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COMMUNITY POLICE OVERSIGHT BOARD  
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

CITY SECRETARY  
DALLAS, TEXAS

TUESDAY, October 12, 2021  
5:30 P.M. – 9:30 P.M.  
In-person: Room 6ES

The Community Police Oversight Board meeting will be held in person and by videoconference. The meeting will be broadcast live on Spectrum Cable Channel 95 and online at [bit.ly/cityofdallastv](https://bit.ly/cityofdallastv).

The public may also listen to the meeting as an attendee at the following videoconference link:  
<https://dallascityhall.webex.com/dallascityhall/join?MTID=ec74723d120027b40d855c104ec69c21c>

**Access Code:** cpob2021  
**AUDIO PHONE CONFERENCE LINE:**  
**Event line:** 408-418-9388 | **Access Code:** 2483 920 4597

**Public Notice**

**CALL TO ORDER**

**PUBLIC COMMENT/OPEN MICROPHONE**

210868

**APPROVAL OF MINUTES**

**POSTED** CITY SECRETARY  
DALLAS, TX

1. Approval of the September 21, 2021 Minutes [Board Chairman Enobakhare, Jr.]

**Attachment:** Minutes

**ACTION ITEMS**

2.
  - a. Discussion and Review Darren Reynolds OCPO Investigation [OCPO Special Investigator Williams and Board Chairman Enobakhare, Jr.]

**Attachment:** Memo & Investigation Report

**BRIEFING ITEMS**

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

**Attachment:** Memo

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

- b. Follow-up from September Complaint Report Discussion [OCPO Director McClary]

**Attachment:** Memo

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

**Attachments:** Monthly Activity Report Memo  
OCPO September Complaint Summaries  
Monthly Activity Charts

5. Board Training: *“Subduing Suspects Face Down Isn’t Fatal, Research Has Said. Now the Research Is on Trial”*, New York Times Article [OCPO Director McClary]

**Attachment:** Memo & New York Time Article

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. November 9, 2021

**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.
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**Meeting Date:** September 21, 2021

**Convened:** 6:20 p.m.

**Adjourned:** 10:27 p.m.

**Board Member(s) Present:**

Jesuorobo Enobakhare, Jr., **Chair** – District 3

Jose Rivas, **Vice Chair** – District 7

Ozzie Smith – District 1

Jonathan E Maples – District 2

Loren Gilbert- Smith – District 4

Andre Turner – District 5

Kristian Hernandez – District 6

Ronald Wright – District 8

Tami Brown Rodriquez – District 9

Ezekiel Tyson – District 10

Ejike E. Okpa, II – District 11

Deatra Wadsworth – District 12

David Kitner – District 13

Alan Marshall – District 14

Juan Olivo – District 15

**Board Member(s) Absent:**

**Staff Present:**

Kanesia Williams, City Attorney's Office

Tonya McClary, Director OCPO

Kevin Williams, Special Investigator OCPO

Taylor Woods, Interim CPOB Coordinator & Complaint Intake Specialist OCPO

**AGENDA:**

**Call to Order:** 6:20 p.m.

**Public Comment/ Open Microphone**

Public comments were received by one speaker.

### **1. Approval of Meeting Minutes for August 10, 2021 Meeting**

A motion was made to approve the minutes from the August 10, 2021 Community Police Oversight Board meeting.

Motion made by Deatra Wadsworth  
Item passed unanimously: X  
Item failed unanimously:

Motion seconded by Alan Marshall  
Item passed on a divided vote:  
Item failed on a divided vote:

### **2. Action Items**

#### **a. Michael Fowler Review & Discussion Regarding OCPO Investigation**

Special Investigator Kevin Williams briefed the Board on his findings in the Michael Fowler case. The Board asked questions and had a discussion on that matter. The Board made several motions regarding the OCPO investigation.

A motion was made to support Finding 1: Senior Crpl. Dillard and Police Officer Trainee Burton Jr. did not use excessive force for handling Mr. Fowler while he was trying to get in his car and leave the scene.

Motion made by Tami Brown Rodriguez  
Item passed unanimously:  
Item failed unanimously:

Motion seconded by David Kitner  
Item passed on a divided vote:  
Item failed on a divided vote: X

A motion was made to support Finding 2: Senior Crpl. Dillard and Police Officer Trainee Burton Jr used excessive force when walking Mr. Fowler to the car when he was slammed to the ground.

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

Motion seconded by Juan Olivo  
Item passed on a divided vote: X  
Item failed on a divided vote:

A motion was made to table the recommendations until next month meetings allowing Director McClary time to get specific data from the Police Department regarding the officers use of force incidents.

Motion made by Tami Brown Rodriguez  
Item passed unanimously: X  
Item failed unanimously:

Motion seconded by Ozzie Smith  
Item passed on a divided vote:  
Item failed on a divided vote:

Michael Fowler spoke on the unfortunate incident that happened to him.

### **3. Briefing Items**

## **The Dallas Police Department and Homeless Solutions in Northwest**

- a. The Dallas Police Department was unable to be present this item, so it was not discussed.

## **Part 2 Misdemeanor Offenses by the Dallas Police Department Report**

- b. Police Monitor McClary gave a follow-up on this topic that was brought to the Board earlier this year.

## **Update on Protest Complaints and Investigations**

- c. Director McClary gave a brief history on what happened during the protests that occurred in Dallas. She also discussed the process that it was supposed to go through. A young man lost his eye, a woman got hit in the breast, and another in the face are a few examples of what happened during the protest.

## **4. Monthly Activity Report**

Complaint Intake Specialist Woods gave updates on complaints and inquiries received by OCPO for the month of August. There were 90 complaints and inquiries received for the month of August. 40 where actual complaints and 50 where inquiries and only 3 complaints were disagreed on by OCPO Director McClary

## **5. Board Training: “If the Police Lie, Should They Be Held Liable? Often the Answer Is No”, New York Times Article**

OCPO Director McClary lead a discussion on the article and highlighted important facts and tips for oversight.

## **6. Board Training Schedule**

The NACOLE Annual Virtual Conference started and there were 13 workshops available for Board members to attend.

## **7. Board Members Update on Scheduling Town Hall Meetings**

**Ozzie Smith Dist. 1** – Nothing to Report

**Jonathan Maples Dist. 2** – Nothing to Report.

**Jesuorobo Enobakhare Dist. 3** –Already hosted his townhall. It was held on July 27<sup>th</sup>.

**Loren Gilbert Smith Dist. 4** – Nothing to Report.

**Andre Turner Dist. 5** – Updated the Board on how his townhall meeting went. It was held on September 7<sup>th</sup>.

**Kristian Hernandez Dist. 6** – Nothing to report

**Jose Rivas Dist. 7** – Nothing to Report

**Rev. Wright Dist. 8** – Nothing to Report

**Tami Brown Rodriguez Dist. 9** – Already hosted her townhall. It was held on June 1<sup>st</sup> with Districts 13 and 14.

**Ezekiel Tyson Dist. 10** – Already hosted his townhall. It was held on July 1<sup>st</sup>.

**Ejike E. Okpa Dist. 11** – Nothing to report

**Deatra Wadsworth Dist. 12** – Nothing to Report

**David Kitner Dist. 13** – Already hosted his townhall. It was held on June 1<sup>st</sup> with Districts 9 and 14.

**Alan Marshall Dist. 14** – Already hosted his townhall. It was held on June 1<sup>st</sup> with Districts 9 and 13.

**Juan Olivo Dist. 15** – Nothing to report

## **8. Upcoming CPOB Meeting**

October 12, 2021 at 5:30 p.m.

### **Public Comment/ Open Microphone**

Closing public comments were received by six speakers.

### **Motion to Adjourn:**

Motion made by Juan Olivo  
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: 10:27 PM**

**APPROVED BY:**

**ATTEST:**

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Chairman Jesuorobo Enobakhare, Jr.  
Community Police Oversight Board Chairman

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Taylor Woods  
Interim Community Police  
Oversight Board Liaison



## Memorandum Item 2A



CITY OF DALLAS

DATE October 12, 2021

TO Members of the Community Police Oversight Board

SUBJECT OCPO Complaint Investigation: Michael Fowler

At the June 2021 CPOB meeting, members voted to have OCPO conduct an independent investigation of the Darren Lee Reynolds complaint.

Attached to this memo is the completed OCPO investigation.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3A



CITY OF DALLAS

DATE October 12, 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. and Director McClary will not be meeting with Chief Garcia until October 20, 2021. They will bring a report to the CPOB regarding this meeting at the November 9, 2021 meeting.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3B



DATE October 12, 2021

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT Follow-up from September Complaint Report Discussion

Last month during the report regarding the OCPO August Complaint Summaries by Complaint Intake Specialist Woods, Director McClary gave an explanation regarding why she disagreed with a decision IAD made regarding the complaint below:

*Complainant said DPD did not properly investigate his case against someone he believes had direct interaction with another case which ended up in a little boy's death. This case was reviewed by IAD and OCPO and will be a No Investigation because there was no DPD Policy Violation. Director McClary disagrees with this decision.*

When Director McClary finished her explanation, IAD Major Irene Alanis asked to address the Board regarding Director McClary's account of the complaint. Major Alanis indicated to the Board that the case Director McClary briefed was actually being investigated by IAD. Upon making those comments, several Board members, Director McClary and Intake Specialist Woods had several questions regarding what Major Alanis stated.

Chairman Enobakhare, Jr. asked that this issue be tabled until the October CPOB meeting and that Director McClary bring back an update regarding this matter.

Director McClary and Intake Specialist Woods had a meeting with IAD Major Alanis to discuss this issue. During the meeting it was determined that the case Director McClary was briefing to the Board was not the same case that Major Alanis was speaking about when she addressed the Board. Therefore, she was mistaken when she spoke to the Board.

Consequently, the case briefed by Director McClary above is still remaining in a No Investigation status with IAD. Director McClary will be looking into the case further and may be bringing the case before the Board at a future meeting.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum 4



CITY OF DALLAS

DATE October 12, 2021

TO Members of the Community Police Oversight Board

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

Attached you will find the October 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 September.

The external complaints for October 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  
OCPO Director

cc: T.C. Broadnax, City Manager

**External Administrative Complaints Received as of 10/4/2021 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
<b>DPD Total</b>	<b>68</b>	<b>0</b>	<b>61</b>	<b>0</b>	<b>67</b>	<b>0</b>	<b>75</b>	<b>0</b>	<b>58</b>	<b>0</b>	<b>76</b>	<b>0</b>	<b>67</b>	<b>0</b>	<b>83</b>	<b>0</b>	<b>101</b>	<b>0</b>	<b>94</b>	<b>0</b>	<b>102</b>	<b>0</b>	<b>79</b>	<b>0</b>
External Email	38		36		34		44		28		35		46		50		57		54		61		35	
External Fax							1		1				1										1	
External Letter	7		5		7		4		5		3		4		11		4		8		9		8	
External Telephone	1				1						1		1						2		1		4	
External Online Form	5		11		10		12		16		10		3				3		2		1			
External Walk-in DPD	17		9		15		14		8		27		12		22		37		28		30		31	
<b>OCPO Total</b>	<b>21</b>	<b>18</b>	<b>30</b>	<b>28</b>	<b>20</b>	<b>17</b>	<b>23</b>	<b>23</b>	<b>19</b>	<b>18</b>	<b>34</b>	<b>40</b>	<b>27</b>	<b>23</b>	<b>30</b>	<b>31</b>	<b>32</b>	<b>35</b>	<b>33</b>	<b>64</b>	<b>48</b>	<b>40</b>	<b>40</b>	<b>55</b>
External Email OCPO	1	6	2	13	6	7	2		9	8	10	23	6	14	10	19	6	7	11	4	11	6	7	7
External Fax OCPO								14					1											
External Letter OCPO	2	4	1	2		1					2	2	1	1	1				1					2
External Telephone OCPO		8		13		9		9				14		8		9								
External Online Form OCPO	18		27		13		20		10	10	22		16		19		26	27	22	59	37	34	33	46
External Walk-in OCPO					1		1					1	3		3		1							
<b>Grand Total</b>	<b>89</b>	<b>18</b>	<b>91</b>	<b>28</b>	<b>87</b>	<b>17</b>	<b>98</b>	<b>23</b>	<b>77</b>	<b>18</b>	<b>110</b>	<b>40</b>	<b>94</b>	<b>23</b>	<b>113</b>	<b>31</b>	<b>133</b>	<b>35</b>	<b>127</b>	<b>64</b>	<b>150</b>	<b>40</b>	<b>119</b>	<b>55</b>
<b>External Complaints Processed by Internal Affairs as of 10/4/2021</b>																								
<b>Divisional Investigations with Category</b>	<b>20</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>11</b>	<b>0</b>
Discourtesy or Unprofessionalism	15		4		9		4		3		10		6		7		10		7		7		1	
Fail to Complete Reports	1								2		1				3		1				1			
Improper Action	2		5		3		4				2		1		3		3		2		4		8	
Improper Comments									1						1		2							
Improper or No Investigation	2		3		6		2		6		6		4		3		13		4		10		2	
<b>Internal Affairs Investigations and Category</b>	<b>6</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>13</b>	<b>0</b>
Abuse of Authority	1		1		1		1		1						2									
Adverse Conduct	1		3		1		2						3				5		1		2		2	
Dispatch/911 Violation																								
Discourtesy to Other Employees																								
Failed to Complete Report on Time											2				1									
Failed to Secure Property																							1	
Harassment											2						5		1		1		1	
Improper or False Arrest	1		1												1									
Improper or No Investigation	1		1						1		4		1				1		1		2		1	
Improper Release of Information			1																					
Incomplete or Erroneous Report			1																					
Inquiry																								
Lost/Damaged Citizen Property									1		1									1				
Mistreatment of Citizen									1				2		1				1					
Placed Citizen in Danger							1																	
Racial Profiling															1						3		1	
Use of Force	2		2		2		1		1		3		2				1		1		3		4	
Improper Action or Comments					1				1						3		2		1		4		3	
<b>Complaints Referred to the Public Integrity Unit</b>	<b>4</b>		<b>3</b>		<b>3</b>		<b>2</b>		<b>3</b>		<b>2</b>		<b>7</b>		<b>2</b>		<b>3</b>		<b>2</b>		<b>11</b>		<b>5</b>	
<b>No Investigation Conducted and Reason</b>	<b>63</b>	<b>0</b>	<b>69</b>	<b>0</b>	<b>64</b>	<b>0</b>	<b>83</b>	<b>0</b>	<b>59</b>	<b>0</b>	<b>79</b>	<b>0</b>	<b>75</b>	<b>0</b>	<b>87</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>108</b>	<b>0</b>	<b>112</b>	<b>0</b>	<b>95</b>	<b>0</b>
Did not meet criteria	1																							
Duplicate Complaint	1		3		2		8		1		14		14		7		8		14		18		8	
Fail to Articulate	4		3		1		3		1		5		1		4		9		6		8		9	
Guilt or Innocence	7		5		5		5		3		3		2		9		5		3		7		3	
Information Only	6		8		19		11		12		12		5		17		28		20		13		5	
More Information	5		5		7		3		3		3		5		3		9		6		6		5	
Need Signature									1										1					
No Violation	24		34		19		23		18		17		25		16		13		19		20		18	
No Violation BWC	6		7		5		15		6		7		6		15		6		12		15		7	
Non Employee	8		3		5		10		5		9		7		12		8		21		14		14	
Other (Outside Agency)					1		2		6		6		1		3		3		3				1	
Possible																								
Sixty Day	1		1						1		1								1		3		1	
Third Party							1		2		2		8		1				2		7		5	
Unknown Officer																								
OCPO Investigation							2						1				1				1			
Recent EC's under review (as of 10/4/2021)																							19	
<b>Grand Totals</b>	<b>89</b>	<b>0</b>	<b>91</b>	<b>0</b>	<b>87</b>	<b>0</b>	<b>98</b>	<b>0</b>	<b>77</b>	<b>0</b>	<b>110</b>	<b>0</b>	<b>94</b>	<b>0</b>	<b>113</b>	<b>0</b>	<b>133</b>	<b>0</b>	<b>127</b>	<b>0</b>	<b>150</b>	<b>0</b>	<b>119</b>	<b>0</b>

The Internal Affairs Division calculates monthly complaints by the received date, and not by the number of forms submitted regarding a complaint. OCPO complaint data was received by OCPO personnel who may have differing counting methods. \*Data pulled from IAPro as of 10/4/2021. The data for August of 2021 was re-verified.



# Office of Community Police Oversight Complaints

## Item 4

### September 2021

Enclosed are the complaints received in the Office of Community Police Oversight for the weeks of September 1, 2021 to September 30, 2021.

The office opened in October 2019 and has received 1,447 complaints and inquiries as of September 30, 2021. There were 96 complaints and inquiries received by the office in September of 2021. Below are summaries of those complaints and inquiries.

- Actual complaints against the Dallas Police Department. (55)
- 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

9/1/2021 EC2021-0906 Unknown, Unknown	Complainant stated they were in an accident and DPD hadn't completed the police report for their insurance. <a href="#">This complaint was reviewed by IAD and OCPO and will be a No Investigation. OCPO handles this complaint by finding the detective over the case.</a>
9/7/2021(x8) EC2021-0928,0927,0929 White, M	Complainant stated in multiple complaints that DPD is using brain interference to affect him, officers are sending complaint like they are him, and that he couldn't leave Dallas with out a lawyer. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation for ALL complaints.</a>
9/4/2021 EC2021-0930 Unknown, Unknown	Complainant stated they were very upset to find out that their friend received a "Spectator" ticket and feels that it was uncalled for. <a href="#">This complaint was reviewed by IAD and OCPO and will be a No Investigation. This is a 3<sup>rd</sup> party complaint.</a>
9/6/2021 EC2021-0923 Unknown, Unknown	Complainant stated that DPD officer was very rude, unhelpful, and unprofessional during a traffic stop for speeding. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. More information is needed on this case.</a>
9/7/2021 EC2021-0924 Mixed, F	Complainant stated DPD didn't make her feel safe and Sergeant was rude when a man tried to enter her apartment. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no Policy Violation.</a>



# Office of Community Police Oversight Complaints

## Item 4

9/7/2021 EC2021-0922 Hispanic, F	Complainant stated DISD police didn't do anything when she reported a janitor's sexual harassment at her school. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This complaint was not against DPD.</i>
9/7/2021 EC2021-0931 Hispanic, F	Complainant feels DPD racially profiled her son by the kind of car he was driving. She felt that he was accused of speed racing because of his car and was arrested because of it. <i>This complaint was reviewed by IAD and OCPO and will be a No Investigation. This was a 3<sup>rd</sup> party complaint. Director McClary questioned this decision. OCPO reached out to the son to request that he file the complaint on his own behalf if that is what he wanted to do.</i>
9/8/2021 EC2021-0944 Black, F	Complainant stated officer got her police crash report wrong and did nothing to the person who was driving while intoxicated. <i>This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the North Central Division.</i>
9/10/2021 EC2021-0941 Black, M	Complainant wants to report an officer's injustice for running their tags and stated it was a violation of his rights to run his plates. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This was not DPD.</i>
9/10/2021 EC2021-0936 Unknown, F	Complainant was very upset with how detective handled her domestic abuse complaint. Complainant stated she sees why domestic abuse victims don't report their abusers. <i>This complaint was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the Sexual Assaults Division.</i>
9/11/2021 EC2021-0939 Hispanic, M	Complainant stated someone is using voodoo to control him. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This was not against DPD.</i>
9/11/2021 EC2021-0946 Black, M	Complainant stated while visiting his sister he was arrested by DPD and when he moved his cuffs to the front of his body, he was pulled out of the car and physically assaulted by multiple officers. <i>This case was reviewed by IAD and OCPO and will stay with the Internal Affairs Division.</i>
9/13/2021 EC2021-0945 White, F	Complainant stated she was verbally harassed by DPD about her motor vehicle. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. More information is needed for this case.</i>
9/13/2021 EC2021-0940 Black, F	Complainant didn't like how she was handled while being pulled over. Complainant was unhappy about being detained during the process of her traffic stop. <i>This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the North West Division</i>





# Office of Community Police Oversight Complaints

## Item 4

9/13/2021 EC2021-0943 Black, F	Complainant stated after reporting sexual assault to an officer she was told her case would be hard to pursue because she wasn't penetrated, and it was later closed. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation because there was no DPD policy violation. Director McClary questioned this decision.</a>
9/14/2021 EC2021-0956 Black, M	Complainant stated officer forcefully banged on his window, spoke about irrelevant matters, said his truck was making noise and called him the "n" word after walking off. <a href="#">This complaint was reviewed by IAD and OCPO and will be a No Investigation. This was not DPD.</a>
9/13/2021 EC2021-0958 White, M	Complainant stated after leaving the gym he was arrested by DPD officers and wasn't told why until he got to the jail and was held for 11 hours. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no DPD policy violation.</a>
9/14/2021 EC2021-0955 Unknown, Unknown	Complainant stated there is a female officer who is scamming people. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This was not a DPD officer.</a>
9/14/2021 EC2021-0957 Unknown, M	Complainant stated the case into his son's murder was closed without his knowledge. He requested info from Open Records and did not receive everything they wanted. <a href="#">This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the CAPERS unit.</a>
9/15/2021 (x8) EC2021-0952 White, M	Complainant stated that Dallas police are using frequencies to hurt his head and he can't take it anymore. Complainant wanted to press charges and also mentioned suicide. <a href="#">This complaint was reviewed by IAD and OCPO and will be a No Investigation. This case was forwarded to the Right Care Team.</a>
9/15/2021 EC2021-0954 Unknown, F	Complainant stated that she called police because two men were fighting at the school and the dispatcher had no sense of urgency. The fight got worse and other civilians had to go break it up. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no policy Violation</a>
9/16/2021 EC22021-0953 Unknown, F	Complainant stated DPD officers were not wearing masks therefore "they are murderers". <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no policy violation. Mandatory mask wearing for DPD officers was no longer in effect when this incident took place.</a>
9/16/2021 EC2021-0991 White, M	Complainant tried to get in contact with the detective over his case he was robbed at gun point 2 weeks ago and would like an update. <a href="#">This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This complaint was sent to Capers.</a>





# Office of Community Police Oversight Complaints

## Item 4

9/17/2021 EC2021-0961 Black, M	Complainant stated DPD was called after an argument with roommate and police settled it. Another officer showed up and arrested him roughly under mistaken identity. <i>This complaint was reviewed by IAD and OCPO and will be a No Investigation. This case is considered Guilt or Innocence and will have to be settled in Court.</i>
9/18/2021 EC2021-0960 White, F	Complainant stated that a DPD officer forced her to do a sexual act in the back of his vehicle. <i>This case was reviewed by IAD and OCPO and will be staying with the Public Integrity Unit/IAD.</i>
9/18/2021 EC2021-0959 Asian, F	Complainant stated that they are a victim of spectrum fraud or identity theft. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This case was sent as a FYI to Financial Crimes.</i>
9/20/2021 EC2021-0962 Black, F	Complainant stated she was mistakenly pulled over on a traffic stop and officers approached her vehicle with guns drawn. Complainant stated she is traumatized. <i>This complaint was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the Vice Unit. Director McClary questioned this decision. She felt the case was serious enough that it should have stayed with IAD.</i>
9/20/2021 EC2021-0963 Unknown, F	Complainant stated that DPD gave her a citation for an expired registration. Complainant felt the DPD computer was wrong. <i>This complaint is a duplicate but will be investigated by IAD.</i>
09/20/2021 EC2021-0961 Hispanic, M	Complainant feels DPD racially profiled him by the kind of car he was driving. He felt that he was accused of speed racing because of his car and was arrested because of it. <i>This complaint was reviewed by IAD and OCPO. It was concluded that there would be No Investigation. This was considered a guilt or innocence. Director McClary disagrees with this decision.</i>
9/20/2021 EC2021-0992 Black, F	Complainant wanted to report someone taking out a loan in her name. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This was Plano Police and not DPD.</i>
9/21/2021 EC2021-0993 Hispanic, F	Complainant wanted to report people being rude on the Dart train, she needs an ID or Drivers License. Complainant also stated a nice officer took them to the salvation army. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. There was no complaint against DPD.</i>
9/22/2021 EC2021-0990 Middle Eastern, F	Complainant stated a stone was thrown through his bedroom window. <i>This case was reviewed by IAD and OCPO and will be a No Investigation. This is not a complaint against DPD.</i>



# Office of Community Police Oversight Complaints

## Item 4

9/23/2021 EC2021-0994 White, F	Complainant stated the bar 77 <i>degrees</i> has their music way to loud and disturbs the community next to them. <a href="#">This complaint was reviewed by IAD and OCPO and will be a NO Investigation. This case was sent as a FYI to the Central Division.</a>
9/24/2021 EC2021-0995 Unknown, M	Complainant stated that his daughter's phones and wallet was stolen at a concert at the Toyota Music Factory and DPD did nothing about it. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This was not DPD.</a>
9/24/2021 EC2021-0997 Unknown, F	Complainant stated a DPD officer is stalking her at church and trying to connect to her phone. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This is not a DPD employee.</a>
9/24/2021 EC2021-0996 Black, M	Complainant stated that officers would not take his police report against the person who made a false police call against him. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This case was cleared by Body Worn Camera. Director McClary questioned this complaint.</a>
9/26/2021 EC2021- 1000 Black. M	Complainant stated DPD didn't respond to his call fast enough about a loud party. Complainant felt they would have responded faster in north Dallas. <a href="#">This case was reviewed by IAD and OCPO and will be sent a Division Referral. This case was sent to the DPD Communications Department.</a>
9/28/2021 EC2021-1018 White, F	Complainant stated he was harassed by officer while trying to record a woman in distress at the hospital. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This was not a DPD officer.</a>
9/29/2021 EC2021-1016 White, M	Complainant stated DPD is involved in harassment and organized crime in his neighborhood. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This case needs more information.</a>
9/30/2021 EC2021-1017 Hispanic, M	Complainant stated DPD officer shows up in her uniform and harasses his family and mother at court proceedings and other places like she is "acting in her official capacity". <a href="#">This case was reviewed by IAD and OCPO and will be staying with Internal Affairs.</a>



# Office of Community Police Oversight Complaints

## Item 4

### Inquiries

9/1/2021	Individual called OCPO to inquire about an investigation into his case that he wanted to file earlier this year. OCPO informed him of the protocols for the office.
9/1/2021	Individual wanted an update on a complaint she submitted. OCPO informed her that her complaint was considered a No Investigation because we needed her to send in more information.
9/1/2021	Individual wanted to do police ride along. This inquiry was forwarded to Director McClary so she could give it to the proper department. DPD reached out to her after receiving the information from Director McClary and instructed the person on how to complete the paperwork to do the ride along.
9/2/2021	Individual voiced his opinion regarding the Angela West arrest. OCPO thanked him for calling.
9/2/2021	Individual stated she has been waiting 3 weeks for a police report to give to her insurance company. She did not want to file a complaint at that time. OCPO told her that she could file a complaint whenever she was ready.
9/2/2021	Individual stated that DPD did not arrest the guy that shot a woman in his apartment. <i>OCPO is still waiting on complaint.</i>
9/3/2021	Individual wanted OCPO address to send in a police report. OCPO informed her that police reports are done with the police department and not OCPO.
9/3/2021	Individual wanted to file a complaint on a Braumsfield Police Officer. OCPO informed her that she would have to call their Internal Affairs Department.
9/3/2021	Individual insisted that DPD issue a public apology about Angela West case.
9/7/2021	Individual wanted to get in contact with Open Records. OCPO informed her that there wasn't a number on the website and all she could do was fill out the form and wait for a response. Individual was unhappy with response.
9/7/2021	A representative from Dallas County called for the Communications Department number. OCPO looked up the number and gave it to them.
9/7/2021	Individual called wanting the address to the Chief of Police office. OCPO looked up the suite number and gave her the address.
9/7/2021	Individual stated her husband was transferred from Arlington jail to Dallas jail and she is trying to find him. OCPO gave her a couple of options like doing a jail look up, calling the jail, and calling the Sheriff's department.



# Office of Community Police Oversight Complaints

## Item 4

9/7/2021	Individual stated he was mistreated by DPD and was told they would beat his black a**. <i>OCPO is still waiting for their complaint.</i>
9/13/2021	Individual called OCPO upset because she felt DPD wasn't doing anything about the amount of homeless people in her area ruining where her business is located. <i>OCPO is still waiting for her complaint.</i>
9/13/2021	Individual was told by 911 that they needed to file a police report online and didn't know how to. OCPO walked them through how to file the report online.
9/14/2021	Individual needed police help to stop traffic so he can reverse his 18-wheeler. He was stuck under a bridge and wouldn't be able to make a U-turn. OCPO gave him the non- emergency number to the police department.
9/14/2021	Individual wanted to confirm date, time, and location of the next CPOB board meeting. OCPO emailed her the board information she needed.
9/16/2021	Individual stated she wanted to follow up on a citizen complaint put in last month about an abandoned car left at her auto body shop. OCPO gave her the non- emergency number so she could speak with an officer.
9/17/2021	Individual called looking for a detective because her daughters school documents has someone else listed on her paperwork. OCPO gave her the number to the police department.
9/17/2021	Individual stated police tried to arrest him for reading his bible on the sidewalk. <i>OCPO is still waiting for a formal complaint to be sent in.</i>
9/17/2021	Individual stated she was not happy with how her case was concluded with IAD and would like OCPO to do an investigation. She said officer laughed at her while explaining her situation. <i>OCPO sent her a review form and we are still waiting for the form to be sent back.</i>
9/20/2021	Individual stated she has PTSD and the neighbor's dog bark constantly and is always disturbing her. OCPO showed her how to file a noise complaint.
9/20/2021	Individual wanted to file a police report. OCPO gave him the non -emergency number and showed him how to file a report online.
9/20/2021	Individual wants to find all complaints on a Dallas Police Officer. OCPO showed them how to file an Open Records request.
9/21/2021	Individual wanted to file a report on their neighbor because they park their pick-up truck on the street and not in the driveway. OCPO gave her the non- emergency number to the police department, and also showed her how to file a report online.
9/21/2021	Individual was complaining about Hurst DPD Dispatch who told her "I'm not going to keep explaining this to you". OCPO informed her she would have to call Hurst DPD to file the complaint.



# Office of Community Police Oversight Complaints

## Item 4

9/22/2021	Individual called from Dallas county looking for the warrants department. OCPO gave her the non-emergency number to the police department.
9/22/2021	Individual is a NYPD officer asking for the comp stat division for DPD. OCPO gave him the non- emergency number to DPD.
9/28/2021	Individual was very upset that open records does not answer their phone. OCPO informed her she could file a complaint. She will be filing one on IAD website.
9/29/2021	Individual wanted to find a detective to help her with her brother's case. OCPO gave her the number to the police department.
9/30/2021	Individual called looking for a "detective Jones" but did not know the first name. OCPO tried to help, but they didn't have the first name, so office gave them the number to the police department.
9/30/2021	Individuals complaint was sent to IAD and she is not happy with the result. She was detained for twerking. DPD had the wrong person. Complainant is in her 80s. OCPO sent her a review form
9/30/2021	Wants to file a police report online. OCPO walked him through how to file a police report.

# Memorandum Item 5



DATE October 12, 2021

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT *"Subduing Suspects Face Down Isn't Fatal, Research Has Said. Now the Research Is on Trial"*, New York Times Article

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 October, Director McClary will lead the Board through a discussion related to a new wave of research that is questioning how law enforcement encounters with individuals that have been placed face down in the prone position during an encounter have been impacted. This is particularly relevant because the case that the CPOB will review this month—Darren Reynolds involves a person being transported on his belly in a DPD squad car among other things.

The discussion is based on a recent article in the New York Times entitled, *"Subduing Suspects Face Down Isn't Fatal, Research Has Said. Now the Research Is on Trial"*, New York Times article. The article was published on October 2, 2021 and updated on October 5, 2021.

Below are a few excerpts from the article:

The medical examiner's findings thrust the Black family into one of the most contentious issues in American policing today: unarmed people who die after being restrained. The debate, playing out in autopsy rooms, courthouses and police training sessions across the country, hinges on a body of research, conducted primarily by a small group of doctors in San Diego over the last three decades, that concludes that prone restraint is safe and that deaths like those of Mr. Black and Mr. Floyd are caused by factors that have nothing to do with police tactics.

But as fatal police encounters draw increasing scrutiny, so has the research — a growing chorus of experts argues that it is flawed and has been too broadly applied. The studies do not, and ethically cannot, replicate the stress and violence of real police pursuits, and critics say they fail to take into account the physical vulnerabilities, including drug use, obesity and pre-existing health conditions, of many people who wind up being subdued.

On Thursday, a leading medical journal published a new study that found that fatal police violence is frequently misclassified, in part because medical examiners identify other reasons for deaths that occur in police custody.

Attached is a copy of the New York Times article.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager



# Subduing Suspects Face Down Isn't Fatal, Research Has Said. Now the Research Is on Trial.

For years, the leading experts have testified that prone restraint by police is safe. So why do people keep dying?



*Photo: Anton Black's gravesite in Kent County, Md. Mr. Black died after being restrained by four police officers in 2018. Patrick Semansky/Associated Press*

GREENSBORO, Md. — It was a warm Saturday evening when Jennell Black heard a commotion outside her mobile home on Maryland's Eastern Shore. Outside her door, four men were holding her 19-year-old son face down, pinning his shoulder, legs and arms. One of them, who turned out to be an off-duty police chief from a nearby town, was lying on top of him.



“That’s Anton,” Ms. Black said in disbelief. Then she raised her voice: “Anton!”

She watched helplessly as Anton Black, a former star high school athlete with a nascent modeling career, struggled and then became unresponsive. The officers told Ms. Black that her son was having a mental health emergency and would be taken to a hospital, not to jail.

They assured her that he was breathing and had a pulse. But when they finally sat him up, she could tell something was gravely wrong. “He’s turning dark,” she said. He never regained consciousness.



*Photo: Anton Black. LaToya Holley, via Associated Press*

It was 2018, two years before George Floyd was killed in Minneapolis after similar treatment, with two officers holding down his lower body and one with a knee on his neck. Mr. Floyd was pinned face down for nine and a half minutes, Mr. Black for more than six.

An autopsy report released four months later blamed Mr. Black's death on congenital heart abnormalities. It classified the death as an accident and said there was no evidence that the police officers' actions had played a role. "It was horrible," said LaToya Holley, one of Mr. Black's sisters, adding that his sports physicals had never revealed any heart problems. "We didn't imagine at all that it would read the way it did."

The medical examiner's findings thrust the Black family into one of the most contentious issues in American policing today: unarmed people who die after being restrained. The debate, playing out in autopsy rooms, courthouses and police training sessions across the country, hinges on a body of research, conducted primarily by a small group of doctors in San Diego over the last three decades, that concludes that prone restraint is safe and that deaths like those of Mr. Black and Mr. Floyd are caused by factors that have nothing to do with police tactics.



*Photo: Jennell Black, left, and LaToya Holley, right, Anton Black's mother and sister. "It was horrible," Ms. Holley said of the autopsy report that blamed Mr. Black's death on congenital heart abnormalities, adding that his sports physicals had never revealed any heart problems. Schaun Champion for The New York Times*

The research, which began as a defense for four California sheriff's deputies involved in a fatal encounter, has easily dominated the peer-reviewed literature on this niche topic. It is widely cited by medical examiners, including Dr. David R. Fowler, who signed off on the autopsy of Mr. Black. It has been used to defend the police in scores of cases across the country, including in the deaths of Mr. Floyd in Minneapolis, Daniel Prude in Rochester and Humberto Martinez in Pittsburg, Calif., whose family was [awarded \\$7.3 million](#) in a settlement last year.

The precise number of in-custody death investigations the San Diego research has influenced is impossible to know, in part because it has been [used to ensure](#) that such cases never reach a courtroom. A joint [investigation by news stations](#) in Minneapolis and Denver counted more than 113 police prone restraint deaths since 2010, costing taxpayers \$70 million in wrongful death payouts. Criminal charges against officers in such cases are exceedingly rare.

But as fatal police encounters draw increasing scrutiny, so has the research — a growing chorus of experts argues that it is flawed and has been too broadly applied. The studies do not, and ethically cannot, replicate the stress and violence of real police pursuits, and critics say they fail to take into account the physical vulnerabilities, including drug use, obesity and pre-existing health conditions, of many people who wind up being subdued.

On Thursday, a leading medical journal [published a new study](#) that found that fatal police violence is frequently misclassified, in part because medical examiners identify other reasons for deaths that occur in police custody.

Some critics of the restraint research had hoped its influence would crater after this year's murder trial of Derek Chauvin in the death of Mr. Floyd. Mr. Chauvin's lawyers tried to use the research to bolster their defense, but the prosecution's star expert witness dismissed it as "highly misleading," explaining in granular detail how the position and weight of the officers forced Mr. Floyd to fight for air. Mr. Chauvin was convicted.

"I thought, 'This is it — they'll never ever be able to defend prone restraint again,'" said Dr. Alon Steinberg, chief of cardiology at Community Memorial Hospital in Ventura, Calif., and the author of a [recent paper on prone restraint and cardiac arrest](#). But the San Diego studies have continued to mislead officers into believing the technique is safe, he said, and have given the legal system a means to excuse their actions.

"People are dying all the time, and we're not doing anything about it," said Dr. Steinberg, who has worked as a consultant in cases against police officers. "I want to shout it out to everyone: Let's stop this right now."





*Photo: A memorial for George Floyd near Cup Foods in Minneapolis in March. Joshua Rashaad McFadden for The New York Times*

After the autopsy report on Mr. Black, the local prosecutor said he would not pursue criminal charges against the police officers involved. When the family filed a lawsuit, the officers responded that they could not have killed Mr. Black, because the research had “thoroughly debunked” prone restraint as a cause of arrest-related death.

It is not known whether the deputy medical examiner who performed the autopsy in Mr. Black’s case, Dr. Russell Alexander, relied on the San Diego studies when he reached his conclusions. The Office of the Chief Medical Examiner declined to comment on the case because it is the subject of litigation.

But Dr. Alexander’s boss at the time, Dr. Fowler, has cited the studies in his published research and discussed them at length when he testified for the defense at the Chauvin trial. After [complaints that Dr. Fowler’s testimony was baseless and disingenuous](#), the Maryland attorney general announced a review of in-custody deaths handled during his tenure — including, presumably, Mr. Black’s.

The studies began after the death of a 35-year-old man named Daniel Price, who was high on methamphetamine when he was subdued by four San Diego sheriff's deputies in June 1994. They pepper-sprayed him, wrestled him to the 134-degree pavement and hogtied him. The autopsy cited "maximum restraint in a prone position by law enforcement."

When Mr. Price's family filed a lawsuit, the county turned to doctors at the San Diego Medical Center for help.

At the time, it was widely accepted that prone restraint, used to subdue combative or disorderly people, could be lethal. It compresses the torso and restricts breathing, potentially leading to what is referred to as positional asphyxia or restraint asphyxia.

Many police departments had already banned the most extreme form of prone restraint, hogtying, and in 1995 the Justice Department warned of its [dangers](#).

The San Diego doctors proposed a study, paid for in part by the county, that would measure the effects of hogtying in controlled laboratory conditions.

The study's authors — Drs. Tom Neuman, Gary M. Vilke, Theodore C. Chan and Jack L. Clausen — found that putting someone into a prone position restricted lung capacity and that using the most extreme form of prone restraint, hogtying, could reduce breathing capacity by as much as 23 percent. But the effects, they said, were not big enough to be "clinically relevant."

A federal judge ruled in favor of the county, saying the study had shown the dangers of hogtying to be "fictitious." But Mr. Price himself would not have qualified for the study, which was done on healthy, drug-free subjects.

In the years since, the San Diego doctors and other researchers have gone on to conduct a host of additional studies on prone restraint, continuing to find that it poses no inherent dangers even when 225-pound weights were placed on subjects' backs to simulate the weight of officers' bodies. Several of the doctors have received hundreds of thousands of dollars for testifying in defense of police officers.

Many departments still teach officers that prone restraint is dangerous and should be used only sparingly. But the San Diego research over the years has trickled into [police training](#), and one law enforcement news website calls restraint asphyxia a "[myth](#)."

In December, Dr. Vilke [testified before a grand jury](#) considering charges in the death of Daniel Prude, who had died after an encounter with the police in Rochester, N.Y.

The officers placed Mr. Prude, who had taken P.C.P. and had been running, in a [mesh hood](#) that covered his mouth and nose, and then held his face to the street.

Dr. Vilke said that people in Mr. Prude's excited state often die with or without restraint, and that being restrained from further exertion had actually helped him. Mentioning his prone restraint studies, he said, "Nobody dies, they breathe well, they move oxygen levels well. It doesn't kill people." [None of the officers were charged.](#)

Dr. [Martin Tobin](#), a renowned specialist in the mechanics of breathing, testified during the Chauvin trial that the studies used the "wrong yardstick" to conclude that the reductions in lung capacity were not significant, and that placing large weights on a subject's back would fall short of replicating the pressure of an officer's knee by a factor of 10.

Protesters at a memorial for Daniel Prude in Rochester, N.Y., last year. Joshua Rashaad McFadden for The New York Times

Experts agree that prone restraint may well be safe for most people. But they said that drug use, mental crisis, pre-existing conditions, obesity and exertion can increase the need for oxygen to the point where even a small restriction can be fatal.

"They did a service to medical knowledge by publishing these studies," said Dr. Judy Melinek, a prominent American forensic pathologist practicing in New Zealand. "But the conclusions that they reached in their papers, and that they continue to advocate for in their testimony, are a lot more far-reaching than the data that they collected can support."

In a statement to The New York Times, Drs. Chan, Vilke and Neuman (Dr. Clausen is retired) wrote that real-world factors like drug use and exertion "have not been shown to negatively impact ventilation, thus would not be expected to increase risk for asphyxiation, regardless of body position."

Sudden deaths in custody, they wrote, are best understood "through a variety of robust and diverse scientific methods and investigations," rather than "conjecture and media sensationalism."

Dr. Michael Freeman, a forensic epidemiologist who has testified for families in police custody death cases, said the San Diego studies have had the effect of pushing medical examiners to look past the obvious to more far-fetched [explanations](#). "It can't be positional asphyxia, because look, there's a study," said Dr. Freeman, one of the experts who will help steer [the review of in-custody deaths](#) in Maryland.

On the day Anton Black died, a police officer confronted him after a 911 call reporting that an older boy had a younger boy in a headlock. Ten days earlier, Mr. Black had left the psychiatric ward of a hospital with a diagnosis of bipolar disorder. The younger boy, a family friend, told the officer, [Thomas Webster III](#), that Mr. Black was “schizophrenic.” Mr. Black turned and jogged away, and the subsequent chase ended with him restrained at his mother’s doorstep.

The deputy medical examiner who performed the autopsy, Dr. Alexander, dismissed the idea that the officers caused Mr. Black’s death, instead attributing it to cardiac arrest caused by two congenital heart abnormalities.

“It is likely that the stress of his struggle contributed to his death,” Dr. Alexander wrote. “However, no evidence was found that restraint by law enforcement directly caused or significantly contributed to the decedent’s death; in particular, no evidence was found that restraint led to the decedent being asphyxiated.”

That statement was misleading, according to some independent forensics experts who reviewed the autopsy report: It failed to account for the duration and intensity of restraint seen on body camera video, as well as signs of possible asphyxiation, including pinpoint blood spots in Mr. Black’s eyes and electrocardiogram readings suggesting that he was having a type of cardiac arrest associated with oxygen deprivation.

In the end, Dr. Freeman said, the deputy medical examiner’s report focused on abnormalities that were statistically very unlikely to have caused a 19-year-old man’s heart to stop.

“He has not examined the probable, and he has latched onto the highly improbable,” Dr. Freeman said. “This is a report that’s designed to exculpate the cops.”

# Memorandum Item 6



CITY OF DALLAS

DATE September 21, 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

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

### February

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

### March

- 3<sup>rd</sup> = NACOLE Death Anxiety and Police Culture (1 ½ hours)

### April

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

### May

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



## June

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

## July

- No Board Trainings Scheduled

## August

- 4<sup>th</sup> = Cognificient Learning & Toby Groves Productions: Accountability and Transparency in Law Enforcement: After Action Review (4 hours)
- 10<sup>th</sup> = OCPO Board Training: NACOLE Report *“The Evolution and Growth of Civilian Oversight: Key Principles and Practices for Effectiveness and Sustainability”* (45 minutes)
- 16<sup>th</sup> = NACOLE Annual Virtual Conference: Civilian Oversight As A Permanent Part of Public Safety (1 ½ hours)
- 17<sup>th</sup> = NACOLE Annual Virtual Conference: Moment or Movement: The Case for Diversity, Equity, and Inclusion in Law Enforcement (1 ½ hours)
- 18<sup>th</sup> = NACOLE Annual Virtual Conference: Recent Legislative Wins and Losses on Officer Decertification (1½ hours)
- 19<sup>th</sup> = NACOLE Annual Virtual Conference: The Duty to Intervene After “I Can’t Breathe” (1½ hours)
- 20<sup>th</sup> = NACOLE Annual Virtual Conference: Infiltration of White Supremacy in Law Enforcement (1½ hours)
- 24<sup>th</sup> = NACOLE Annual Virtual Conference: There’s a New Sheriff in Town: Civilian Oversight
- 25<sup>th</sup> = NACOLE Annual Virtual Conference: Clippers & Cops (1½ hours)
- 26<sup>th</sup> = NACOLE Annual Virtual Conference: Effective Oversight Through Innovations in Technology (1½ hours)
- 27<sup>th</sup> = NACOLE Annual Virtual Conference: Six Durations of a Split Second: The Killing of Harith Augustus (1½ hours)
- 30<sup>th</sup> = NACOLE Annual Virtual Conference: Maintaining Enthusiasm for Oversight in the Face of Resistance and Setbacks (1½ hours)
- 31<sup>st</sup> = NACOLE Annual Virtual Conference: Oversight Commissions and Boards: How Member Selection Criteria and Processes Can Impact Effectiveness (1½ hours)

## September

- 1<sup>st</sup> = NACOLE Annual Virtual Conference: Oversight of Chicago's Police Disciplinary System (1½ hours)
- 2<sup>nd</sup> = NACOLE Annual Virtual Conference: Proactive Compliance: Ensuring Police Directives Are Aligned with Legal Standards & Best Practices (1½ hours)
- 10<sup>th</sup> = NACOLE Annual Virtual Conference: The Independent Critical Incident Investigation Agency: A New Form of Oversight for the U.S. (1½ hours)
- 24<sup>th</sup> = NACOLE Annual Virtual Conference: Mental Health Assistants: Compassion, Opportunities, and Partnerships (1½ hours)
- 27<sup>th</sup> = NACOLE Annual Virtual Conference: Lethal Force: Women and Children as Collateral Damage (1½ hours)
- 28<sup>th</sup> = NACOLE Annual Virtual Conference: Challenges of Arbitration Within Oversight and Accountability (1½ hours)
- 29<sup>th</sup> = NACOLE Annual Virtual Conference: Legal Updates (1½ hours)
- 30<sup>th</sup> = NACOLE Annual Virtual Conference: From Data Analysis to Policy Recommendation (1½ hours)

## October

- 1<sup>st</sup> = NACOLE Annual Virtual Conference: Civilian Oversight and the LGBTQIA+ Community (1½ hours)
- 4<sup>th</sup> = NACOLE Annual Virtual Conference: Money, Money, Money: Where Does All the Police Funding Go? (1½ hours)
- 5<sup>th</sup> = NACOLE Annual Virtual Conference: Towards Racial Equity, Part I (1½ hours)
- 6<sup>th</sup> = NACOLE Annual Virtual Conference: Towards Racial Equity, Part II (1½ hours)
- 7<sup>th</sup> = NACOLE Annual Virtual Conference: Civilian Oversight and Its Role in Reform (1½ hours)
- 13<sup>th</sup> = NACOLE webinar: Accountability & Transparency in Law Enforcement - After Action Review (4 hours)
- 20<sup>th</sup> = The creators of the KQED and NPR podcast *On Our Watch*: Understanding Police Misconduct Records with "On Our Watch"

Tonya McClary  
OCPO Director

cc: T.C. Broadnax, City Manager

## Memorandum Item 7



CITY OF DALLAS

DATE October 12, 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.

The following CPOB town hall meetings have already been held:

1. Districts 9, 13 and 14 (Joint town hall meeting) = June 1, 2021
2. District 10 = July 1, 2021
3. District 3 = July 27, 2021
4. District 5 = September 7, 2021

Cc: T.C. Broadnax, City Manager



## **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), 6ES 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 – Video Conference at 5:30 p.m.

September 21, 2021 – City Council Chamber & Video Conference at 6:00 p.m.

October 12, 2021 – City Council Briefing Chamber 6ES & Video Conference at 5:30p.m.

November 9, 2021 – City Hall and Video Conference at 5:30p.m.

December 14, 2021 – City Hall and Video Conference at 5:30p.m.