. Approval of Meeting Minutes for April 13, 2021 Meeting

A motion was made to approve the minutes from the April 13, 2021 Community Police Oversight Board meeting.

Motion made by David Kitner
Item passed unanimously: X
Item failed unanimously:

Motion seconded by Dee Wadsworth
Item passed on a divided vote:
Item failed on a divided vote:

2. Briefing Items

a. Part 1 Mental Health and Policing: View Tony Timpa Video

Police Monitor McClary showed the Board the body worn camera of the incident that happened to Tony Timpa regarding the Dallas Police Department. Mr. Timpa called 911 saying he did not take his medication and had taken some bad drugs and needed help. Tony Timpa died during this encounter.

Part 2 Mental Health and Policing: Right Care Program

- b.** Tabitha D. Castillo from the Right Care Program described what her team does in the city of Dallas to assist with mental health and policing to CPOB members.

Part 3 Mental Health and Policing: Family of Edgar Tirado Jr. Speaks About Hopes for The Future

- c.** Police Monitor McClary introduced the Tirado family. Their son was killed by DPD on April 19th during a mental health crisis. The Tirado family described their son and his mental health struggles and shared future hopes for people and family's that are in the same situation.

Part 4 OCPO Mental Health Project

- d.** Police Monitor McClary announced that she will be launching a mental health project this fall. She hopes to get other departments and families involved. She stated she would like to look at DPD's policies involving mental health.

CPOB Chair & OCPO Director Monthly Meeting with the DPD Chief of Police Eddie Garcia

- e.** Director McClary and Chief Garcia discussed potential opportunities where they can go out and the community and show that they are working cooperatively. Chairman Enobakhare discussed a viral video with the Chief involving a DPD officer in which Chief Garcia was aware and on top of Chairman Enobakhare also spoke with Chief Garcia about ways of getting feedback from communities on reform recommendations.

Save the Date: RIGHT NOW! Panel Discussion and Community Forum on Policing May 18th, 2021 at 6:00pm

- f.** Chairman Enobakhare informed the board that the event will be rescheduled until further notice.

3. Monthly Activity Report

Complaint Intake Specialist Woods gave updates on complaints and inquiries received by OCPO for the Month of April. There were 80 complaints and inquiries received for the month. 23 where actual complaints and 57 where inquiries and only 1 complaint was disagreed on by Police Monitor McClary.

4. Board Training: When Communities Try to Hold Police Accountable, Law Enforcement Fights Back

Police Monitor McClary had a brief discussion on the article from the Washington Post. The board gave feedback and asked questions.

5. Board Training Schedule

There were 2 trainings for the month:

May 11th = OCPO Board Training: When Communities Try to hold Police Accountable, Law Enforcement Fights Back.

May 18th = NACOLE National Initiative for Building Community Trust and Justice

6. Board Members Update on Community Engagement Activity

Ozzie Smith Dist. 1 – Absent

Jonathan Maples Dist. 2 – Nothing to report.

Jesuorobo Enobakhare Dist. 3 – Nothing to report

Loren Gilbert Smith Dist. 4 – Nothing to report

Andre Turner Dist. 5 – Absent

Kristian Hernandez Dist. 6 – Absent

Jose Rivas Dist. 7 – Nothing to report

Rev. Wright Dist. 8 - Nothing to report

Tami Brown Rodriguez Dist. 9 – Will be having a townhall meeting June 1st with District 14.

Ezekiel Tyson Dist. 10 – Working with OCPO to have his townhall meeting in June.

Ejike E. Okpa Dist. 11 – Nothing to report

Deatra Wadsworth Dist. 12 – Nothing to report

David Kitner Dist. 13 – Nothing to report

Alan Marshall Dist. 14 – Will be having a townhall meeting June 1st with District 9.

Juan Olivo Dist. 15 – Nothing to report

7. Upcoming CPOB Meeting

June 8, 2021 at 5:30p.m.

Public Comment/ Open Microphone

There were no closing public comments.

Motion to Adjourn:

Motion made by Alan Marshall
Item passed unanimously: X
Item failed unanimously:

Motion seconded by Tami Brown Rodriguez
Item passed on a divided vote:
Item failed on a divided vote:

Adjourn: 8:04 PM

APPROVED BY:

ATTEST:

Chairman Jesuorobo Enobakhare
Community Police Oversight Board Chairman

Taylor Woods
Interim Community Police
Oversight Board Liaison

Memorandum Item 2A



DATE June 8, 2021

TO: Members of the Community Police Oversight Board

SUBJECT: Michael Fowler Requests for Complaint Investigation Review

Complainant Michael Fowler is requesting that the CPOB review his complaint at your June 8, 2021 meeting. In preparation for the Board's discussion, OCPO Director provided Board members case information regarding Mr. Fowler's complaint. After the discussion, the Board will be asked to vote on this matter. You will decide if you want OCPO to do an independent investigation or if you do not feel any further action is needed.

Below are basic facts regarding the complaint. There is also a section that includes OCPO's thoughts on the investigation.

Part A: Background Facts

Complainant: Michael Fowler

Incident Type: DPD IAD Complaint Investigation

IAD No: CN 2021-338 & Duplicate EC 2021-0829, EC 2021-0286

Date Received by IAD: April 5, 2021

Date of Occurrence: May 29, 2020

DPD Department: Internal Affairs Division

Division: Southeast Patrol Division

Involved Officers (2): Police Senior Corporal Joseph Dillard #10273
Police Officer Trainee III Eric Burrton JR # 11763

Class/sub-class: Use of Force / Inappropriate Use of Force

Synopsis of Incident: On May 29, 2020, Senior Corporal Joseph Dillard, #10273, Southeast Division, and Police Officer Trainee III Eric Burton Jr., #11763, Northeast Division, responded to a Critical Missing Person call (Signal 26/01) at 2250 Harding Street and met with the caller, Mr. Michael Fowler. Mr. Fowler alleged Senior Corporal Dillard detained him, handcuffed him, and slammed him to the ground. As a result, an IAD investigation was conducted.

Complainant Statement: Mr. Fowler filed a complaint on July 12, 2020 and gave a video recorded interview to the Public Integrity Unit on September 17, 2020. According to DPD below is Mr. Fowler's testimony¹:

On May 29, 2020, Mr. Fowler called 911 to report his juvenile daughter as a runaway. His daughter is 10 years old and has mental issues. Officers arrived at his location approximately two hours after he called 911. The responding officers (Senior Corporal Dillard and Officer Burton) were immediately disrespectful towards him. The officers wanted to detain him after he found out his daughter was in the hospital due to her falling and hitting her head.

When Mr. Fowler attempted to leave, Senior Corporal Dillard kicked his car door closed and handcuffed him. Senior Corporal Dillard slammed Mr. Fowler to the ground and placed his knee on his stomach causing Mr. Fowler to sustain bruises. Senior Corporal Dillard and Officer Burton picked Mr. Fowler up and forced him inside the squad car. Senior Corporal Dillard was asked for his badge number. He immediately went to his squad car and told Officer Burton to get in and they left. The handcuffs were too tight, and the officers shoved him inside the squad car with no air for 40 minutes. Mr. Fowler suffered an asthma attack. Senior Corporal Dillard received a phone call from his supervisor and was told to release Mr. Fowler. The officers released him but did not take him back to where they got him.

Additional Requests from Complainant: In his request for the CPOB to review his complaint, Mr. Fowler also stated the following:

My injuries are still being treated and my doctor says that they are a direct result of the abuse by the "on scene" police officers. I expect to have my medical bills paid for plus reasonable compensation for my pain and suffering, as well as a reprimand as a minimum for the officers who were responsible for my injuries.

Complainants Allegations: Use of Force / Inappropriate Use of Force

Allegations Investigated by DPD: Use of Force / Inappropriate Use of Force

DPD Officer Interviews:² Both officers gave statements. Senior Corporal Joseph Dillard gave an internal statement on January 25, 2021 and Police Officer Trainee III Eric Burton Jr. gave an internal statement on January 20, 2021.

IAD Case Summary: On March 11, 2021 IAD sent Mr. Fowler a letter detailing the results of their investigation of his complaint. The letter stated, "After reviewing the information provided, we were unable to establish a violation of departmental policies or procedures. The investigation will still be reviewed by the employee's supervisor to determine if any training or other action would be appropriate to improve our performance".

As a result, it was determined no investigation was warranted. The case was closed on March 11, 2021, by the Internal Affairs Division.

¹ Administrative Investigation Report pages 1-2.

² Administrative Investigation Report pages 2-5.

Part B: OCPO Observations About the DPD Investigation

After reviewing the completed investigation by DPD, OCPO has several observations and questions about what seems to be missing in the analysis of Detective Ezekiel Rubio, #10481 when he recommended that both officers be exonerated in this case.

1. OCPO did not see an analysis of de-escalation techniques by Senior Corporal Dillard. It is the observation of OCPO that at times the actions of Senior Corporal Dillard seemed to escalate the situation with Mr. Fowler and excited the family and friends that had gathered to witness DPD's actions with Mr. Fowler.
2. OCPO would encourage Board members to look at the demeanor of both officers at the scene to get a sense of how each of them were perceiving the events that were unfolding.
3. The characterization of how the crowd was interacting with the police seems misleading when the BWC is viewed.
4. OCPO wonders what Senior Corporal Dillard's perceptions of the neighborhood and the residents were because he did not take Mr. Fowler back to his car. Instead he dropped Mr. Fowler about one block from his car. OCPO encourages the Board to listen to the rationale of Senior Corporal Dillard as articulated on his BWC and also in the DPD investigation report on page 4.

Furthermore, OCPO recommends that the CPOB not weigh-in on the issue of Mr. Fowler's medical bills and expenses. That is beyond the scope of the DPD investigation.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 2B



CITY OF DALLAS

DATE June 8, 2021

TO: Members of the Community Police Oversight Board

SUBJECT: Darren Reynolds Requests for Complaint Investigation Review

Complainant Darren Reynolds is requesting that the CPOB review his complaint at your June 8, 2021 meeting. In preparation for the Board's discussion, OCPO Director provided Board members case information regarding Mr. Reynold's complaint. After the discussion, the Board will be asked to vote on this matter. You will decide if you want OCPO to do an independent investigation or if you do not feel any further action is needed.

Below are basic facts regarding the complaint. There is also a section that includes OCPO's thoughts and questions about the DPD investigation.

Part A: Background Facts

Complainant: Darren Lee Reynolds

Incident Type: DPD IAD Complaint Investigation

IAD No: CN 2020-200

Received Date: May 26, 2020

Occurred Date: May 23, 2020

DPD Department: Internal Affairs Division.

Division: Southeast Patrol Division

Involved Officers (2): Police Officer Bryan Alberto Nerio # 11554
Police Officer Brandon Alfonso Porragas #11143

Class/sub-class: Use of Force / Inappropriate Use of Force

Synopsis of Incident: On May 23, 2020, Police Officers Bryan Nerio, #11554, and Brandon Porragas, #11143, Southeast Division, performed a traffic stop on Mr. Darren Reynolds at the 10300 block of Scyene Road. Officers Nerio and Porragas requested Mr. Reynolds' driver's license. He produced his driver's license but would not remove it from his wallet because the officers were not wearing masks or gloves. Mr. Reynolds was handcuffed and subsequently arrested for outstanding traffic warrants. During the arrest process, Mr. Reynolds was taken to the ground by

the officers. Mr. Reynolds alleges officers used inappropriate force against him during this incident. He also had money and other property confiscated and logged during his arrest.

Complainant Statement: Mr. Reynolds filed a complaint on May 23, 2020, and gave a recorded interview to the Public Integrity Unit on June 22, 2020. The information obtained by DPD is summarized on pages 2-4 of the Administrative Investigation Report.

When Mr. Reynolds completed an OCPO Complaint Review Form, he stated that the following were his concerns about DPD's investigation of his complaint:

"I am not satisfied with the response I received because DPD attempts to cover up their wrongdoings by hiding behind covid and stretching this entire ordeal out as long as possible. Everyone I've spoken to seems not to care and is completely disinterested. They all seem as if they're just going through the motions saying what they need to say to get me off the phone and make it seem like they're actually working when in reality they aren't. I'd like to sit down with this entire department and watch the video of the officers pushing me down on the ground twice while in handcuffs and putting his knee on my neck. It was terrible policing, and DPD is attempting to excuse it".

Complainants Allegations: Mr. Reynolds alleges officers used inappropriate force against him during this incident.

Allegations Investigated by DPD:

1. It is alleged that on May 23, 2020, Police Officer Bryan Nerio #11554 used unnecessary or inappropriate force against a person.
2. It is alleged that on May 23, 2020, Police Officer Brandon Porragas, #11143, used unnecessary or inappropriate force against a person.

DPD Officer Interviews¹: Both officers gave statements. Police Officer Bryan Nerio issued an internal statement on November 12, 2020, and Police Officer Brandon Porragas gave an internal statement on November 10, 2020.

IAD Case Summary:

Part A:

CLASSIFICATION OF ALLEGATIONS

Allegation #1 - SUSTAINED - Unnecessary or inappropriate use of force.

Allegation #2 - SUSTAINED - Unnecessary or inappropriate use of force.

¹ Administrative Investigation Report pages 4-8.

CONCLUSION

Based upon the testimonial, documentary, and video evidence collected during the course of this investigation, **Allegations #1 and #2**, stating that on May 23, 2020, Police Officer Bryan Nerio, # 11554, and Police Officer Brandon Porragas, #11143, used unnecessary or inappropriate force against a person are classified as **"SUSTAINED."**

As a result of their actions, Officers Porragas and Nerio should be held accountable for the following rule violation:

DALLAS POLICE DEPARTMENT CODE OF CONDUCT **CHAPTER IV** **PROFESSIONAL CONDUCT AND PERSONAL BEARING**

4.10 Officers shall not use any unnecessary and/or inappropriate force against any person.

Officers Nerio and Porragas violated the aforementioned rules when, on May 23, 2020, they used unnecessary or inappropriate force against a person who was handcuffed and under their control.

Part B:

On April 13, 2021, a supplemental investigation was conducted after the Chain of Command Review of the case. Assistant Chief Angela Shaw, Administrative Bureau, requested a review of the case by the Training Academy. The Training Academy assessed the BWC and DVR footage obtained to determine if the force used was appropriate.

Sergeant Anthony Greer, #7585 of the Training Division, reviewed the case. His findings are below:

Based on the testimonial, documentary, and video evidence collected during the course of this investigation, Mr. Reynolds was defensively resisting Officer Nerio's attempts to keep control of him. A preponderance of evidence exists that Officers Porragas and Nerio used the appropriate level of force to control Mr. Reynolds. Therefore, this allegation is classified as **"EXONERATED"**²

Part B: OCPO Observations About the DPD Investigation

After reviewing the completed investigation by DPD, OCPO has several observations and questions about in investigation.

1. Why did this incident happen in the first place? When Mr. Reynolds was pulled over, he complied with the officer's commands. You will observe that he did not refuse to show his driver's license. He just did not want to remove it from his wallet because the officers were not wearing masks or gloves. He stated that very plainly.

² Supplemental Administrative Investigation Report page 2.

In the BWC footage, you will hear Officer Nerio acknowledge that he could have written down the information from Mr. Reynold's driver's license. It is not mandatory that the officer has to take control of the identification physically.

2. There was no attempt to address Mr. Reynold's concerns regarding COVID-19. Instead, the officers insisted that he get out of his vehicle.
3. There was no analysis of de-escalation attempts by either officer. It seems that many of the physical interactions regarding Mr. Reynolds were done out of officer frustration and not based on protocol.
4. OCPO is concerned that when Mr. Reynolds was taken to the ground the second time by officers at the front of the police car after mentioning that he had a tail bone problem, it was done out of officer frustration. You will see that Officer Nerio interacted with Mr. Reynold's neck and mouth area during that takedown. OCPO questions why that was necessary since Mr. Reynolds was already on the ground.
5. If the officers felt that Mr. Reynolds was a threat, there are several instances where they left him unattended, which calls into question that explanation for some of their actions towards Mr. Reynolds.
6. OCPO is also concerned about the lack of securing of Mr. Reynold's property, particularly after the weather conditions started to change during the arrest. You will see that Mr. Reynold's money was blown off the top of the police car.
7. OCPO is also concerned about how two different departments within DPD came to opposite conclusions in this matter.

Tonya McClary

Cc: T.C. Broadnax, City Manager

Memorandum Item 3A



CITY OF DALLAS

DATE **June 8, 2021**

TO **Members of the Community Police Oversight Board**

SUBJECT **CPOB & OCPO Monthly Meeting with DPD Police Chief**

Every month CPOB Chairman Enobakhare, Jr. and OCPO Director McClary meet with DPD Police Chief Eddie Garcia.

Chairman Enobakhare, Jr. will inform CPOB members what was discussed at the June 8, 2021 meeting.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 3B



CITY OF DALLAS

DATE June 8, 2021

TO Members of the Community Police Oversight Board

SUBJECT Update RIGHT NOW! Series

OCPO will be launching a series of quarterly events to compliment the town halls & listening sessions that each CPOB member is conducting.

The first was supposed to be in May, however, it was postponed. During this time, OCPO Director McClary worked with CPOB Chairman Enobakhare, Jr. and Chief of Staff for the City Kimberly Tolbert to refine the concept for the events to make them more impactful.

The first event will be in late June or early July and will feature City Manager T.C. Broadnax, OCPO Director McClary and CPOB Chairman Enobakhare, Jr. The event will feature a discussion and an opportunity for members of the Dallas community to work in small groups to craft recommendations for changes that the community wants to see regarding policing in Dallas. OCPO Director McClary will be soliciting members of the CPOB to facilitate the small group sessions.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum 4



CITY OF DALLAS

DATE June 08, 2021

TO Members of the Community Police Oversight Board

SUBJECT **Office of Community Police Oversight March 2021 Report**

Attached you will find the May monthly complaint statistical report from the Office of Community Police Oversight (OCPO). This report provides a summation 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 and inquiries received by OCPO in May.

The external complaints for June 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 as of 6/2/2021 for Fiscal Year 2020-2021

	Oct		Nov		Dec		Jan		Feb		March		April		May		June		July		Aug		Sept	
Total External Complaints by Source	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO	DPD	OCPO
DPD Total	68	0	61	0	67	0	75	0	58	0	76	0	67	0	82	0	0	0	0	0	0	0	0	0
External Email	38		36		34		44		28		35		46		49									
External Fax							1		1				1											
External Letter	7		5		7		4		5		3		4		11									
External Telephone	1				1						1		1											
External Online Form	5		11		10		12		16		10		3											
External Walk-in DPD	17		9		15		14		8		27		12		22									
OCPO Total	21	18	30	28	20	17	23	23	19	18	34	40	27	23	30	31	0	0	0	0	0	0	0	0
External Email OCPO	1	6	2	13	6	7	2		9	8	10	23	6	14	10	19								
External Fax OCPO								14					1											
External Letter OCPO	2	4	1	2		1					2	2	1	1	1									
External Telephone OCPO		8		13		9		9				14		8		9								
External Online Form OCPO	18		27		13		20		10	10	22		16		19									
External Walk-in OCPO					1		1					1	3		3									
Grand Total	89	18	91	28	87	17	98	23	77	18	110	40	94	23	112	31	0	0	0	0	0	0	0	0
External Complaints Processed by Internal Affairs as of 6/2/2021																								
Divisional Investigations with Category	20	0	12	0	18	0	10	0	12	0	19	0	11	0	14	0	0	0	0	0	0	0	0	0
Discourtesy or Unprofessionalism	15		4		9		4		3		10		6		7									
Fail to Complete Reports	1								2		1				2									
Improper Action	2		5		3		4				2		1											
Improper Comments									1						1									
Improper or No Investigation	2		3		6		2		6		6		4		4									
Internal Affairs Investigations and Category	6	0	10	0	5	0	5	0	6	0	12	0	8	0	6	0	0	0	0	0	0	0	0	0
Abuse of Authority	1		1		1		1		1						1									
Adverse Conduct	1		3		1		2						3		1									
Dispatch/911 Violation																								
Discourtesy to Other Employees																								
Failed to Complete Report on Time											2				1									
Failed to Secure Property																								
Harassment											2													
Improper or False Arrest	1		1												1									
Improper or No Investigation	1		1						1		4		1											
Improper Release of Information			1																					
Incomplete or Erroneous Report			1																					
Inquiry																								
Lost/Damaged Citizen Property									1		1													
Mistreatment of Citizen									1				2		1									
Placed Citizen in Danger							1																	
Racial Profiling															1									
Use of Force	2		2		2		1		1		3		2											
Improper Action or Comments					1				1															
Public Integrity Investigation Referral	4		3		3		2		3		2		7		2									
No Investigation Conducted and Reason	63	0	69	0	64	0	83	0	59	0	79	0	75	0	92	0	0	0	0	0	0	0	0	0
Did not meet criteria	1																							
Duplicate Complaint	1		3		2		8		1		14		14		6									
Fail to Articulate	4		3		1		3		1		5		1		4									
Guilt or Innocence	7		5		5		5		3		3		1		3									
Information Only	6		8		19		11		12		12		5		14									
More Information	5		5		7		3		3		3		5		3									
Need Signature									1															
No Violation	24		34		19		23		18		17		25		10									
No Violation BWC	6		7		5		15		6		7		6		13									
Non Employee	8		3		5		10		5		9		7		10									
Other (Outside Agency)					1		2		6		6		1		3									
Possible																								
Sixty Day	1		1						1		1													
Third Party							1		2		2		8		1									
Unknown Officer																								
OCPO Investigation							2						1											
Recent EC's under review (as of 6/2/2021)													1		25									
Grand Totals	89	0	91	0	87	0	98	0	77	0	110	0	94	0	112	0	0	0	0	0	0	0	0	0

*Data available in IAPRO as of 6/2/2021. The data for April of 2021 was re-verified.



Office of Community Police Oversight Complaints

Item 4

May2021

Enclosed are the complaints received in the Office of Community Police Oversight for the weeks of May 1, 2020 to May 31, 2020.

The office opened in October 2019 and has received 1,145 complaints as of May 31, 2021. There were 71 complaints and inquiries received by the office in May of 2021. Below are summaries of those complaints and inquiries.

- Actual complaints against the Dallas Police Department. (30)
- Inquiries from individuals received through the complaint system that are not actually complaints against the Dallas Police Department. In those cases, individuals were directed to the appropriate departments/agencies for services. This section also documents civilians that contacted OCPO to follow-up on a complaint that was already filed against DPD. (41)

Complaints

5/3/2021 EC2021-0395	Complainant stated that she felt a DPD officer instigated a situation where she was sent to get her brother's property and would not allow her to speak. The officer cut her off numerous times and threatened to take her to jail. This Case was reviewed by IAD and OCPO and will be a No Investigation. Cleared by Body Worn Camera.
5/3/2021 EC2021-0398	Complainant stated that her son was arrested by a DPD officer and taken to Green Oaks for asking what would happen if he wanted to go on a hunger strike. This case was reviewed by IAD and OCPO and will be staying with Internal Affairs.
5/3/2021 EC2021-0377	Complainant is an elderly woman who was arrested by police because someone called the police and gave a description of a black woman in a blue hoody twerking at a football game. The complainant was over 70 years old and felt she was mistreated by police because of mistaken identity. This Case was reviewed by IAD And OCPO and will be staying with Internal Affairs.
5/6/2021 EC2021-0396	Complainant saw a young black teen being handcuffed and thrown down to the ground. When she asked the officer what he was doing he told her to get off his street. This case was reviewed by IAD and OCPO and will be a No Investigation. Cleared by Body Worn Camera.
5/6/2021 EC2021-0397	Complainant feels officers failed to do their job. She called DPD because someone was forcing their way in her home and she was trying to protect herself. The Complainant was arrested. This case was reviewed by IAD and OCPO and will be a No Investigation. Cleared by Body Worn Camera.



Office of Community Police Oversight Complaints

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5/7/2021 EC2021-0407	Complainant stated that he was pulled over for an improper lane change and was harassed by police officers. When he asked the officer to stop leaning on the car the officer responded, "I can lean where the f*** I want". This case was reviewed by IAD and OCPO and will be staying with Internal Affairs.
5/8/2021 EC2021-0413	Complainant stated that his license plate was stolen off his car and the person who stole it has put in an insurance claim. The complainant cannot resolve the issue because his police report has not been written up yet. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This complaint was sent to the North East Division.
5/9/2021 EC2021-0411	Complainant stated that in November of 2020 he was assaulted by officers for walking on the sidewalk where they were detaining a group of people. This case was reviewed by IAD and OCPO and will be a No Investigation. Cleared by Body Worn Camera.
5/10/2021 EC2021-0412	Complainant stated he called 911 numerous times and was being placed on hold. He had to call the DPD non- emergency number to finally get through to someone and get help. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This complaint was sent to the Communications Department.
5/10/2021 EC2021-0414	Complainant is resubmitting a complaint where she felt she was harassed by officers at the Convention Center. This case was reviewed by IAD and OCPO and will be a No Investigation. This complaint was cleared by Body Worn Camera.
5/10/2021 EC2021-0419	Complainant was in a car accident and felt that the officer did not handle the situation correctly and stated that the officer also got the police report wrong. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This complaint was sent to the South-Central Division.
5/12/2021 EC2021-0427	Complainant stated that after he called the police on his partner when he was having a mental health crisis the police arrested him and did not hear him out completely. The complainant did not want his partner to be arrested. He wanted him taken to a mental health facility. This case was reviewed by IAD and OCPO and will be a No Investigation. This case is a Guilt or Innocence situation and will have to be worked out in court.
5/12/2021 EC2021-0394 EC2021-0399	Complainant was very angry with DPD. He has stated that he continues to be harassed by a homeless man that lives near his home. The homeless man hit the complainant with a metal pipe. Complainant felt DPD did not do their job to protect him. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to Capers Unit.
5/13/2021 EC2021-0418	Complainant stated that DPD is taking advantage of patrol cars and parking however they want to with out caring about other parking spots and cars around them. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This complaint was sent to the North East Division.



Office of Community Police Oversight Complaints

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5/14/2021 EC2021-0426	Complainant stated that a DPD officer scared her by making a traffic stop in a HOV lane and hitting on her trunk when she was driving by. This case was reviewed by IAD and OCPO and will be a No Investigation. This case was sent as a FYI to the Sheriff's Department because this was not a DPD officer. DPD does not work the HOV lanes.
5/18/2021 EC2021-0451	Complainant wanted to file a police report because his amazon package was stolen. This case was reviewed by IAD and OCPO and will be a No Investigation. Complainant was told how to file a police report.
5/19/2021 EC2021-0450	Complainant wanted to file a noise complaint on a neighbor who plays loud music early in the morning. This case was reviewed by IAD and OCPO and will be a No Investigation. This case was sent as a FYI the South West Division to get police patrol during the time listed of the noise complaints.
5/23/2021 EC2021-0457	Complainant stated that he was being harassed and threatened by DPD officers who have been using frequencies to harass him. This case was reviewed by IAD and OCPO and will be a No Investigation.
5/24/2021 EC2021-0467	Complainant stated DPD is stalking and harassing him. This case was reviewed by IAD and OCPO and will be a NO Investigation. This case will be sent as an FYI to the Right Care Team.
5/24/2021 EC2021-0476	Complainant stated that DPD officers came in her home without permission for the second time and harassed her and treated her like a criminal. She did not even know if everyone that was in her home was an officer. This case was reviewed by IAD and OCPO and will be a No Investigation. This case was cleared by Body Worn Camera. <i>Director McClary disagrees with this decision</i>
5/24/2021 EC2021-0475	Complainant stated that DPD officers entered her home for the 3 rd time with out a reason, searched her without a female officer being present and took her to a hospital. This case was reviewed by IAD and OCPO and will be a No Investigation. There was no Policy Violation. <i>Director McClary disagrees with this decision.</i>
5/25/2021 EC2021-0483	Complainant stated DPD officers arrested her and bruised her arms after she called 911 for help because she was being harassed by her son's ex- girlfriend. This case was reviewed by IAD and OCPO and will be a No Investigation. It was cleared by BWC and will be considered a guilt or innocence and must be handled in court. <i>Director McClary disagreed with this decision.</i>
5/25/2021 EC2021-0477	Complainant stated that her, her husband, and stepson where arrested at a 7Eleven and claimed it was under false pretenses. This case was reviewed by IAD and OCPO and will be a No Investigation. This case is considered a guilt or innocence matter and must be handled in court.
5/26/2021 EC2021-0485	Complainant wanted to file a complaint against City of Dallas Police Chief Garcia due to the recent disciplinary changes he made to members of the Vice Unit. This case was reviewed by IAD and OCPO and will be a No Investigation. There was no policy violation. <i>Director McClary disagreed with this decision.</i>



Office of Community Police Oversight Complaints

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5/27/2021 EC2021-0472	Complainant stated that officer is doing unwarranted searches of her in DPD's system because complainant had an affair with the officers' husband. This case was reviewed by IAD and OCPO and will be staying with Internal Affairs.
5/27/2021 EC2021-0481	Complainant stated he was falsely arrested for speed racing and now DPD will not return his vehicle. This case was reviewed by IAD and OCPO and will be a No Investigation by Guilt or Innocence. Complainant will have to settle this matter in court.
5/27/2021 EC2021-0484	Complainant stated DPD officer was driving erratically behind him and followed him until he violated a driving offense which caused him to get a citation. This case was reviewed by IAD and OCPO and will a No Investigation by Guilt or Innocence. Complainant will have to settle this manner in court.
5/27/2021 EC20221-0482	Complainant stated DPD officer was speeding in a school zone with out their lights being on. This case was reviewed by IAD and OCPO and will be sent as a Division Referral to the North East Division.
5/27/2021 EC2021-0473	Complainant stated that officer told him his police report would be ready in a week and had yet to be put in the system. This case was reviewed by IAD and OCPO and will be sent as a Division Referral to the South East Division.
5/30/2021 EC2021-0487	Complainants home was being broken into while she was at home with her kids. She held the assailant at gun point and called the police. Police arrived hours later because the call type was downgraded. This case was reviewed by IAD and OCPO and will sent as a Division Referral to the Communications Department to see why call was downgraded by the 911 operator.
5/30/2021 EC2021-0486	Complainant stated that he is not happy with Detective Rodriguez and his work. This case was reviewed by IAD and OCPO and will be a No Investigation and classified as a duplicate complaint.
5/31/2021 EC2021-0488	Complainant felt DPD was retaliating against him from a noise complaint the night before. Complainant was arrested for family violence against his girlfriend even when the girlfriend said he did nothing wrong. This case was reviewed by IAD and OCPO and will be a No Investigation by Guilt or Innocence. Complainant will have to handle this matter in court.



Office of Community Police Oversight Complaints

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Inquiries

5/3/2021	Individual wanted to file a police report because a bartender added extra money to their bill and the manager of the restaurant knew that this incident happened twice before. OCPO gave her the number to the fraud department to file a police report.
5/3/2021	Individual called because he wanted someone to go out and do a welfare check on his grandkids because he felt they were in danger. OCPO informed him that he needed to call 911.
5/3/2021	Individual stated after she got in a car accident, she called 911 and was treated badly and ended up hanging up in her face. OCPO is waiting for her to fill out a complaint form.
5/4/2021	Individual is an elderly woman that had questions about a firearm and wanted to know if her record from when she was younger would affect her. OCPO suggested she talk to an officer about her questions and gave her the non-emergency number to the police department.
5/5/2021	Individual wanted to file a noise complaint on a neighbor. OCPO gave her the non-emergency number to DPD and showed her how to file a noise complaint online.
5/6/2021	Individual wanted to file a police report due to a scam. OCPO gave her the number to the fraud unit file a police report and informed her she could file a report online.
5/6/2021	Individual called to get the number to the sex offender unit so he could update his address. OCPO looked up the number and provided him with it.
5/6/2021	Individual wanted to file a theft report. OCPO gave her the number to DPD non-emergency and also informed her she could file a report online.
5/7/2021	Individual wanted to file a police report on her boyfriend's baby mother for harassment. OCPO suggested she go to her nearest police station to file a police report and reminded her to call 911 if she feels her life is ever in danger.
5/7/2021	Individual stated there is a drug dealer in his neighborhood that is selling to underage kids. OCPO suggested he call 911 but gave him the non-emergency number to DPD as well.
5/7/2021	Individual wanted to file a police report on his stolen credit card. OCPO gave him the non-emergency number to DPD and told him he could file a report online.
5/7/2021	Individual stated he was having issues with his apartment. There is an AC unit on the roof that causes vibrations in his unit. OCPO informed him that that was something he would have to work out with his apartment complex.



Office of Community Police Oversight Complaints

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5/10/2021	Individual called OCPO to get the non- emergency number to DPD so she could report an incident that happened in her apartments. OCPO gave her the number she requested and also let her know she can file her complaint online.
5/10/2021 (X12)	Individual wanted to come into the office to complete a complaint regarding DPD not taking the proper action against a homeless man that assaulted him.
5/10/2021	Individual wanted to file a police report because someone in the neighborhood sold his son some marijuana. OCPO gave him the non- number to DPD so he could report the incident.
5/10/2021	Individual wanted to report someone who was harassing her but did not want to call 911. OCPO gave her the non- emergency number to DPD and reminded her if she was in danger to call 911.
5/12/2021	Individual called OCPO to file a police report. OCPO gave him the non- emergency number to DPD.
5/12/2021	Individual was very upset that she spent an hour on our website to find and fill out the complaint form. OCPO informed her she was on DPD's website not OCPO. OCPO staff also showed her how to find the form on the OCPO website.
5/13/2021	Individual was calling from California and wanted information about submitting an open records request. OCPO showed him how to put in the request online and gave him the number to DPD Open Records just in case he still needed to call.
5/13/2021	Individual called OCPO to speak with his NPO. OCPO gave him the non- emergency number to DPD since we were unfamiliar with what a NPO is and individual did not want to give any more information.
5/13/2021	Individual called to report a homeless encampment next to her business. OCPO gave her the number to call 311. 311 can handle homeless encampment situations.
5/14/2021	Individual stated that DPD is stalking him and poisoned him. Phone call was disconnected and OCPO was not able to get him back on the phone.
5/14/2021	Individual needed to file a police report because her package was stolen and needed the report to get it replaced. OCPO showed her how to file a complaint online and gave her the number to OCPO.
5/17/2021	Individual stated that he could not get the OCPO form to work on his computer at home because of his internet. OCPO mailed him a complaint form.
5/17/2021	Individual was involved in a hit and run car accident and did not know who to call. OCPO informed her if she was hurt to call 911 and if not to call DPD non- emergency number to file a police report or go to her nearest substation.



Office of Community Police Oversight Complaints

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5/17/2021	Individual said she let an officer in the bank early after she caused a commotion. Once in the bank the officer flipped her hair in the complainant's face and was rude. Officer then lied and said she does not work for DPD after being asked for her badge number. OCPO is waiting for this individual to send in their complaint.
5/18/2021	Individual called to say they had packages stolen off their porch. OCPO gave them the non-emergency number and also showed them how to file a report online at the DPD website.
5/18/2021	Individual called and wanted to know how they could pay the fine on a ticket. OCPO told the how to pay the fine online and gave them the number to call Municipal Court.
5/19/2021	Individual called to see if he could still pay on his citation. OCPO showed him how to go to the Municipal Court website to look up options to satisfy his citation. OCPO also gave him the number to municipal court.
5/19/2021	Individual wanted information on his car that is currently in the Auto Pound he is also trying to get in contact with the detective over his case. OCPO gave him the number to the Auto Pond and the non-emergency number to DPD so find the detective over his case.
5/19/2021	Individual wanted to file a noise complaint on a neighbor who plays loud music early in the morning. This was sent as an FYI by IAD and OCPO to get police patrol during the time listed of the noise complaints.
5/20/2021	Individual called looking for the number to DPD Open Records. OCPO gave him the number to Open Records and also informed him that he could go online if he wants to file an open records request.
5/20/2021	Individual reached out to schedule some time to come in the office to file a complaint review with our office. She did not like the outcome of her complaint that was filled against DPD. OCPO scheduled her to come into the office.
5/21/2021	Individual wanted to file a noise complaint and did not want to file it online. OCPO gave them the non-emergency number to DPD.
5/22/2021	Individual wanted to know how to file a complaint against a DPD officer. OCPO walked him threw the steps on how to file a complaint and the process that follows.
5/24/2021	Individual was looking for her police report. OCPO gave her the number to DPD Headquarters but also told her to file out an open records request on their website.
5/24/2021	Individual wanted to file a police report on a realtor. OCPO gave them the non-emergency number to DPD and also told her that she could file the report online.
5/24/2021	Individual wanted information about regional warrants. OCPO gave her the number to talk to a police officer at DPD Head Quarters.

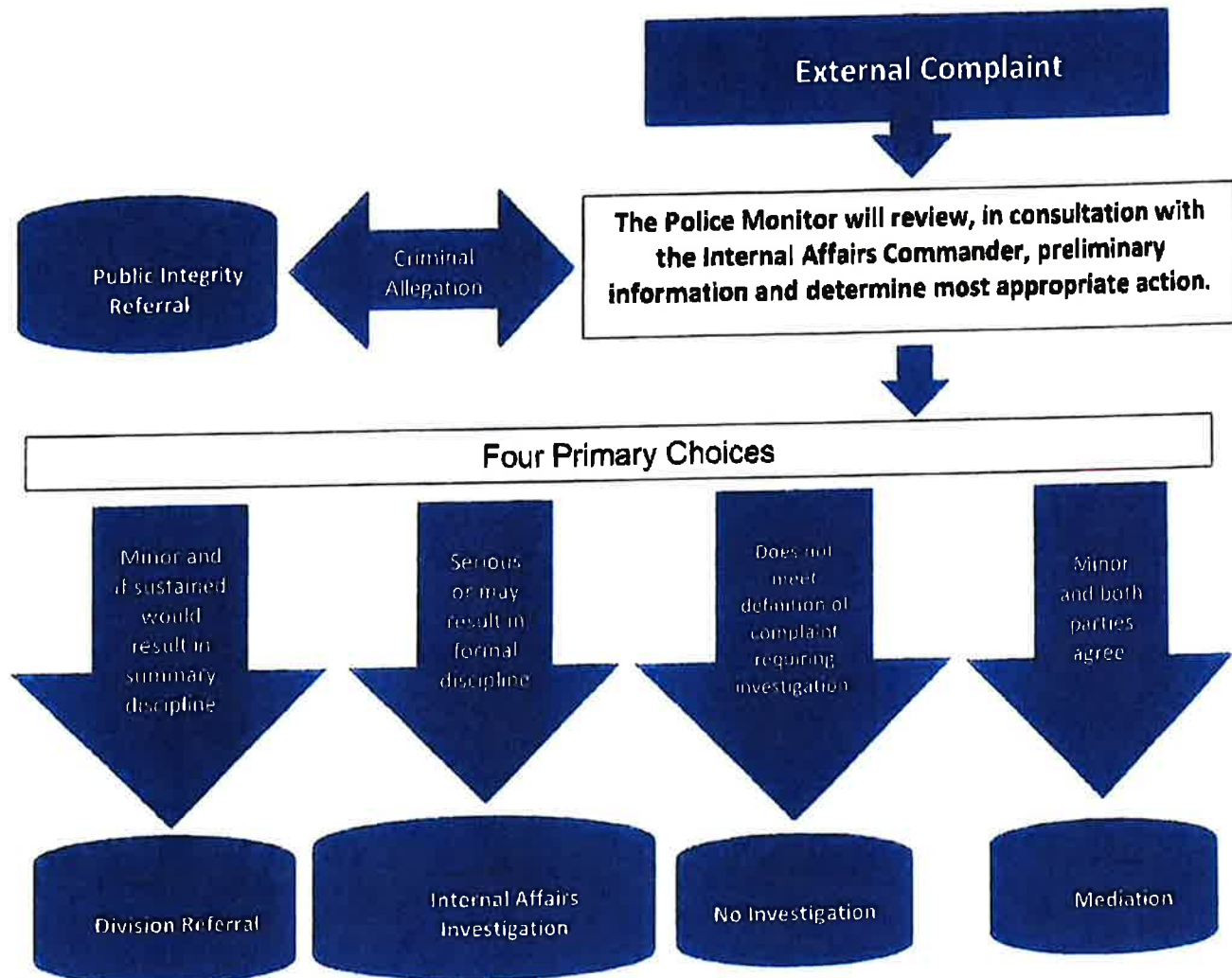


Office of Community Police Oversight Complaints

Item 4

5/25/2021	Individual wanted to file a police report. OCPO gave her the non - emergency number and showed her how to go online to fill one out.
5/25/2021	96-year-old doctor called to send Director McClary information on mental health and how she feels it the lack of help for mental health patients started with President Ronald Reagan defunding all the public mental health hospitals. OCPO gave her our address to send the information and thanked her for her information.
5/25/2021	Individual wanted to get in contact with a DPD officer. OCPO gave him the non- emergency number and also told him he could go to his nearest police department.
5/25/2021	Individual stated he was being harassed by DPD officers and claim they are following him around. OCPO emailed him a copy of the complaint form. We have not yet received the complaint.
5/25/2021	Individual was unhappy with her case which was considered a No Investigation. She would like the board to review her case. We are waiting on her to submit a Complaint Review Form.
5/26/2021	Individual called OCPO because he wanted the address to DPD Headquarters but did not want the new name for the street address (Botham Jean Blvd) only the old one (Lamar St.). OCPO gave him the address 1500 Lamar address that he requested.
5/27/2021	Individual called OCPO to file a complaint against the sheriff's department and felt its stupid to file a complaint at the sheriff's office and strongly believed OCPO was wrong for not taking his complaint. OCPO apologized for how he felt and informed him we only take complaints against City of Dallas police officers.
5/27/2021	Individual called because she wanted an officer to come out and speak to the elderly residents at her nursing home about falling victim to fraud. OCPO gave her the number to the fraud department to see if she could get a representative.
5/27/2021	Individual is a Spanish speaker who was trying to get information on how he could pay his citation. OCPO showed him how to go online and search for his citation.

External Complaint Workflow Process



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.

Memorandum Item 5



CITY OF DALLAS

DATE June 8, 2021

TO Members of the Community Police Oversight Board

SUBJECT Board Training: Community-Police engagement: *“Improved Outcomes in Racially Charged Police Encounters: Making the Case for Decision-Based Training”*

As the State of Texas and the City of Dallas are beginning to open up after the quarantines and restrictions related to the COVID-19 pandemic, CPOB Board members are preparing to do more community events.

With that in mind, Board Chairman Enobakhare, Jr. has asked Director McClary to develop a series of “mini trainings” for the Board that can be a segment of the Board’s monthly meeting agenda.

For the month of June, Director McClary will lead the Board through a discussion regarding decision-based training for officers in highly charged situations.

The discussion will be based on an article written by Joseph T. Wolf, Assistant Director (Ret.), ICE Office of Training and Development, and Kathryn Tucker, Master’s Candidate, University of Arizona entitled: *“Improved Outcomes in Racially Charged Police Encounters: Making the Case for Decision-Based Training”*.

The article was published in Police Chief Magazine, which is produced by the International Association of Chiefs of Police.

Attached is a copy of the article.

Director McClary will also reach out to the CPOB Board Training Subcommittee to see if they have any suggestions for topics for the mini training series.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

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Charged Police Encounters: Making the Case for
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Improved Outcomes in Racially Charged Police Encounters: Making the Case for Decision-Based Training

[Joseph T. Wolf, Assistant Director \(Ret.\), ICE Office of Training and Development,
and Kathryn Tucker, Master's Candidate, University of Arizona](#)



On the morning of April 4, 2015, in North Charleston, South Carolina, Police Officer Michael Slager stopped a 1991 Mercedes-Benz sedan for a non-functioning brake light. Slager approached the car and spoke to the driver, Walter Scott. When Slager turned around and walked back to his patrol car, Scott exited the vehicle and ran away. Slager gave chase on foot.

Slager chased Scott to a lot behind a pawn shop, and the two men started fighting. Slager discharged his TASER and hit Scott, but Scott recovered and started to run away again. Slager drew his handgun and fired eight rounds at Scott, striking Scott a total of five times. Three of those rounds entered Scott's back. Scott died as a result of the shooting.

A bystander recorded the shooting on a cellphone camera, and the video was widely released.

Slager was arrested on April 7, 2015, and charged with murder. He was indicted by a grand jury on June 8, 2015. Slager pled guilty to federal civil rights violations in December 2017, and he was sentenced to 20 years in prison.

The depiction of the shooting sparked outrage. It was widely reported that in North Charleston, 37 percent of the population is white. In contrast, 80 percent of those employed by the police department are white.¹

In addition to the concerning circumstances that accompany a deadly encounter of this nature, such incidents also conjure wider implications about race and police legitimacy. No one can know what went on in the officer's mind when he decided to pull the trigger. What the public saw, however, was an apparently outrageous and unwarranted taking of a human life.

Racial profiling may have been the furthest thing from Officer Slager's mind when he decided to shoot. However, it's easy to understand why the people of North Charleston and minority communities elsewhere have trouble accepting this notion.

Procedural Justice and Police Legitimacy

Procedural justice is a concept that touches on virtually all aspects of public policy. It speaks to the fundamental fairness of civil processes irrespective of race, color, creed, ethnicity, sex, nation of origin, economic status, or any other personal trait.

In modern policing, the appearance of fairness is every bit as important as the actual fairness of the outcomes of officers' work. Highly publicized incidents implicating racism or bias by officers have a corrosive effect on the public perception of law enforcement legitimacy. Police administrators and trainers must remain acutely aware that a loss of legitimacy, whether justified or not, severely undermines police effectiveness. Additionally, policy and training efforts must be sensitive to this phenomenon and take active measures to address the issues that can affect legitimacy.

According to the 2015 report by the President's Task Force on 21st Century Policing:

As our nation becomes more pluralistic and the scope of law enforcement's responsibilities expands, the need for more and better training has become critical. Today's line officers and leaders must meet a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis. All states and the District of Columbia should establish standards for hiring, training, and education.²

There can be little doubt that the work of law enforcement and other public safety professionals is more complex than it has ever been. As the job grows increasingly complex, law enforcement trainers and educators must grow and expand their programs to ensure the continual evolution in delivery of the knowledge, skills, and abilities required to meet public safety needs. These advancements must consider the changing demographics of communities, which includes attention to a growing immigrant population; the disenfranchisement of people of color; and an increase in poverty across all racial, ethnic, and religious populations.

Training Police Officers in the 21st Century and the Costs of Inadequate Training

Police Officer Standards and Training (POST) agencies throughout the United States administer training programs that are remarkably similar in core content.³ However, recent Department of Justice (DOJ) investigations of law enforcement agencies have

found that in-service training varies widely by agency in quantity and quality. The absence of high-quality in-service training addressing racial and immigration issues can have a significant, negative impact on the performance of a public safety agency.

It is vital that police academy and in-service training foster an understanding of police legitimacy and how to improve it. In addition to the core concepts currently taught, police administrators and trainers must devise training modalities that allow trainees to execute the critical decisions that accompany day-to-day interactions on the street.⁴

The President's Task Force on 21st Century Policing recognized the need for scenario-based training to better manage interactions and minimize the use of force.⁵ This conclusion is supported by the findings of a number of DOJ investigations of local police departments. The Police Executive Research Forum identified the issues most likely to result in a DOJ investigation:⁶

- Police use of force
- Early intervention systems
- Management and supervision of officers
- Racial bias in policing
- Gender bias in policing
- Interactions with persons with mental illness

According to Bureau of Justice Statistics (BJS) data, there are currently almost 18,000 state and local law enforcement agencies in the United States. Of these agencies, about half (49 percent) employ fewer than 10 full-time officers.⁷ Not unexpectedly, these smaller agencies commonly find themselves severely limited in the resources available for quality in-service training.

One of the most commonly cited reasons for substandard in-service training for public safety agencies is cost, which multiplies quickly when overtime and backfilling requirements are considered. Even in consideration of the factors described above,

many agencies find it difficult to pay for advanced, reality-based training designed to address emerging trends and challenges. One small-town retired chief, writing in *Police Chief*, described it this way:

Police chiefs across the United States and around the world are confronted with meeting department budget challenges while still ensuring officer safety and the ability to provide professional law enforcement services. A police chief's budget is like a leaky bucket: despite the best fiscal controls, money still leaks from numerous causes beyond the chief's best control efforts, through court subpoenas, training, officers' shifts extended because of call volume or the necessity to complete reports, specialized responses to incidents such as major crimes or special operations callouts, and special community events.⁸

In 2010, the Police Executive Research Forum conducted a survey of 608 police departments regarding the impact of budget cuts. Sixty-eight percent of respondents cited budget cutbacks as the reason for reduced or discontinued training at their agency. Training is often one of the first items to be cut when budgets are reduced⁹—this is true even in the face of acknowledgement that increased officer training is vital.

In the context of law enforcement training and bad outcomes, increasing attention is being paid to the enormous costs of litigation connected to officer misconduct. According to research by the *Wall Street Journal*, the 10 largest U.S. cities paid more than \$248 million dollars to settle claims against police in 2014. Between 2010 and 2015, lawsuits of this nature cost those cities in excess of \$1.4 billion.¹⁰

If it is accepted that better decision-making is a predominate factor leading to better outcomes in racially charged police encounters, then it is clear that law enforcement needs to find a way to effectively train officers to make better decisions.

Decision-Based Training to Prepare Police Officers

Is there a way to train officers facing complex and dangerous tasks to make better decisions? A system of decision-based training that incorporates the complexities of interracial and immigrant-related sensitivities might provide the tools required to fulfill this vital public safety training need.

In one of his books on decision-making, author Gary Klein describes the key elements involved in making choices under difficult circumstances:

*[M]aking decisions, making sense of events, and adapting...are related to each other, but they create different demands on us. Making decisions, choosing what to do, is the most direct and visible challenge. Yet the choices we make depend upon how we size up the situation. Adapting to events builds on the way we understand those events and reflects our decisions and our ability to learn. These three cognitive functions appear over and over in many kinds of human activities.*¹¹

Law enforcement officers make critical decisions every day of their working lives that are frequently matters of life or death for members of public and officers. In addition to the physical hazards that accompany law enforcement work, officers and police agencies increasingly face the likelihood of civil and criminal legal exposure with less-than-ideal outcomes.

The goal of traditional police training is skill acquisition and retention of learned material.¹² The training focuses on a wide range of knowledge, skills, and abilities intended to provide officers with the tools they need to safely succeed. However, most law enforcement training programs spend little if any time teaching and practicing critical decision-making skills under stress or in circumstances complicated by racial, cultural, or nation of origin differences.

Unanticipated encounters place a responder in a momentary position of disadvantage. This disadvantage, under unanticipated or uncontrolled conditions, may lead the responding officer to react in unlawful ways or in ways counter to agency policies. They are *reacting*, not *thinking*. This disconnect occurs because intense startlement or shock disrupts the part of the brain that analyzes, thinks, and decides. It is how the untrained human brain reacts to the perception of an imminent threat.¹³ Without proper training and rehearsal, officers working in these conditions are very likely to ignore racial or cultural sensitivities by tightly focusing on the mission objective in front of them, rather than the wider implications of their choices.

Writing in *Police Chief*, psychologist Lawrence Blum and Police Chief Joe Polisar identify three principles that form the foundation for an effective stress-exposure training program:

- Officers must develop a working knowledge of, and familiarity with, the reactions of their brains and bodies under stress-exposure conditions. The researchers stress that this cannot be achieved under classroom conditions or in predictable scenario-based training.
- Officers must be taught to control and mediate their reactions to stressful events in real time.
- Officers who do not have a great deal of rehearsal experience in police work must build self-confidence.¹⁴

Foundations of Decision-Based Training

In order to understand how training can effectively improve officers' decision-making skills, it is essential to have a basic understanding of how people make decisions.

Naturalistic decision-making (NDM) is a framework for studying the way people make decisions. In formulating this method of study, researchers learned that people make decisions in ways counter to the accepted norms of the day. Rather than relying on previously formulated strategies in forming judgments, people generally relied on their personal experiences—things they learned for themselves—in reaching their decision.¹⁵

In examining the performance of people in field settings (e.g., Navy commanders, jurors, nuclear power plant operators, Army small unit leaders, and airline pilots), researchers changed their ideas about decision-making. It became clear that the decision-making processes involved people drawing upon prior perceptions and recognition of situations—not just making a choice from a list of options available at the time the decision was required.¹⁶

The recognition-primed decision (RPD) model then grew out of the NDM theory. The RPD model holds that when people need to make a decision, they can quickly match the situations to patterns they've learned in the past. If their minds create an

appropriate match, they can accomplish an effective course of action. This is how people can still make good decisions even when they don't know all the options available to them in a given situation. The RPD model is a blend of intuition and analysis.¹⁷

The RPD model teaches that people combine two ways of arriving at a decision:

1. Recognizing a course of action that makes sense, and
2. Imagining the course of action in the circumstances at hand to see if the results will make sense.

Experiments with the RPD model demonstrated that experienced people have a huge advantage over the inexperienced in decision-making situations. Experienced people can match the situation to something that they've seen before and take action. Inexperienced people must cycle through available options (often through a process of trial and error) to reach a decision. In critical situations when time is of the essence, this delay in action can lead to tragic outcomes.

In describing optimal training modalities for law enforcement personnel, author Kenneth Murray observes:

*It goes by many names, but the premise of the training remains the same. Place a student into a setting that simulates a real-life encounter in order to test his ability to respond to that incident while acting within departmental policy and the law. Sounds easy. It's not. If it is to be done properly, the training must be a highly structured, carefully designed situation with predictable outcomes and tightly structured roles and responsibilities for the training staff.*¹⁸

In a 2003 DOJ Community Relations Service (CRS) study entitled *Principles of Good Policing: Avoiding Violence Between Police and Citizens*, the DOJ-CRS identified nine areas of special concern based upon empirical research, in order to emphasize areas of police-community interactions that most commonly result in friction.¹⁹

Use of Deadly Force: Officers with conflict resolution and persuasion skills might be better at finding methods for de-escalation and avoiding high levels of confrontation; a high standard of ongoing specialized training is essential in minimizing the risks.

Arrest Situations: More officers' lives are lost in arrest situations than in any other on-duty circumstances. In an FBI study on 1992–2001 data, it was found that over 34 percent of officers slain were involved in arrest situations; volatile arrest situations are often a flashpoint for clashes between the minority community and police.

Responding to Disturbance Calls: Officers are frequently called upon to intervene in disagreements between two parties (with an emphasis on domestic violence), knowing little about the conflict and having minimal authority to correct underlying issues. It's not unusual for both parties involved in the disagreement to direct their wrath at officers; thus, training must focus on officers' demeanors, attitudes, and skills in controlling enraged participants.

Traffic Stops and Pursuits: Procedural mistakes and complacency can result in an officer being assaulted or using force to resolve a problem that could have been avoided; emotions run high in many encounters due to the potential dangers involved.

Investigating Suspicious Persons: Problems arise in the inability to clearly define and articulate what "suspicious" means—the perception of harassment may result in confrontation, and police training often fails to prepare officers to deal with the ambiguities involved.

Handling, Custody, and Transportation of Prisoners: The handling of prisoners results in higher levels of assault than one might expect; significant numbers of altercations occur where bookings take place.

Handling People with Mental Impairment: Police must develop better approaches for dealing with persons with mental health issues and learn better channels of communication to prevent escalation and violence.

Hostage/Barricade Situations: Medium and large police agencies have developed special teams to cope with these events. A special degree of skill and experience is required to resolve these situations without violence and often using force serves only to escalate the problem and might inflame community sentiments—especially if a minority individual or group is involved.

Drugs and Gangs: The proliferation of gangs and their increased firepower creates divisions within communities, escalating homicide rates, and increasing demands for

more aggressive policing. Specialized training is required for investigations, making arrests, and gaining community support, among other issues.

It is evident how these areas of concern intersect between law enforcement mission priorities and daily life in economically disadvantaged, immigrant, and minority neighborhoods. Training efforts must focus on ensuring the safety of all concerned, maintaining law and order, and delivering services and justice equally.

Conclusion

By providing officers and other public safety professionals specialized training in making better decisions, favorable impacts can be efficiently and economically achieved. It is vital to supplement traditional law enforcement skills-based training with advanced concepts in critical decision-making. Traditional training must be combined with a thorough understanding of the role of procedural justice, along with instruction on the impact of perceptions of inequality on police legitimacy and effectiveness.

A blended modality of computer-based, instructor-led, and immersive scenario experiences can be delivered to achieve this important training goal with minimal budget impacts. However, a robust system of policy, procedures, and properly crafted specialized curricula is required to meet this vital training need. 🍷

Notes:

¹ Mark Berman, Wesley Lowery, and Kimberly Kindy, "South Carolina Police Officer Charged with Murder after Shooting Man during Traffic Stop," Washington Post, April 7, 2015.

² President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), 51.

³ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*.

⁴ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*.

⁵ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*.

⁶ Police Executive Research Forum, *Civil Rights Investigations of Local Police: Lessons Learned*, Critical Issues in Policing Series (Washington, DC: Police Executive Research Forum, 2013).

⁷ Brian A. Reaves, "Census of State and Law Enforcement Agencies, 2008," Bulletin, July 2011.

⁸ Ed Williams, Michael Crowe, and Bill Lowe, "Budget and Staffing Shortages: Consider the Benefits and Cost Savings of Part-Time, Paid, Reserve Police Officers," *Police Chief* (January 2012): 44–45.

⁹ Police Executive Research Forum, *Is the Economic Downturn Fundamentally Changing How We Police?* Critical Issues in Policing (Washington, DC: Police Executive Research Forum, 2010).

¹⁰ Zusha Elinson and Dan Frosch, "Cost of Police-Misconduct Cases Soars in Big U.S. Cities," Wall Street Journal, July 15, 2015.

¹¹ Gary A. Klein, *Streetlights and Shadows: Searching for the Keys to Adaptive Decision Making* (Cambridge, MA: MIT Press, 2009), 6.

¹² U.S. Department of Justice, *Principles of Good Policing: Avoiding Violence Between Police and Citizens* (Washington, DC: Department of Justice Community Relations Services, 2003).

¹³ Gary A. Klein, "Naturalistic Decision Making," *Human Factors: The Journal of the Human Factors and Ergonomics Society* 50, no. 3 (2008): 456–460.

¹⁴ Lawrence N. Blum and Joseph M. Polisar, "Why Things Go Wrong in Police Work," *Police Chief* (July 2004).

¹⁵ Klein, "Naturalistic Decision Making."

¹⁶ Klein, "Naturalistic Decision Making."

¹⁷ Klein, *Streetlights and Shadows*.

¹⁸ Kenneth R. Murray, *Training at the Speed of Life Volume 1: The Definitive Textbook for Police and Military Reality-Based Training* (Gotha, FL: Armiger Publications, 2004), 193.

¹⁹ U.S. Department of Justice, *Principles of Good Policing*.

Please cite as

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Memorandum Item 6



CITY OF DALLAS

DATE June 8, 2021

TO Members of the Community Police Oversight Board

SUBJECT 2021 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.

Below is the CPOB Training Schedule for 2021.

2021 CPOB Training Calendar

January

- 27th = NACOLE Analyzing and Reporting Use of Force Statistics (1 ½ hours)

February

- 23rd = NACOLE Civilian Oversight of police Surveillance Technology (1 ½ hours)

March

- 3rd = NACOLE Death Anxiety and Police Culture (1 ½ hours)

April

- 6th = NACOLE Investigation and Systemic Review of Police Responses to Large-scale Protests (1 ½ hours)
- 13th = OCPO Board training: “How Can Civilian Oversight of Law Enforcement Help You?” (45 minutes)

May

- 11th = OCPO Board Training: “When Communities Try to hold Police Accountable, Law Enforcement Fights Back” (45 minutes)
- 18th = NACOLE National Initiative for Building Community Trust and Justice (1 ½ hours)

June

- OCPO Board Training: Community-Police engagement: *“Improved Outcomes in Racially Charged Police Encounters: Making the Case for Decision-Based Training”* (30 minutes)
- 9th = NACOLE Role of the First-Line Supervisor in Facilitating Change in Law Enforcement Organizations (1 ½ hours)

Tonya McClary
OCPO Director

cc: T.C. Broadnax, City Manager

Memorandum Item 7



CITY OF DALLAS

DATE June 08, 2021

TO Members of the Community Police Oversight Board

SUBJECT Board Member Update on Scheduling Town Hall Meetings

Board members will provide an update on their efforts to schedule a town hall meeting in their district.

Cc: T.C. Broadnax, City Manager



City of Dallas

Community Police Oversight Board (CPOB)

2021 Schedule

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

Item 8

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 12, 2021 – Video Conference at 5:30 p.m.

February 9, 2021 – Video Conference at 5:30 p.m.

March 9, 2021 – Video Conference at 5:30 p.m.

April 13, 2021 – Video Conference at 5:30 p.m.

May 11, 2021 – Video Conference at 5:30 p.m.

June 8, 2021 – Video Conference at 5:30 p.m.

July 13, 2021 – Board Recess

August 10, 2021 – City Council Chambers, 6EN

September 14, 2021 – City Council Chambers, 6EN

October 12, 2021 – City Council Chambers, 6EN

November 9, 2021 – City Council Chambers, 6EN

December 14, 2021 – City Council Chambers, 6EN