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COMMUNITY POLICE OVERSIGHT BOARD 220039  
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

CITY SECRETARY  
DALLAS, TEXAS

POSTED CITY SECRETARY  
DALLAS, TX

TUESDAY, January 11, 2022  
5:30 P.M. – 9:30 P.M.  
In-person: Room 6ES  
City Council Briefing Chambers

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/j.php?MTID=m6f852cd5cc7b547615a7aff8b5d78de5>

**Access Code:** cpob2022!  
**AUDIO PHONE CONFERENCE LINE:**  
**Event line:** 408-418-9388 | **Access Code:** 2499 796 0518

## CALL TO ORDER

## PUBLIC COMMENT/OPEN MICROPHONE

## APPROVAL OF MINUTES

1. Approval of the December 14, 2021 Minutes [Board Chairman Enobakhare, Jr.]

**Attachment:** Minutes

## ACTION ITEMS

2.
  - a. DPD and Civil Asset Forfeiture Part 2 Presentation and Decision on Next Steps [CPOB Chairman, Enobakhare, Jr., OCPO Director McClary, DPD Deputy Chief Thomas Castro and DPD Major Devon Palk]

**Attachment:** Memo and DPD Policy

- b. Samuel Hafertepe Complaint Review & Decision Regarding Additional Investigation by OCPO [OCPO Special Investigator Williams and CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

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

- c. Update on Board Retreat, Decision on Final Plans and Other Related Items  
[OCPO Director McClary & CPOB Chairman Enobakhare, Jr.]

**Attachments:** Memo

**BRIEFING ITEMS**

- 3.
  - a. Report on 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 OCPO Audit and Next Steps [OCPO Director McClary]

**Attachment:** Memo & Completed Audit Report

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

**Attachments:** Monthly Activity Report Memo  
Monthly Activity Chart  
a. OCPO December Complaint Summaries  
b. OCPO December Inquiries Summaries

- 5. Board Training Schedule [Board Chairman Enobakhare, Jr.]

**Attachment:** Memo

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

**Attachments:** Memo

**UPCOMING MEETING**

- 7. February 8, 2022

**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:** December 14, 2021

**Convened:** 5:57 p.m.

**Adjourned:** 8:50 p.m.

**Board Member(s) Present:**

Jesurobo Enobakhare, Jr., **Chair** – District 3  
Ozzie Smith – District 1  
Jonathan E Maples – District 2  
Loren Gilbert- Smith – District 4  
Tami Brown Rodriquez – District 9  
Ezekiel Tyson – District 10  
Deatra Wadsworth – District 12  
David Kitner – District 13  
Brandon Friedman – District 14  
John Mark Davidson – District 15

**Board Member(s) Absent:**

Andre Turner – District 5  
Kristian Hernandez – District 6  
Jose Rivas, **Vice Chair** – District 7  
Ronald Wright – District 8  
Arlene Steinfield – District 11

**Staff Present:**

Casey Burgess, 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: 5:57 p.m.**

**Public Comment/ Open Microphone**

Public comments were received by three speakers.

**1. Approval of Meeting Minutes for November 9, 2021 Meeting**

A motion was made to approve the minutes from the November 9, 2021 Community Police Oversight Board meeting.

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

Motion seconded by Ezekiel Tyson  
Item passed on a divided vote:  
Item failed on a divided vote:

## **2. Action Items**

### **a. Anthony Palumbo Complaint Review & Decision Regarding Additional Investigation by OCPO [OCPO Special Investigator Williams and CPOB Chairman Enobakhare Jr.]**

Special Investigator Kevin Williams briefed the Board on Anthony Palumbo's complaint review. The Board asked questions and had a discussion on the matter. DPD was unable to answer any questions on this case due to legalities with the Attorney General's Office.

A motion was made to table the discussion.

Motion made by Loren Gilbert Smith  
Item passed unanimously:  
Item failed unanimously:

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

### **b. Update on Board Retreat and Vote on Date, Location, and other Related Items [OCPO Director McClary & CPOB Chairman Enobakhare, Jr.]**

Chairman Enobakhare updated the Board on the two dates and locations that were suggested by the Board Training Subcommittee. January 22<sup>nd</sup> and February 5<sup>th</sup> are the date options and the Chairman also briefed the Board on which of the requested speakers were available on each date.

A motion was made to vote on January 22<sup>nd</sup> being the date of the CPOB Retreat and for the meeting to be held at Dallas City Hall.

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

Motion seconded by Loren Gilbert Smith  
Item passed on a divided vote: X  
Item failed on a divided vote:

### **c. Update on Sha- Galia Felder BWC Review & OCPO Next Steps [OCPO Director McClary]**

Director McClary updated the Board on the Sha-Galia Felder case. She currently has not filed an official complaint with IAD or OCPO. Director McClary did view BWC for this case and did share a few of her concerns with the Board and plans to look further into it once a complaint is received.

## **3. Briefing Items**

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

Chief Garcia and Chairman Enobakhare Jr met at the end of November and discussed establishing a process for independent investigations.

### **b. Update on 2020 Protest Policies [OCPO Director McClary]**

Director McClary updated the Board on the number of complaints that came in regarding the protest. She updated the board on the process that these complaints went through and the reason for the low number of complaints received by OCPO.

**c. Update on Darren Reynolds and Michael Fowler Investigation case.  
[OCPO Director McClary]**

Director McClary updated the Board on Chief Garcia's acknowledgment of the Board's recommendations. She also suggested changes to get more information other than just an acknowledgment from the Chief.

**d. Update on OCPO New Forms: Spanish Complaint Form and DPD Officer Commendation Form. [OCPO Director McClary and Complaint Intake Specialist Woods]**

Complainant Intake Specialist Woods showed and demonstrated the new Spanish and Commendation forms that went live on both the OCPO and CPOB websites.

**e. DPD and Civil Asset forfeiture [OCPO Director McClary]**

Director McClary came the Board a general overview of this issue. She also let the Board know she hopes to bring this to the item back at the January board meeting and hopefully have the City Attorney's Office and DPD come and give more in depth information on Civil Asset Forfeiture.

**4. Monthly Activity Report**

Complaint Intake Specialist Woods gave updates on complaints and inquiries received by OCPO for the month of November. There were 37 complaints received for the month of November. There where 25 inquiries received for the month of November. Complaint Intake Specialist Woods also updated the Board on all the new things in the complaint report.

**5. Board Training Schedule**

There were no trainings scheduled for the month of December

**6. 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 27th

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

**Andre Turner Dist. 5** –Already hosted his townhall. It was held on September 7th

**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 1st

**Arlene Steinfield Dist. 11** – Nothing to report

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

**David Kitner Dist. 13** – A townhall was already held on June 1<sup>st</sup> with Districts 9 and 14.

**Brandon Friedman Dist. 14** – A townhall was already held on June 1<sup>st</sup> with Districts 9 and 14.

**John Mark Davidson Dist. 15** – Nothing to report

## **7. Upcoming CPOB Meeting**

January 11, 2021 at 5:30 p.m.

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

There were no closing public comments.

### **Motion to Adjourn:**

Motion made by David Kitner  
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: 8:50 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



DATE January 11, 2022

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT DPD and Civils Assets Forfeiture Part 2

On December 2, 2021, the Dallas Police Department made the news when a K9 officer named Ballentine hit on a piece of luggage at the Dallas Love Field Airport. When DPD's interdiction squad seized the luggage and opened it, it contained only blankets and two bubble envelopes of money. The money totaled \$106, 829.

The luggage belonged to a 25-year-old woman from Chicago. She was not arrested or charged with a crime. Several CPOB members reach out to Director McClary to ask questions about the seizure of the money, which prompted CPOB Chairman Enobakhare, Jr. to ask Director McClary to put on the December agenda a discussion regarding civil assets forfeiture.

To help the Board with its discussion, Director McClary reached out to DPD to ask for a copy of their policies regarding civil assets forfeiture. This issue is also codified in state and federal laws making the issue even more complicated.

At the December CPOB meeting, Director McClary gave a high-level overview regarding civil asset forfeiture. The Board engaged in a robust discussion of this item. At the end of the presentation and discussion, Director McClary informed the Board that she would work with DPD to have someone attend the CPOB meeting in January to give the Board a formal presentation on this issue and for the Board to have further discussion at that point.

Director McClary was able to work with Deputy Chief Monique Alex to secure presenters from DPD to address the Board. Director McClary is pleased to announce that joining the Board in January will be DPD Deputy Chief Thomas Castro and DPD Major Devon Palk. They are leadership for the Vice Section of the Tactical and Special Ops Bureau. They were provided with questions from Board members prior to the meeting. ***OCPO has been advised that DPD will not be able to discuss the forfeiture case at Love Field in detail, because the case is still under investigation.***

Below are a list of questions Board members submitted prior to the January board meeting and/or raised at the December CPOB meeting. Attached as Appendix 1 are DPD's policies regarding civil asset forfeiture that were provided to OCPO from DPD.

## **Questions From Board Members Regarding Civil Asset Forfeiture**

### **Ossie Smith---District 1**

- 1) Is there a process that someone can take to have items that were seized by law enforcement returned to them?

### **Jonathan Maples—District 2**

- 1) Wants to know how the case is being handled regarding the money seized at Love Field that was in a suitcase? Whatever can be discussed would be helpful.
- 2) What items can someone legally possess when traveling in terms of money, property, etc.? He is concerned that civilians may be fearful because they don't know what is lawful to carry when traveling.

### **Chairman Jesuorobo Enobakhare, Jr.---District 3**

- 1) What happens if someone has a suitcase filled with guns at the airport instead of money? The guns are not loaded, and the suitcase has been checked at the ticket counter. When the owner of the luggage picks it up at baggage claim, an DPD confiscate the guns?
- 2) What is the total dollar amount of money seized through civil asset forfeiture that was not connected to the arrest of any person in 2019 and 2020?

### **Tami Brown Rodriquez – District 9**

- 1) Because these cases are being handled by the Narcotics Division, is there a presumption when items are seized that they are the fruits of illegal activity and/or related to drugs versus they are gained from legal means? For example, what if someone had just completed a real estate transaction and had a large amount of money in their car?

### **Deatra Wadsworth – District 12**

- 1) The Board was provided with the SOP of the Special Investigations Division Narcotics Section. Are there any other divisions within DPD that handled civil asset forfeiture? If yes, please let the Board know so it can request their SOPs.

### **David Kitner---District 13**

- 1) How many forfeitures are made each year?
- 2) What is the number of cash forfeitures each year and the total value? What is the range of money that is forfeited – low to high amounts?

- 3) How many forfeitures are made where someone is not charged with a crime? Of those not charged initially how many are eventually charged?
- 4) How often is money or property returned to a person who was never charged with a crime? What is the dollar amount of these returns on an annual basis?
- 5) How do the DPD rules on forfeitures compare to other cities of comparable size?
- 6) What is the money used for if it is never returned?

**Brandon Friedman---District 14**

- 1) What law or laws did the traveler break?
- 2) If no laws were broken, why were the assets seized?
- 3) If you're not authorized to explain to the Board why the assets were seized, then which individuals or governmental bodies outside of DPD are entitled to know why the assets were seized?
- 4) What is the status of the investigation? Is DPD the lead organization?
- 5) At the end of the investigation, if no charges are filed, will the assets be returned?
- 6) Do officers or the Department receive bonuses or any other compensation for asset seizures like this?
- 7) Does DPD intend to continue using civil asset forfeiture laws to seize cash in the future?
- 8) Does DPD believe cash seizures like this enhance trust between members of our community and the Department?
- 9) What is a "suspicious" amount of cash? If it's not a hard number, then what factors do officers consider when deciding whether or not to make a seizure?

**John Mark Davidson---District 15**

- 1) Under what circumstances is it okay for police to seize cash, possessions, or property of citizens?
- 2) How much money can someone travel with domestically?
- 3) Other than cash, what else can be seized by the police department?
- 4) Is there a process to retrieve back the seized cash, possessions, or property if no law has been broken without the use of a lawyer? If so, what is this process?

- 5) What rights/protections do I have if my cash, possessions, or property is seized?
- 6) What are legal defenses that can challenge seizure of cash, possessions, or property?
- 7) What does the police department do with seized cash, possessions, or property?  
Does it show up in their financial statements at the end of the year?

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# **Appendix 1**

Special Investigations Division  
Narcotics Section  
Standard Operating Procedures



**Special Investigations Division  
Narcotics Section  
Standard Operating Procedures**

January 2021

**102.10      Asset Seizure Sergeant**

The Asset Seizure Sergeant will report to the Administrative Commander and will have the following responsibilities:

1. Coordinate all cases of asset seizure, both State and Federal, for the Department.
2. Ensure all seizure cases are processed within the guidelines of Chapter 59 of the Criminal Code of Procedures.
3. Obtain copies of all arrests involving money, property or vehicles; review the morning report and assign cases accordingly.
4. Ensure all currency awarded from seizure cases are properly deposited.
5. Ensure all currency seizures and awards are tracked.
6. Ensure all Federal reimbursements to the Narcotics and Vice Sections are tracked and properly deposited.
7. Ensure all State and Federally seized and awarded vehicles are properly processed.
8. Coordinate with the Civil District Attorney for the receipt of payment for civil court mediation and publication costs.
9. Ensure all property awarded to the Department is either disposed of in accordance with City Ordinance or placed into service by this or other Divisions by adding the property to the Division's inventory.
10. Reviewing and approving entries in Workday for his/her assigned personnel prior to 10 AM on the Wednesday of each new pay period.
11. Designate an Acting Squad Leader prior to any scheduled leave and thoroughly brief that individual to his/her duties and responsibilities.
12. Ensure all DAG-71's, submitted by DPD personnel to any Federal Agency for equitable sharing, are processed and signed.
13. Maintain drug presentation displays and equipment along with a log of who checks the equipment out.
14. Work as the liaison with the Department of Public Safety and the Social Security Administration for the acquisition and return of alias identification documents.



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15. Monitor the funds and expenditures of the Section.
16. Audit the Section Combined Confiscated Fund expenses by:
  - a. Monthly: Completing an auditing spreadsheet that shows the reconciliation between the expense reports, funds drawn reports and the Section's Combined Fund Transaction Report.
  - b. Quarterly: Reconcile the monthly expense reports with funds drawn reports (copy of ledger book) from Financial & Contract Management.
17. Manage invoices and payments for the following areas:
  - a. Wrecker services
  - b. Gambling machine seizures and disposals
  - c. Nova Southeastern University
  - d. ESAC reports
  - e. Lab Squad physicals
  - f. HIDTA reimbursements



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**102.11 Asset Seizure Officer(s)**

The Asset Seizure Officer(s) will report to the Asset Seizure Sergeant and hold the rank of Senior Corporal. The Asset Seizure Officer(s) will be responsible for assisting the Asset Seizure Sergeant in all areas of financial concerns for the Narcotics and Vice Sections. The Asset Seizure Officer(s) will have the following responsibilities:

1. Thoroughly investigate all cases of currency and property seizures meeting the criteria set out in Chapter 59 of the Texas Code of Criminal Procedure and Section 204.00 of the Narcotics Section S.O.P.
  - a. Determine if the seizure meets the established criteria for filing forfeiture and file those cases deemed worthy with the District Attorney's Office, Civil Section.
  - b. Track all seizure and forfeiture cases, both filed and non-filed, to ensure the Department is given the opportunity to receive all property to which it is entitled under law.
  - c. Enter each case assigned to them in the Seizure Records Management System database by the end of the workday. If the case is received after 12:00 noon, the Detective will enter it by the end of the following workday.
2. Maintain a pleasant and cordial working relationship with the investigators and Assistant District Attorneys in the Civil Section. Discuss with them the aspects of the forfeiture case and make recommendations to the Asset Seizure Sergeant as to any offers of settlement.
3. Meet complainants at the Auto Pound if property needs to be released from seized vehicles.
4. Place property in the Property Room from seized vehicles if complainants cannot pick up the property from the Auto Pound.
5. Assist Narcotics Detectives in getting seized vehicles from the secured fenced area at the Auto Pound.
6. Review all money invoices sent to the Narcotics Section to determine possible seizure action. If the seized money has been placed in seized money account, and is not awarded, a memo will be sent to the Financial & Contract Management Division to transfer these funds to the General Fund.
7. Be available for afterhours response on a rotating basis.
8. Maintain knowledge of the Vehicle Coordinator duties and assist on an as needed basis.





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## **204.00 ASSET SEIZURES**

Once the Asset Seizure Squad has been notified that property has been seized, officers will not make any deals with the suspect, suspect's attorney, or Civil District Attorney's Office regarding the return of any seized property. After the seizure case is filed, any negotiations regarding the award or release of seized property will be conducted by members of the Asset Seizure Squad only.

When a seizure case is filed on money, personal property or vehicles, a case folder will be prepared containing a copy of the Arrest Report, Prosecution Report, the Libel Sheet, and any other investigative information. This case folder will be placed in the appropriate "Pending" Section of the file for Seized Property.

### **204.01 Vehicles**

1. When a vehicle is seized and a wrecker is dispatched, the arresting officer will ensure that the inventory of the vehicle is done and that the wrecker form is completed with a "Narcotics" hold on the vehicle(s). The next day, the seizing officers will advise the Asset Seizure Detectives that a vehicle has been impounded and provide the necessary information, copies of seizure warrants, etc.
2. If the officer drives a vehicle to the Auto Pound it will be properly logged in with the Auto Pound personnel. The seizing detective will verify information to ascertain that the arrested person's name, license plate, etc. was entered correctly. All keys will be placed in the custody of Auto Pound personnel. The officer will make sure a Narcotic's hold is placed on all vehicles subject to seizure.
  - a. If the vehicle's window(s) are knocked out, the arresting officer will contact the Auto Pound personnel for materials to cover the window(s) prior to placing the vehicle either in the "fenced in area" or on any row in the pound.
3. The Asset Seizure Detective reviews each V.H.S.C. case to determine if the seizure fits the criteria pursuant to Chapter 59 (Forfeiture of Contraband) of the Code of Criminal Procedure. As a rule, forfeiture proceedings will not be initiated unless the total value of seized property is at least \$1,000.00 and vehicles are not more than ten years old. Exceptions to this policy will be made with permission of the Narcotics Section Commander.
  - a. Contact the lienholder. (Ascertain the current balance on the account and whether the balance is to be paid off or not.) Obtain approval for lien payoffs and place a copy of the approval in the case file. Contact the lienholder when the vehicle is to be released and release the hold in the Auto Pound Inventory Control System, APICS. However, if the case is going to be filed, notify the lienholder of the current status of the case, that



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- the case will be going through the civil court system and notate this in the case file.
- b. The assigned Detective will follow-up on the vehicle condition by going to the Auto Pound and assessing condition. (Also, refer to the NADA book or website for current value.) While conducting an inventory of the vehicle, the detective will look for information regarding sale of the vehicle, copies of the title, repair receipts in the Arrested Person's name, etc. Copies of bills of sale, payment receipts, etc. will be placed in the case file. While conducting inventory, obtain mileage and log into case file.
4. If the above criteria are met, the Asset Seizure Detective will:
- a. Request a personal knowledge affidavit from one of the officers present at the original scene. This affidavit will set forth all the circumstances and evidence which support the seizure. This affidavit, along with the computer-generated arrest report, the libeling sheet, state vehicle registrations, and any other investigative notes, will then be filed with the Civil District Attorney's Office by the 30th calendar day after seizure.
  - b. Keep detailed investigative notes concerning all steps taken to locate and identify the owners of seized property. These notes will be made a part of the case file. After the case file packet is put together by the assigned detective, these notes will be made on the inside front of the manila folder containing the case packet.
  - c. Maintain a pleasant and cordial working relationship with the investigators and Assistant District Attorneys in the Civil Division. Discuss with them the aspects of the forfeiture case and make recommendations to the Asset Seizure Sergeant as to any offers of settlement.
5. If the seizure does not meet the criteria as stated in Section 3 above, then the assigned Asset Seizure Detective will release the vehicles.
6. Upon receipt of a judgment from the court, the Detective assigned to the case will record the judgement, the property awarded to the Department, and enter all information in the Seizure Records Management System database by the end of the business day following receipt of the judgement.
- a. If a vehicle is awarded, the vehicle award sheet will be placed with the completed case packet. This completed case packet will then be given to the Asset Seizure Sergeant.
  - b. After a vehicle has been awarded to the Department, the Operations Commander will be notified of the award and will make the decision regarding the use of the vehicle. If the vehicle is to be utilized or sold, the Vehicle Coordinator will be notified. If the vehicle is to be utilized, the Vehicle Coordinator will forward a certified copy of the Court Order to the City Controller's Office, who will have the vehicle registered. A copy of



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the Court Order will also be placed in the case folder, which will be placed in the "awarded" file. Copies will be sent to the Auto Pound.

**204.02 Currency**

1. If an arrestee has less than \$1,000.00 on his or her person, the officer will place the currency in Baylor Property Room under protective custody and fill out a release card. An exception will be if the cash in possession was a direct result of a transaction with an undercover officer or confidential informant. In that case the currency will be placed in the Baylor Street Property Room as evidence.
  - a. If currency is recovered from a search warrant, all the currency will be placed in the Baylor Street Property Room regardless of value and the Asset Forfeiture Squad will be notified.
2. If an arrestee has more than \$1000.00, the currency will be placed in the Baylor Street Property Room as evidence. The Asset Seizure Unit will be notified of the seizure.
3. Large amounts of currency will not be counted in the field. The currency will be placed in a container or drug bag and transported directly to the Narcotics office.
  - a. A minimum of two detectives will be present during all currency counts.
  - b. A supervisor will be notified of any seizure that is over \$5,000.00
  - c. A minimum of two counts will be conducted of all currency.
4. The Asset Seizure Detective assigned to the case will request an Affidavit from the involved officer(s) to proceed with filing the seizure with the Civil Division of the District Attorney's Office or through the Drug Enforcement Administration.
  - a. The officer filing the criminal case will submit an "Affidavit" to the Asset Seizure Detective for review. The officer will provide the affirmative link between the drugs and the arrested person(s). All money, property and vehicle(s) will be included in the Affidavit. Additionally, copies of Seizure/Search Warrants will be included along with the affidavit.
5. When currency has been awarded to the Department, a memorandum will be signed by the Asset Seizure Sergeant and forwarded to the Financial and Contract Management Division and Property Unit. This memorandum will indicate the proper fund that awarded currency will be deposited to and/or the proper disposition of other awarded property.



**Special Investigations Division  
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**204.03      Tangible Property**

1. As a general rule, property valued at less than \$1000.00 will not be seized. The Section Commander may make an exception to this policy.
2. All property seized will be placed in the Baylor Street Property Room and the Asset Seizure Unit will be notified.
3. The Asset Seizure Detective will:
  - a. Request a personal knowledge affidavit from one of the officers present at the original scene. This affidavit will set forth all the circumstances and evidence which support the seizure. This affidavit, along with the computer-generated arrest report, the libeling sheet, state vehicle registrations, and any other investigative notes, will then be filed with the Civil District Attorney's Office by the 30th calendar day after seizure.
  - b. Keep detailed investigative notes concerning all steps taken to locate and identify the owners of seized property. These notes will be made a part of the case file. After the case file packet is put together by the assigned detective, these notes will be made on the inside front of the manila folder containing the case packet.
  - c. Maintain a pleasant and cordial working relationship with the investigators and Assistant District Attorneys in the Civil Division. Discuss with them the aspects of the forfeiture case and make recommendations to the Asset Seizure Sergeant as to any offers of settlement.
4. After property has been awarded to the Department, a memorandum will be signed by the Asset Seizure Sergeant and forwarded to the Property Unit giving proper disposition of the personal property. A copy of the signed memorandum and the Court Order will be placed in the case folder, which will be placed in the "awarded" file.
5. Supervisors should be mindful of the circumstances where computer equipment or software involved in a criminal case is eligible for acquisition via civil forfeiture. If computer equipment or software is subsequently awarded to the Department via civil forfeiture, the Asset Seizure Squad should transfer it to the CIS/Police Technology Unit.

## Memorandum 2B



DATE January 11, 2022

TO: Members of the Community Police Oversight Board

SUBJECT: Samuel B. Hafertepe Request for Investigation Review

Mr. Samuel B. Hafertepe request that the CPOB review his complaint at its January 11, 2022 board meeting. Mr. Hafertepe has filed a total of 13 complaints. In preparation for the Board's discussion, the OCPO Director provided Board members case information regarding Mr. Hafertepe's complaints.

At the January 11, 2022, Board meeting, OCPO Special Investigator K.A. Williams will give the Board a brief synopsis of the cases. After that Chairman Enobakhare, Jr. will lead the Board in a dissuasion about the complaint investigations conducted by DPD.

At the conclusion of the discussion the Board will be asked to vote on this matter. You will decide if you want OCPO to do an independent investigation of any of Mr. Hafertepe's complaints or if you do not feel any further action is needed.

### **Below are basic facts regarding the complaint cases:**

**Complainant:** Samuel B. Hafertepe

**Incident Type:** DPD IAD Complaint Investigation

**IAD No:** 13 cases. Case numbers listed below.

**DPD Investigative Department:** DPD Internal Affairs Division & Southeast Patrol Division

**Division:** Southeast Patrol Div./3/Patrol Bureau/SE-3rd Watch

**Involved Officers:** Various. See below.

**Video Footage:** BWC footage and 911 Call Audio

**Synopsis of Incident:** Because there are 13 complaints, the synopsis of each case is below in the case summary.

**Allegations:** Because there are 13 complaints, the allegation(s) for each case is below in the case summary.

### **Case #1**

There are 6 cases that DPD duplicated to each other for record purposes, because they complaints were exactly the same or very similar. However, based on the totality of the allegations was case was sent as Division referral to the Southeast Patrol Division for them to look into the matter.

- a) **DR2021-058 (EC2021-0394)** Complainant alleges Detective Koerner issued a citation to a felony suspect and did no investigation or follow-up.

**Involved Officer:** Senior Corporal Derek Walter Koerner #9169

**Witness Officer(s):** Officer Brandon Alfonso Porragas #11143  
Officer Zulema Garcia Quevedo #11403

**DPD Allegation Investigated:** Improper or No Investigation

**Complainant Statement:** Mr. Hafertepe alleged that Detective Koerner issued a citation to a suspect for assaulting him, and Mr. Hafertepe stated that he is legally blind and believes that the assault should be a felony. Mr. Hafertepe believes Detective Koerner gave the wrong person a citation for assaulting him.

### **Statement of Senior Corporal Derek Koerner:**

Detective Koerner stated on May 5, 2021 he interviewed Mr. Hafertepe regarding an offense on case number 054815-2021 in which patrol issued a citation completed by Officer Porragas #11143. Detective Koerner stated that Officer Porragas stated that he had issued the citation on C22-006750 and notified Sgt. D. Cordero #7445. Detective Koerner stated that he explained to Mr. Hafertepe that patrol officers had issued a citation at large to the suspect for Class C Assault - Offensive Contact. Detective Koerner stated that Mr. Hafertepe insisted that the suspect committed a felony. Detective Koerner stated that he reviewed body camera footage in which Mr. Hafertepe said he felt no pain and was barely touched by the object that hit his leg, making the offense a Class C Assault - Offensive Contact. Detective Koerner stated that Mr. Hafertepe said he was disabled/blind. Detective Koerner further stated that Mr. Hafertepe presented a wrinkled paperwork with a hand circles box saying legally blind, and Detective Koerner advised Mr. Hafertepe that the Texas Penal Code 22.04 has specific definitions of Disabled, none of which would qualify for Mr. Hafertepe. Detective Koerner stated that he showed the penal code to Mr. Hafertepe and read it out loud to him, advising him that he must be substantially unable to protect himself. Detective Koerner stated from his observations Mr. Hafertepe used no aids to walk, could follow him with his eyes, had no seeing eye dog, no walking cane, and showed the ability to be able to defend himself. Detective Koerner stated that per the Texas Penal Code guidelines, if Mr. Hafertepe qualified as a disabled person for offensive contact, the offense would be a Misdemeanor A and not a felony. Lastly Detective Koerner stated that Mr. Hafertepe did not want to listen to what he was saying and advised him that he would take care of it himself, claim self-defense, and then became very aggressive over the matter.

**Findings of the Division Referral:**

It was alleged that Detective Koerner issued a citation to a suspect who allegedly assaulted Mr. Hafertepe and the assault should be a felony. It was further alleged that Mr. Hafertepe believed Detective Koerner gave the wrong person the citation for assaulting him. After reviewing Bodyworn Camera footage it was revealed that Mr. Hafertepe did not feel pain from the assault. Interview room video from May 5, 2021, between Detective Koerner and Mr. Hafertepe was reviewed. The video revealed Detective Koerner explaining the law to Mr. Hafertepe and Mr. Hafertepe getting upset and leaving. The finding of this investigation revealed that Detective Koerner did not in fact issue a citation for anyone in regards to the offense against Mr. Hafertepe. In fact, patrol officers issued the citation to the suspect in Mr. Hafertepe's case in April 2021 as stated in the supplement by Officer Brandon Porragas #11143, and Detective Koerner did not meet with Mr. Hafertepe until May 5. According to the Texas Penal Code 22.04 and the investigation, Mr. Hafertepe would not qualify as a disabled person for the offense of Injury to a Disabled Individual. Lastly, based on the Texas Penal Code and the investigation, if Mr. Hafertepe did happen to qualify as a Disabled Individual, the charge would be an Assault - Offensive Contact and would be enhanced from a misdemeanor C to a misdemeanor A. However, this was not the case and the correct charge of Assault - Offensive Contact M/C was filed by patrol.

The complaint filed against a member of the Dallas Police Department has been investigated by their chain of command. The investigation was unable to establish a violation of departmental rules based on a preponderance of evidence. The investigation results will be made available to the Director of the Office of Community Police Oversight.

Reviewed by Police Major Gerald D Smalley #6233 on Jun 01, 2021 at 12:27. Decision: Approved. Comments/Response from Police Major Gerald Smalley: "Unfounded."

**The other cases related to the Division Referral are listed and described below:**

- b) **EC2021-0223-** Mr. Hafertepe alleges responding officers CSRU end supervisor failed to fully investigate and took improper or no action.
- c) **EC2021-0366-** Mr. Hafertepe alleges officer failed to fully investigate the call by not contacting the suspect who had assaulted him. Officers also failed to document that he is legally blind and disabled.
- d) **EC2021-0281** Mr. Hafertepe alleges officers failed to fully investigate the call by not contacting the suspect who had assaulted him
- e) **EC2021-0289:** Mr. Hafertepe has made multiple reports with Dallas Police Department and believes that police have not done anything.
- f) **EC2021-0474:** Complainant alleges Officer Brandon Porragas – Badge #11143 and Officer Zulema Quevedo – Badge #11403 obtain incorrect information from him and entered incorrect information in the report number 054815-2021

**Case #2****IAD:** DR2021-050 (EC2021-0318)**Received date:** April 12, 2021**Occurred date:** March 31, 2021**DPD Department:** Southeast Patrol Division**Involved Officers:** (1) Officer Brandon Porragas - Badge # 11143

(2) Officer Zulema Quevedo - Badge # 11403

**Classification/Sub-classification:** Divisional Investigation Citizen Impact/Improper or No Investigation

**Synopsis of Incident:** On 3/31/21 at approximately 2:30 pm Mr. Hafertepe was assaulted and called police. The police officers arrived and gave him a case number but did not talk to the suspect. An accident occurred during his incident, at which time the officers handled the accident. Once the officers completed the accident, they did not come back to Mr. Hafertepe to finish talking. Mr. Hafertepe believes the officers failed to fully investigate for not talking to the suspect or Mr. Hafertepe prior to leaving.

**Complainant Statement:** Mr. Hafertepe is legally blind and stated he could not write. Detective Maldonado #10714 took his verbal statement and wrote it for him.

On 3/31/21 at approximately 2:30 pm Mr. Hafertepe was assaulted and called police. The police officers arrived and gave him a case number but did not talk to the suspect. An accident occurred during his incident at which time the officers handled the accident. Once the officers completed the accident, they did not come back to Mr. Hafertepe to finish talking. Mr. Hafertepe believes the officers failed to fully investigate for not talking to the suspect or Mr. Hafertepe prior to leaving.

**Statement of Officer Brandon Porragas:**

On March 31, 2021 at approximately 4:52pm I, Officer B. Porragas #11143 responded to an armed encounter on foot call at 10022 Scyene Rd, in Dallas, Dallas County, Texas. Comments on the 911 call sheet stated that the complainant Samuel Hafertepe owned a firearm and was going to shoot the suspect. Upon arrival I observed Complainant Hafertepe standing on the sidewalk in front of his residence. Complainant Hafertepe began to reach into his pockets as I approached him. I gave loud verbal commands to complainant to not put his hands in his pockets. Complainant Hafertepe was placed in handcuffs for officer safety and patted down for weapons. Complainant was sat on the grass and interviewed. Complainant Hafertepe did not have any weapons on his person and was taken out of handcuffs shortly after. An accident occurred at the 9900 block of Scyene Rd in front of the Rosemont apartments, a couple of blocks away. I heard the collision and observed the accident. At no time did I leave Complainant Hafertepe. Officers that were originally assigned to my armed encounter call responded to the accident. The officers that responded were Officer Nelson #11280, Foster #11272, Munoz #11061, #11064.



I was given a very vague suspect information and was not able to find a positive identification through NCIC or AIs due to not having a good address or date of birth. Only first and last name. Complainant Hafertepe was issued a case number on the offense, my partner Officer Quevedo #11403 and myself filed the report on FBR. I received a city email by Sgt Cordero #7445 providing me with suspect information through AIS on April 16, 2021. I filled out a citation for offensive contact at large under citation #C22006750 and the original offense report was supplemented. I have city issued body worn camera footage on the incident throughout the full interaction with complainant Hafertepe.

**Statement of Officer Zuleman Quevedo:**

On March 31, 2021 at approximately 4:52pm I, Officer Z. Quevedo #11403 responded to an armed encounter on foot call at 10022 Scyene Rd regarding Complainant Samuel Hafertepe stating to 911 call taker that he was going to shoot suspect and owns a gun. When I arrived to the call location, I saw the complainant standing on the sidewalk. The complainant was placed in handcuffs for officer safety and I patted him down for weapons. The complainant didn't have any weapons on him at that time. During the initial encounter with the complainant, an accident occurred on Scyene Rd. I turned to look to make sure no one at the accident was injured or required immediate assistance. Officer Foster#11272, Nelson #11280, Munoz #11061, and Newman #11064, who were also on the armed encounter call went to the accident to help out. I did not leave the complainant to go to the accident. When officers went to the accident, I was fully focused on the complainant. The complainant provided a name for the suspect, but not a birth date or address. I could not find an ID for the suspect nor could I find him on AIS. The complainant was given a case number and I could not issue a citation for the suspect because I did not have enough information to do so. On April 16, 2021, I received an email from Sgt Cordero #7445 providing me with the suspect information from his AIS. A citation was filed at large for the suspect under C22006750 and the report for the offense was supplemented with the citation information.

**Findings of the Division Referral:**

Mr. Hafertepe stated that Officers Porragas #11143 and Quevedo #11403 left the scene of the assault investigation involving Mr. Hafertepe as the complainant. I, the investigator of this Division Referral, Sergeant R. Moreno #9205, observed all body worn camera videos and no such accusation is confirmed. The officers completely investigated the call at hand with professionalism and they gave Mr. Hafertepe their complete attention during the investigation. At no time did Officers Porragas #11143 and Quevedo #11403 leave the scene of the armed encounter to investigate or render aid at the nearby vehicle accident. Mr. Hafertepe also stated that the officers did not fully investigate. Body Worn video shows that the officers completely investigated the incident and generated a report with what information they had at hand. Furthermore, they later supplemented the original report with a At Large Citation for Class C Assault under citation # C22006750. The Allegation, therefore, is UNFOUNDED.

The complainant filed against a member of the Dallas Police Department has been investigated by their chain of command. The investigation was unable to establish a violation of the departmental rules based on a preponderance of evidence. The investigation results will be made available to the director of the office of community police oversight.

Reviewed by Police Major Richard Rivas #6690 on July 08, 2021 at 12:13. Decision: Approved. Reviewer comment: "I concur with the finding of UNFOUNDED. BWC video disproved Mr. Samuel Herertepe's allegation that officers left his side and never returned. Major R. Rivas"

### Case # 3

**Incident Type:** DPD IAD Complaint Investigation

**IAD No:** EC 2021-0399

**Received date:** May 7, 2021

**Occurred date:** March 31,2021

**DPD Department:** Internal Affairs Division

**Synopsis of Incident:** Mr. Hafertepe alleges Senior Corporal Koerner failed to fully investigate when he refused to reclassify the offense

**IAD Findings:** No Investigation. This was already reviewed in DPD Case DR2021-050 and was Not Sustained

### Case #4

**Incident Type:** DPD IAD Complaint Investigation

**IAD No:** EC2021- 0629

**Received date:** July 2,2021

**Occurred date:** N/A

**DPD Department:** Internal Affairs Division

**Synopsis of Incident:** Mr. Haferetpe alleges he was assaulted and DPD is not acknowledging the fact that he is disabled. The complainant we'd like to see the homeless man get a Class A citation for his actions.

**IAD Findings:** No investigation because there were no DPD policy violations

### Case #5

**Incident Type:** DPD IAD Complaint Investigation

**IAD No:** EC2021 – 0687

**Received date:** July 16 ,2021

**Occurred date:** March 31, 2120

**DPD Department:** Internal Affairs Division.

**Synopsis of Incident:** Complainant spoke with open records who informed him there was no video footage available due to being 90 days past the incident date. Complainant request to speak to IAD and inform detective Maldonado he believed the video should be kept longer than 90 days complaining chose not to make a complaint and completed a sworn statement reflecting its unwillingness to provide his statement at this time.

**IAD Findings:** No investigation because there were no DPD policy violations

**Case #6**

**Incident Type:** DPD IAD Complaint Investigation.  
**IAD No:** EC 2021-0708  
**Received date:** July 21, 2010  
**Occurred date:** March 31, 2021  
**DPD Department:** Internal Affairs Division.  
**Synopsis of Incident:** Complainant submitted a letter concerning his past complaints and he requested that it be given to Chief Garcia so he could read it.  
**IAD Findings:** No investigation because there were no DPD policy violations

**Case #7**

**Incident Type:** DPD IAD Complaint Investigation  
**IAD No:** EC 2021- 0716  
**Received date:** July 16, 2010  
**Occurred date:** March 31, 2021  
**DPD Department:** Internal Affairs Division.  
**Synopsis of Incident:** Complainant spoke with Records Department and they do not have record of Body Cam from his incident. Complainant alleges he was assaulted, and DPD is not acknowledging the fact that he's disabled.  
**IAD Findings:** No investigation because there were no DPD policy violations

**Case #8**

**Incident Type:** DPD IAD Complaint Investigation  
**IAD No:** DR 2021-114 (EC-2021- 0743)  
**Received date:** July 29, 2021  
**Occurred date:** July 19, 2021  
**DPD Department:** Southeast Patrol Division  
**Involved Officers:** (1) Officer Farie Dvon Phelps #9018  
(2) Senior Corporal Demarquis Fontaine Black #7574  
**DPD Allegations:** Discourtesy/Unprofessionalism

**Synopsis of Incident:** Mr. Samuel Hafertepe alleges that on the listed date, at approximately the listed time, an officer at the front desk was rude and inconsiderate. Based on the description Mr. Hafertepe gave, the officer may have been Officer Black or Officer Phelps - he was not sure.

**Complainant Statement:**

On Monday, August 16, 2021 at approximately 11:23am Sgt. Cindy Smith #6973 contacted Mr. Hafertepe and asked him about his contact with officers at the front desk of police headquarters. Mr. Hafertepe said he did not have a specific complaint towards the officers and that there was not a specific comment or action done towards him that he could recall. he did mention seeing a female that was upset in the lobby of police headquarters while he was there; however, the female was not with him.

**Statement of Senior Corporal Demarquis Black:**

Senior Corporal Demarquis Black #7574 stated he does not recall interacting with Mr. Samuel Hafertepe and that he has at no time been rude or inconsiderate while performing his duties at the front desk.

**Statement of Officer Farie Phelps:**

Police Officer Farie Phelps #9018 stated he did not recall any interaction with Mr. Hafertepe on the day in question.

**Findings of the Division Referral:** Not Sustained

On Monday, July 19, 2021 at approximately 10:00 am Mr. Hafertepe stated he was at Dallas Police Headquarters and was treated rudely by an officer at the front desk.

Mr. Samuel Hafertepe was notified on September 9, 2021 that the complaint filed against a member of the Dallas Police Department has been investigated by their chain of command. The investigation was unable to establish a violation of departmental rules based on a preponderance of evidence. The investigation results will be made available to the Director of the Office of Community Police Oversight.

Reviewed by Deputy Chief of Police William H Griffith II #5857 on Nov 16, 2021 at 08:51.  
Decision: Approved.

At the conclusion of the discussion of each case, 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.

Tonya McClary, Esq.  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 2C



CITY OF DALLAS

DATE January 11, 2022

TO Members of the Community Police Oversight Board

SUBJECT Update on CPOB Retreat

At the December 2021 meeting the Board voted to hold their retreat on January 22, 2022 and have it take place at City Hall. OCPO staff have secured Council Chambers for the retreat and is working with building security to make sure that City Hall will be open to the public that day to accommodate anyone that wants to attend the board retreat since it is open to the public.

Breakfast and lunch will be provided for Board members and presenters.

In preparation for the retreat all of the special guests have asked what the Board would like to discuss with them and what information the Board would like from them.

As a reminder the special guests are: (1) City Manager T.C. Broadnax, (2) DPD Chief Eddie Garcia and (3) Community Police Oversight Coalition Chair Changa Higgins. Chairman Enobakhare, Jr. has asked OCPO Director McClary to see if the Mayor Eric Johnson can do a taped presentation/message that can be played at the retreat. Director McClary will let the Chairman know if that is possible.

The first presenter of the day during the retreat will be City Manager T.C. Broadnax.

The Chairman will lead the Board in a discussion of the topics for the special guests and discuss any other logistical items that need to be addressed before January 22<sup>nd</sup>.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3A



CITY OF DALLAS

DATE January 11, 2022

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 met with Chief Garcia on January 11<sup>th</sup>. Information from that meeting will be shared with the Board.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3B



CITY OF DALLAS

DATE January 11, 2022

TO Members of the Community Police Oversight Board

SUBJECT UPDATE OCPO Audit and Next Steps

The audit of the Office of Community Police Oversight was concluded in December. The audit report titled *Audit of the Office of Community Police Oversight* was made available to the public Tuesday, December 28, 2021.

The audit department also worked with Director McClary to produce a video that goes along with the report. The video will be played for CPOB members at the January board meeting.

OCPO Director McClary will lead the Board through the findings, recommendations, and agreements from the office. She will also answer questions Board members have about the audit.

Below is the audit report synopsis. A copy of the full audit report is attached as Appendix 1.

## **AUDIT REPORT SYNOPSIS**

### **Background**

This audit was requested to review the scope of work, budgeting, performance, hiring, contracting and invoice procedures for the Office of Community Police Oversight.

On April 24, 2019, the Dallas City Council voted to amend Dallas City Code, Chapter 2, *Administration* to create the Office of Community Police Oversight, effective October 1, 2019. The Office of Community Police Oversight is independent from the Dallas Police Department and reports to the City Manager.

The objective of this audit was to evaluate the financial, operational, and program performance of the Office of Community Police Oversight.

The scope of the audit was from inception of the Office of Community Police Oversight through February 28, 2021.

## What We Found

The Office of Community Police Oversight has primarily focused on its Community Police Oversight Board support duties. As a result, establishing the office is ongoing and needs to be finalized.

## What We Recommend

Management should:

- Finalize and execute policies and procedures covering all operational and administrative areas.
- Ensure the monthly complaints and inquiries report lists all complaints and inquiries.

Management agreed to all recommendations.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager



# **Appendix 1**

## **Audit of the Office of Community Police Oversight**



# Audit of the Office of Community Police Oversight

December 28, 2021

Mark S. Swann, City Auditor

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## Mayor

Eric Johnson

## Mayor Pro Tem

Chad West

## Deputy Mayor Pro Tem

Jaime Resendez

## Council Members

Carolyn King Arnold

Tennell Atkins

Adam Bazaldua

Paula Blackmon

B. Adam McGough

Cara Mendelsohn

Jesse Moreno

Omar Narvaez

Paul E. Ridley

Jaynie Schultz

Casey Thomas, II

Gay Donnell Willis



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## Executive Summary

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### Objective and Scope

The objective of this audit was to evaluate the financial, operational, and program performance of the Office of Community Police Oversight.

The scope of the audit was from inception of the Office of Community Police Oversight through February 28, 2021.

### What We Recommend

Management should:

- Finalize and execute policies and procedures covering all operational and administrative areas.
- Ensure the monthly complaints and inquiries report lists all complaints and inquiries.

### Background

This audit was requested to review the scope of work, budgeting, performance, hiring, contracting and invoice procedures for the Office of Community Police Oversight.

On April 24, 2019, the Dallas City Council voted to amend Dallas City Code, Chapter 2, *Administration* to create the Office of Community Police Oversight, effective October 1, 2019. The Office of Community Police Oversight is independent from the Dallas Police Department and reports to the City Manager.

The key duties of the Director/Monitor of the Office of Community Police Oversight are described as follows in Dallas City Code Chapter 2, *Article XXII*:

- *Provide functional support to the community police oversight board.*
- *Ensure that the community police oversight board can fulfill its duties.*
- *Make such reports as may be required by the city manager and the community police oversight board.*

The Office of Community Police Oversight's budget since inception is as follows:

Fiscal Year 2019 – 20 - \$475,000

Fiscal Year 2020 – 21 - \$545,133

Fiscal Year 2021 – 22 - \$630,129

### What We Found

The Office of Community Police Oversight has primarily focused on its Community Police Oversight Board support duties. As a result, establishing the office is ongoing and needs to be finalized.

## Objectives and Conclusions

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1. Is the Office of Community Police Oversight program performance in compliance with the Dallas City Code, and directives given by the Community Police Oversight Board and City Manager?

**Generally, yes.** The duties performed comply with the Dallas City Code and directives given by the Community Police Oversight Board and City Manager. However, the number of complaints and inquiries listed on the Monthly Complaints Report does not always agree with the number of complaints and inquiries listed on the source document. See [Observation B](#).

2. Are the Office of Community Police Oversight operations following City of Dallas administrative directives and best practices for staff hiring and training and development of policies and procedures?

**Generally, yes.** The hiring of staff and training follow City of Dallas administrative directives and best practices. The development of policies and procedures are in the draft stage and do not cover all operational and administrative areas. See [Observation A](#).

3. Are the Office of Community Police Oversight financial operations following City of Dallas administrative directives?

**Generally, yes.** The financial operations generally follow the City of Dallas administrative directives. However, invoice approval and account coding documentation should be strengthened. See [Observation A](#).

## Audit Results

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Both *City Council Resolution 88-3428* and Administrative Directive 4-09, *Internal Control* prescribe policy for the City to establish and maintain an internal control system. The audit observations listed are offered to assist management in fulfilling their internal control responsibilities.

### Observation A: Policies and Procedures

The Office of Community Police Oversight has drafts of policies and procedures that address most areas of its operations and administration. However, the drafts do not include any financial activities and staff training. Without executed written policies and procedures, there is an increased risk the Office of Community Police Oversight operations and administration will not be efficient, effective, and achieve their mission.

While the Director/Monitor of the Office of Community Police Oversight prioritized fulfilling the support duties for the Office of Community Police Oversight Board and City Manager and staffing the office higher than developing executed written policies and procedures, the following are examples of observed activities that may have been prevented had policies and procedures covering the activities been written and executed:

- Expenses coded to the incorrect expense account.
- Timely submission of an executed contract to the City Secretary's Office.
- Invoices lacking written approvals.
- Lack of monitoring the budget process and submission of the monthly Financial Target Analysis Report.

#### Criteria

- ❖ Standards for Internal Control in the Federal Government, *Principle 10 – Design Control Activities*
- ❖ National Association for Civilian Oversight of Law Enforcement, Guidebook for the Implementation of New or Revitalized Police Oversight, Chapter 11, *Establishment of Policies and Procedures*

#### Assessed Risk Rating:

**Moderate**

We recommend the **Director/Monitor of the Office of Community Police Oversight:**

**A.1:** Execute written policies and procedures covering all aspects of the office's operations and administration as soon as possible.

## Observation B: Monthly Complaints Report

The Monthly Complaints Report given to the Community Police Oversight Board does not always list the correct number of complaints and inquiries. As a result, there is an increased risk that the Community Police Oversight Board is not receiving a complete picture of the complaints and inquiries received and will not make an informed decision on the handling of the complaints and inquiries by the Dallas Police Department and Office of Community Police Oversight.

The Monthly Complaints Report is manually prepared from a manually prepared complaint and inquiries Excel spreadsheet. The possibility exists for complaints and inquiries being put on the Excel spreadsheet and not on the Monthly Complaint Report.

### Criteria

- ❖ Ordinance 31192, Sec. 2-154.1 *Duties of the Director/Monitor of the Office of Community Police Oversight*
- ❖ National Association for Civilian Oversight of Law Enforcement, *Guidebook for the implementation of New or Revitalized Police Oversight*, Chapter 15 Writing Reports
- ❖ Standards for Internal Control in the Federal Government, *Principle 10 – Design Control Activities* and *Principle 16 – Perform Monitoring Activities*

Assessed Risk Rating:

**Moderate**

We recommend the **Director/Monitor of the Office of Community Police Oversight**:

**B.1:** Develop procedures to ensure that the Monthly Complaints Report correctly lists all complaints and inquiries received during the reported month.

## Appendix A: Background and Methodology

### Background

Carolyn King Arnold, Council Member, District 4, requested this audit to review the scope of work, budgeting, performance, hiring, contracting and invoice procedures for the Office of Community Police Oversight.

[Exhibit 1](#) below details the requirements related to the Office of Community Police Oversight established by *Ordinance 31192*.

#### Exhibit 1:

##### Ordinance 31192 and the Office of Community Police Oversight

Ordinance 31192, passed by Dallas City Council (effective October 1, 2019) implemented the following changes:	
<b>Amended the Dallas City Code:</b>	<ul style="list-style-type: none"><li>✓ Chapter 2, <i>Administration</i>, by adding a new <i>Article XXII</i></li><li>✓ Chapter 37, <i>Police</i>, by amending <i>Article III</i></li></ul>
<b>Created:</b>	<ul style="list-style-type: none"><li>✓ An Office of Community Police Oversight, as a division of the City Manager's office</li><li>✓ A Director/Monitor position</li></ul>
<b>Renamed:</b>	<ul style="list-style-type: none"><li>✓ The Dallas Citizens Police Review Board as the Community Police Oversight Board</li></ul>
<b>Provided:</b>	<ul style="list-style-type: none"><li>✓ Definitions</li><li>✓ Duties</li><li>✓ For community engagement</li><li>✓ Functions</li><li>✓ For a mediation process</li><li>✓ Procedures for external administrative complaints</li><li>✓ Procedures related to critical incidents</li><li>✓ Confidentiality requirements</li><li>✓ For further transparency</li><li>✓ A penalty not to exceed \$500</li><li>✓ A saving clause</li><li>✓ A severability clause</li><li>✓ An effective date</li></ul>
<b>Amended:</b>	<ul style="list-style-type: none"><li>✓ The requirements related to witnesses</li><li>✓ The Technical Resource Panel</li></ul>
<b>Retitled:</b>	<ul style="list-style-type: none"><li>✓ The Technical Advisory Committee as the Technical Resource Panel</li></ul>

The Director/Monitor is appointed by the City Manager with input from the chair of the Community Police Oversight Board. The Director/Monitor started February 24, 2020.



Finally, [Ordinance 31192](#) stated City Council may provide by ordinance, upon recommendation of the City Manager, other assistants and employees. As of Fiscal Year 2020-21, the Office of Community Police Oversight has five authorized positions including the Director/Monitor.

As noted in the Annual Budget Fiscal Year 2020-21:

*The City created the Office of Community Police Oversight (OCPO) in FY2019-20 to ensure resident complaints are reviewed impartially and to enhance transparency and trust among the City, the police department, and the community. The OCPO provides functional support and technical assistance to the Community Police Oversight Board.*

Ordinance 31192 established the Director/Monitor duties as follows:

- *Provide functional support to the community police oversight board.*
- *Ensure that the community police oversight board can fulfill its duties.*
- *Make such reports as may be required by the city manager and the community police oversight board.*
- *Perform such other duties as may be required by the city manager, by ordinance of the city council and the community police oversight board in accordance with Article III of Chapter 37 of the Dallas City Code*

The Office of Community Police Oversight website provides information on the Community Police Oversight Board's upcoming meeting in terms of viewing and speaking at the meeting, and how to make a complaint.

The Office of Community Police Oversight's budget since inception is as follows:

- Fiscal Year 2019 – 20 - \$475,000
- Fiscal Year 2020 – 21 - \$545,133
- Fiscal Year 2021 – 22 - \$630,129

## Methodology

To accomplish our audit objectives, we performed the following steps:

- Interviewed personnel from the Office of Community Police Oversight and other City departments.
- Reviewed policies and procedures, relevant City Charter and Code, applicable Administrative Directives, and best practices guidance.
- Performed various analyses and reviewed documents as needed to support conclusions.

- Considered risk of fraud, waste and abuse.
- Considered all five internal control components of the *Standards for Internal Control in the Federal Government*.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Major Contributors to the Report

Shino Knowles, CPA, In-Charge Auditor  
Rory Galter, CPA, Engagement Manager  
Jamie Renteria, Auditor

## Appendix B: Management's Response

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### Memorandum



**CITY OF DALLAS**

**DATE:** December 20, 2021

**TO:** Mark S. Swann – City Auditor

**SUBJECT:** Response to the Audit of the Office of Community Police Oversight

This letter acknowledges the City Manager's Office received the *Audit of the Office of Community Police Oversight* and submitted responses to the recommendations in consultation with the Office of Community Police Oversight.

Since its inception, the Office of Community Police Oversight has played an essential role in helping to ensure accountability, impartiality, and transparency in the complaint process in order to enhance public trust and ensure adequate independent oversight. Additionally, the Office of Community Police Oversight has conducted independent investigations of complaints and responded to the scene of all officer-involved shootings and critical incidents to independently monitor the Dallas Police Department's investigation. Further, the Office of Community Police Oversight has analyzed data on misdemeanor arrests to determine the impact of police practices on marginalized communities.

Currently, the Office of Community Police Oversight is focused on serving the Community Police Oversight Board, ensuring impartial reviews of resident-submitted complaints, and serving as an independent and impartial community resource.

As the Office of Community Police Oversight further develops, we recognize the importance of strengthening internal controls by documenting and consistently following all significant operational and administrative processes.

Sincerely,



T.C. Broadnax  
City Manager

C: Kimberly Bizer Tolbert, Chief of Staff  
M. Elizabeth Reich, Chief Financial Officer  
Tonya McClary, Director, Office of Community Police Oversight

Assessed Risk Rating	Recommendation	Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date
Moderate	We recommend the <b>Director/Monitor of the Office of Community Police Oversight</b> :			
	<b>A.1:</b> Execute written policies and procedures covering all aspects of the office's operations and administration as soon as possible.	<b>Agree:</b> The Office of Community Police Oversight will continue developing and finalizing the existing draft procedures covering most aspects of its operations and administration. Additionally, OCPO will develop new procedures to address the areas identified by the auditors. Finally, OCPO will ensure staff is trained on applicable procedures.  While OCPO has already begun developing procedures, due to the OCPO's limited staff and other obligations, it may take some time to fully implement the recommendation.	12/31/2022	09/30/2023
	<b>B.1:</b> Develop procedures to ensure that the Monthly Complaint Report correctly lists all complaints and inquiries received during the reported month.	<b>Agree:</b> The Office of Community Police Oversight's existing process accurately captures complaints, except for an occasional typographical error.  However, we recognize the benefit of written procedures to help ensure continued accuracy and a consistent process. Thus, OCPO will develop and implement written procedures for compiling the Monthly Complaint Report.	12/31/2022	09/30/2023

# Memorandum 4



CITY OF DALLAS

DATE January 11, 2022

TO Members of the Community Police Oversight Board

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

Attached you will find the December 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 December 2021.

The external complaints for January 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 1/4/2022 for Fiscal Year 2021-2022

Total External Complaints by Source	Oct		Nov		Dec		Jan		Feb		March		April		May		June		July		Aug		Sept	
	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	56	0	45	0	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External Email	31		20		16																			
External Fax																								
External Letter	7		2		14																			
External Telephone	1		6																					
External Online Form																								
External Walk-in DPD	17		17		34																			
External (Patrol Division)					1																			
OCPO Total	34	52	31	37	27	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External Email OCPO	11	6	9	10	16	14																		
External Fax OCPO																								
External Letter OCPO																								
External Telephone OCPO																								
External Online Form OCPO	23	46	22	27	11	13																		
External Walk-in OCPO																								
Grand Total	90	52	76	37	92	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External Complaints Processed by Internal Affairs as of 1/4/2022																								
Divisional Investigations with Category	11	0	12	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discourtesy or Unprofessionalism	4		3		3																			
Fail to Complete Reports																								
Improper Action	7		7		3																			
Improper Comments																								
Improper or No Investigation			2		4																			
Internal Affairs Investigations and Category	5	0	5	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority																								
Adverse Conduct			1		1																			
Dispatch/911 Violation																								
Discourtesy to Other Employees																								
Failed to Complete Report on Time																								
Failed to Secure Property	1																							
Harassment	1		1		1																			
Improper or False Arrest																								
Improper or No Investigation			1																					
Improper Release of Information																								
Incomplete or Erroneous Report																								
Inquiry																								
Lost/Damaged Citizen Property					3																			
Mistreatment of Citizen	1																							
Placed Citizen in Danger																								
Racial Profiling																								
Use of Force	1				1																			
Improper Action or Comments	1		2																					
Complaints Referred to the Public Integrity Unit	1		0		7																			
No Investigation Conducted and Reason	74	0	59	0	76	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Did not meet criteria			2																					
Duplicate Complaint	1		2		4																			
Fail to Articulate	5		6		7																			
Guilt or Innocence	5		1		2																			
Information Only	5		8		3																			
More Information	5		7		5																			
Need Signature																								
No Violation	14		7		2																			
No Violation BWC	11		13		7																			
Non Employee	20		6		5																			
Other (Outside Agency)	1																							
Possible																								
Sixty Day	4		5		1																			
Third Party	2		2																					
Unknown Officer																								
OCPO Investigation	1																							
Recent EC's under review (as of 1/4/2022)					40																			
Grand Totals	90	0	76	0	92	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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 1/4/2022. The data for November of 2021 was re-verified for accuracy.



# Office of Community Police Oversight Complaints

## Item 4A

### December 2021 Complaints

Below are summaries of the complaints received in the Office of Community Police Oversight for the weeks of December 1, 2021 to December 31, 2021.

This report captures complaints during the OCPO fiscal year. The fiscal year for OCPO is October 1, 2021 to September 30, 2022. The office has received 27 complaints as of December 31, 2021. A total of 116 complaints has been received for the year.

12/1/2021 EC2021-1193 Hispanic, F Council District: Not Dallas	Complainant stated that a DPD police officer was stalking and harassing her. This case was reviewed by IAD and OCPO and will be staying with IAD/P.I.U. because it involves allegations against a DPD officer.
12/2/2021 EC2021-1196 Black, F Council District: 3	Complainant stated that a DPD officer was very rude while handling her daughter who was threatening to commit suicide. This case was reviewed by IAD and OCPO and will be a No Investigation. This case was cleared by BWC.
12/3/2021 EC2021-1199 Unknown, F Council District: Not Dallas	Complainant emailed about Chief Garcia interfering with her resident status. This case was reviewed by IAD and OCPO and will be a No Investigation Chief Garcia was not a DPD employee at the time referenced in this email.
12/7/2021 EC2021-1221 Black, F Council District: 14	Complainant stated there are major errors on her police report like race, and address. This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to the Communications Division.
12/7/2021 EC2021-1219 Unknown, M Council District:10	Complainant stated he was falsely pulled over, detained, and arrested and has contacted a lawyer for money he had to spend to get this resolved. This case was reviewed by IAD and OCPO and will be a No Investigation. This is a Duplicate Complaint
12/8/2021 EC2021-1224 Unknown, Unknown Council District: 2	Complainant wanted more information about the woman whose money was stolen by DPD at the airport. This case was reviewed by IAD and OCPO and will be a No Investigation. This is a 3 <sup>rd</sup> Party Complaint.
12/8/2021 x2 EC2021-1227 Unknown, Unknown Council District 2	Complainant wanted more information about the woman whose money was stolen by DPD at the airport. This case was reviewed by IAD and OCPO and will be a No Investigation. This is a 3 <sup>rd</sup> Party Complaint.
12/8/2021 EC2021-1213 Black, F Council District: 3	Complainant wants to know DPD's BWC recording policy because, she felt the video she received doesn't show the full encounter. This case was reviewed by IAD and OCPO and will be a No Investigation. This case was cleared by BWC



# Office of Community Police Oversight Complaints

## Item 4A

12/8/2021 EC2021-1220 Unknown, F Council District: Unknown	Complainant stated a DPD police officer can't tell her she can't go to the police station. <a href="#">This case reviewed by IAD and OCPO and will be a No Investigation. More information was needed</a>
12/8/2021 EC2021-1223 White, M Council District: 2	Complainant stated, "There have been so many severe violations of my human rights and what appears like lack of protection of law". <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. No Complaint towards an officer was made</a>
12/9/2021 EC2021-1225 Unknown, M Council District: 2	Complainant voiced his opinion about the lady whose money was stolen at the Airport. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This is a 3<sup>rd</sup> party complaint.</a>
12/10/2021 EC2021-1228 Unknown, F Council District: 6	Complainant stated officer was tampering with evidence by changing the police report. <a href="#">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.</a>
12/11/2021 EC2021-1222 Black, F Council District: 14	Complainant stated Officer in the downtown area is always harassing her. She stated, "I am homeless, so I sleep in my car near downtown". <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This case was cleared by BWC.</a>
12/13/2021 EC2021- 1235 White, M Council District: Unknown	Complainant stated a DPD member gave a false statement during an investigation against a member of DFD, which led to the termination of Firefighter Brad Cox. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This is a 3<sup>rd</sup> party complaint.</a>
12/13/2021 EC2021-1236 White, M Council District: 14	Complainant stated DPD officer told him he was calling too much on a neighbor he believed was being abused. <a href="#">This case was reviewed by IAD and OCPO and will be staying with IAD.</a>
12/16/2021 EC2021-1234 Unknown, M Council District: 2	Complainant Stated amid a hiring crisis Dallas PD, denied a highly qualified veteran from getting a non-paid volunteer position. <a href="#">This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to DPD Personnel.</a>
12/21/2021 EC2021-1269 Unknown, F Council District: 2	Complainant stated she never feared the police. Now she's terrified and shakes when she sees them because of how an officer treated her regarding her nephews' case. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no complaint articulated.</a>
12/21/2021 EC2021-1263 Unknown, M Council District: Unknown	Complainant was asking for information on robbery that may be in progress. <a href="#">This complaint was reviewed by IAD and OCPO and will be a No Investigation. There was no complaint articulated.</a>





# Office of Community Police Oversight Complaints

## Item 4A

12/22/2021 EC2021-1262 Black, F Council District: 14	Complainant stated she called the police multiple times because her car was broken into. She was even able to track the exact location of the people that stole her items and police never showed. She had to file her report online. <a href="#">This case was reviewed by IAD and OCPO and will be sent as a Division Referral. This case was sent to Communications.</a>
12/23/2021 EC2021-1264 Black, F Council District: 3	Complainant stated, "I feel officer H. intentionally disregarded the vital entire part of my first explanation of the accident, he intentionally did not include it in my request for the information". She felt information was missing from her BWC. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This case is a Duplicate.</a>
12/23/2021 EC2021-1268 Black, F Council District: 4	Complainant stated M. J. Matts has been driving past her residence and feels he is very violent. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This is not a DPD officer.</a>
12/24/2021 EC2021-1271 Black, F Council District: 2	Complainant stated after she visited with IAD people from the Right Care Unit started following her. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. More information is needed for this case.</a>
12/24/2021 EC2021-1270 Hispanic, M Council District: Not Dallas	Complainant stated he complained about Dallas officers coming to his city to party and never heard anything back. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This is a Duplicate complaint.</a>
12/27/2021 EC2021-1267 Unknown, M Council District: 14	Complainant is upset that he has not heard from the police after he reported someone ran into his fence. The person even left their license plate. <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. There was no policy violation.</a>
12/31/2021 EC2022-0003 White, M Council District: Not Dallas	Complaint stated, "Dallas police undercover officers have paid confidential informants to have snakes put in my clothes when I was asleep". <a href="#">This case was reviewed by IAD and OCPO and will be a No Investigation. This was not a DPD officer</a>
12/31/2021 EC2022-0005 White, Female Council District: Unknown	Complainant stated a DPD Officer is on his Facebook writing biased rants. <a href="#">This case was reviewed by IAD and OCPO and will be staying with IAD.</a>



# Office of Community Police Oversight Complaints

## Item 4A

**Below is a list of complaints that were received by IAD that Ms. McClary either disagreed with or had questions about.**

Meeting Date: 12/22/2021 EC2021-1231 McClary Questioned	<p>Complainant stated he was mistreated during an arrest. This case was sent as a Division Referral to CAPERS.</p> <p>McClary questioned reasoning: The person was a witness and not a suspect. Concerned about how he was treated while in DPD custody.</p>
Meeting Date: 12/29/2021 EC2021-1261 McClary Questioned	<p>Complainant alleges officers entered inaccurate information on her arrest report and documentation which caused her property to be disposed of by the Property Room. This case was sent as a Division Referral to the North East Division.</p> <p>McClary disagreement reasoning: Concerned about the notice given to the complainant before property was disposed off by DPD.</p>
Meeting Date: 12/29/2021 EC2021-1251 McClary Questioned	<p>Complainant alleges she was treated unfairly by officers and nothing she said mattered. This case was a No Investigation Cleared by BWC.</p> <p>McClary questioned reasoning: Wanted watch all the BWC for the officers involved. Had only had the opportunity to review one BWC footage.</p>



# Office of Community Police Oversight Complaints

## Item 4B

### December 2021 Inquiries

Below are summaries of the inquiries received in the Office of Community Police Oversight for the weeks of December 1, 2021 to December 31, 2021.

This report captures inquiries during the OCPO fiscal year. The fiscal year for OCPO is October 1, 2021 to September 30, 2022. The office has received 21 inquiries as of December 31, 2021. A total of 88 inquiries received for the year.

12/1/2021	Individual wanted to follow up on his complaint that he said he filed with IAD. OCPO hasn't received that complaint and informed him to file it with our office.
12/2/2021	Individual is dealing with custody issues with his girlfriend and her boyfriend is a DPD officer and involves himself and threatens the complainant. OCPO never received the complaint from this person.
12/7/2021	Individual wanted to follow up on an investigation he feels OCPO is working on. OCPO Director talked to this individual to update him on what the office is working on.
12/7/2021	Individual stated his aunt goes through his mail and uses it against him. OCPO informed him to file a police report about the matter.
12/7/2021	Mother of complainant wanted to see what she could do to help her sons' case. OCPO Director spoke with her.
12/7/2021	Individual can't get in contact with the detective over his case. OCPO contacted the detective and asked him to reach out to the gentlemen.
12/10/2021	Individual stated he is being stalked and harassed in Dallas. OCPO informed him if he felt his life was in danger that he should call 911.
12/11/2021	Individual wanted to know where to find CPOB meeting videos. OCPO showed her where she could find the CPOB meeting videos on the City of Dallas website.
12/14/2021	Individual called because construction was going on outside of her home, but they are playing loud music. OCPO informed her of numerous steps she could take to resolve the situation.
12/16/2021	Individual wanted to know how to be a part of the CPOB Board. OCPO informed her on the necessary steps needed to take to be considered for the board.
12/20/2021	Individual wanted the number to the Sexual Assaults Unit. OCPO looked up the number and gave it to the individual.



# Office of Community Police Oversight Complaints

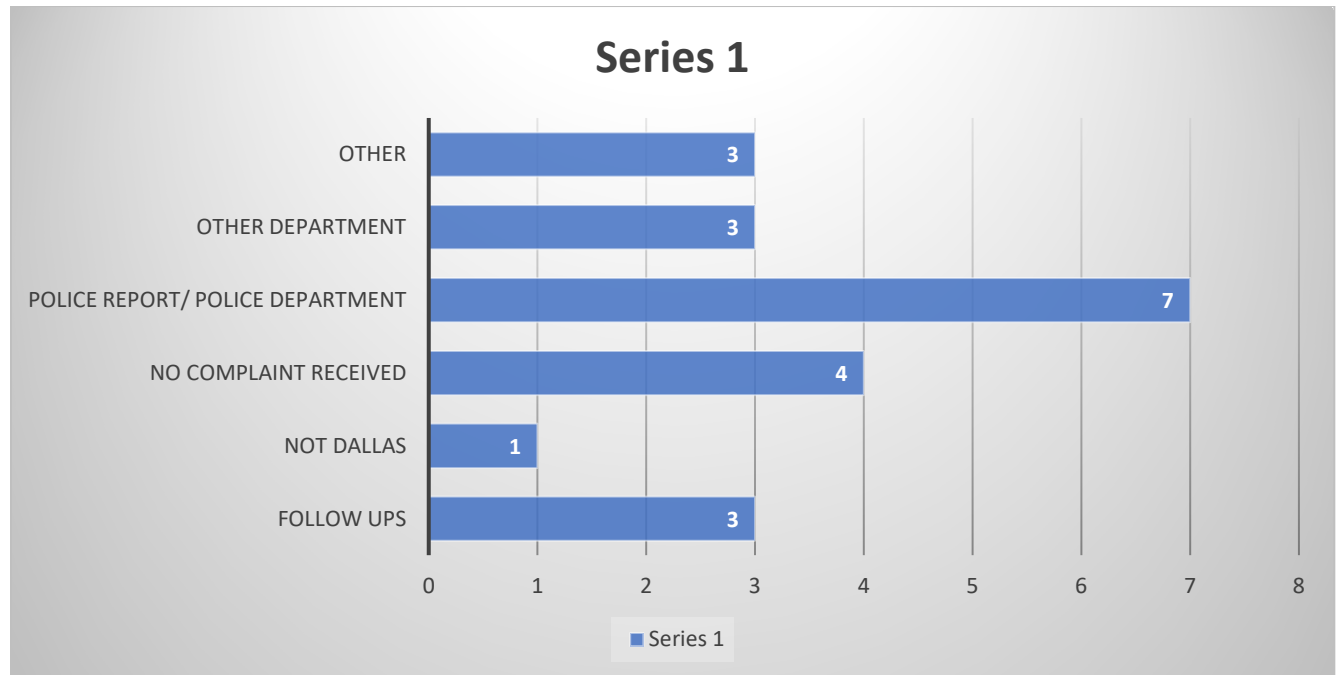
## Item 4B

12/20/2021	Individual wanted to file a noise complaint. OCPO showed how to file a noise complaint online.
12/20/2021	Individual got very upset with OCPO when she was told we can't do anything about the Mesquite PD. OCPO did everything we could to help until the individual hung up.
12/20/2021	Individual is being cyber bullied and can't talk to the police because he has a speech problem. OCPO informed him he could file a report online.
12/21/2021	Individual wanted to know if his vehicle was in the auto pound. OCPO gave him the number to the Auto Pound.
12/22/2021	Complainant was sent back to us by the Council office for District 9 because his original complaint was never handled by DPD. OCPO never received his new complaint.
12/25/2021 Thank an Officer	Commendation to Sgt at North East for taking the time to explain things to individual.
12/28/2021	Individual is upset that officers didn't take her complaint against her husband serious. OCPO never received a complaint.
12/30/2021	Individual wants to know the ordinance for mowing the lawn in the morning. OCPO gave him the number to Code Compliance.
12/30/2021	Complainant stated that police has completely abused her son and that his arm was broken by DPD officers. OCPO has not received a complaint.
12/30/2021	Individual wanted to contact the officer that came out to her property. OCPO informed her to call the police department closest to her.

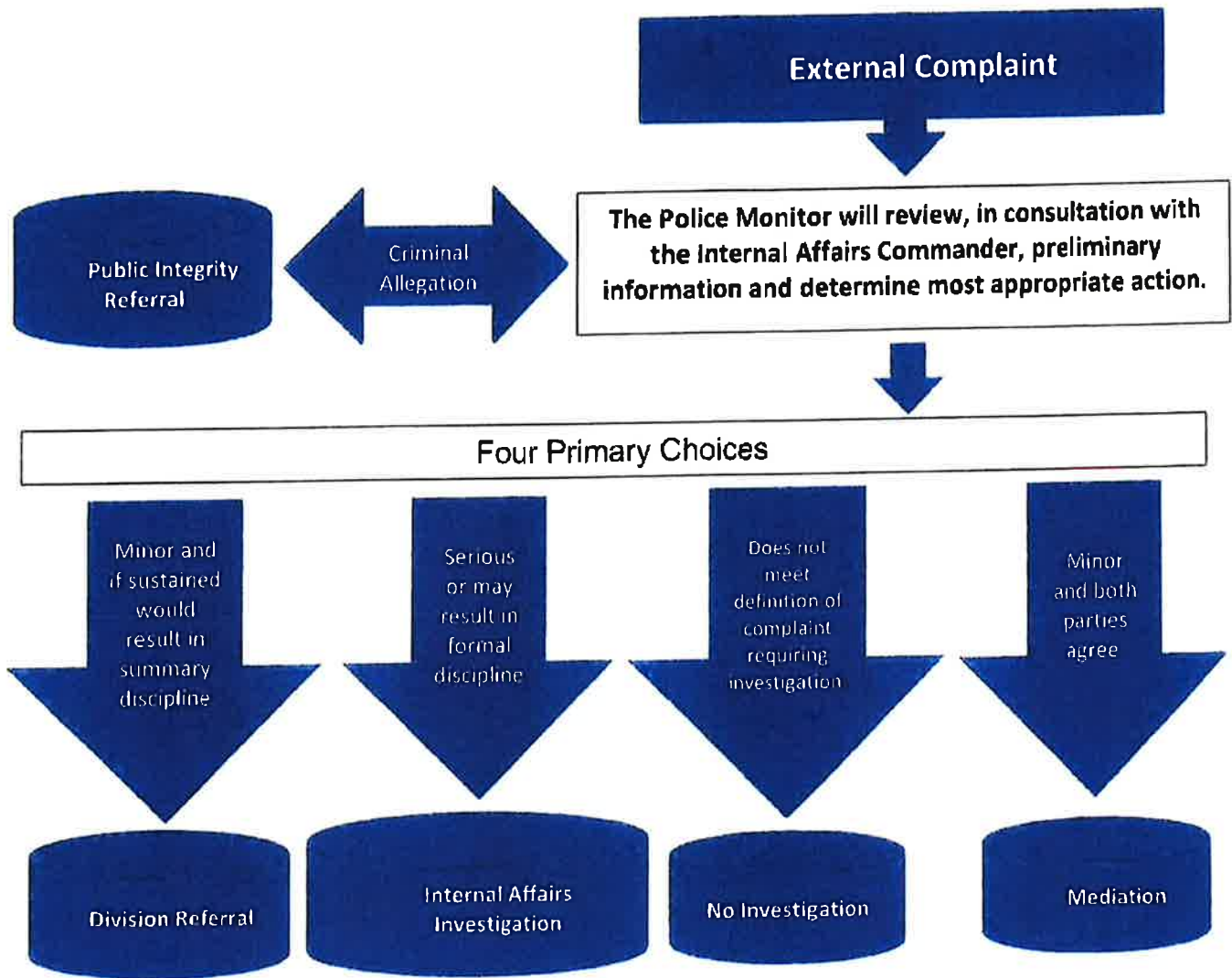


# Office of Community Police Oversight Complaints

Item 4B



# 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 January 11, 2022

TO Members of the Community Police Oversight Board

SUBJECT 2022 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 2022.

### 2022 CPOB Training Calendar

#### January

- January 19<sup>th</sup> = NACOLE webinar: Implicit Bias Training for Law Enforcement: Current State of the Field (*1 ½ hours*)
- January 22<sup>nd</sup> = CPOB Retreat (*4 hours*)
- January 29<sup>th</sup> = The Changing Landscape of Civilian Oversight in Texas: A Virtual Civilian Oversight Law Enforcement Panel Discussion (*2 hours*)

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

## Memorandum Item 6



CITY OF DALLAS

DATE January 11, 2022

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
5. District 1 = October 5, 2021 spoke and provided handouts about CPOB during National Night Out for Mayor Pro Tem West at 3 locations:
  - El Tivoli Place
  - Stevens Park Village
  - Wynnewood North Neighborhood Association
6. District 7 = October 30, 2021 in partnership with DISD and Women of Torque

Cc: T.C. Broadnax, City Manager



## **Community Police Oversight Board (CPOB) 2022 Schedule**

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

### **Item 7**

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 11, 2022** – City Hall Briefing Chambers 6ES and Video Conference at 5:30 p.m.

February 8, 2022 – City Hall Council Chambers 5ES and Video Conference  
at 5:30 p.m.

March 8, 2022 – City Hall Council Chambers 5ES and Video Conference at  
5:30 p.m.

April 12, 2022 – City Hall Briefing Chambers 6ES and Video Conference at  
5:30 p.m.

May 10, 2022 – City Hall Council Chambers 5ES and Video Conference at  
5:30 p.m.

June 14, 2022 – City Hall Briefing Chambers 6ES and Video Conference at  
5:30 p.m.

July 12, 2022 – City Hall Council Chambers 5ES and Video Conference at  
5:30 p.m.

August 9, 2022 – City Hall Council Chambers 5ES and Video Conference at  
5:30 p.m.



## **Community Police Oversight Board (CPOB) 2022 Schedule**

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

September 13, 2022 – City Hall Briefing Chambers 6ES and Video  
Conference at 5:30 p.m.

October 11, 2022 – City Hall Council Chambers 5ES and Video Conference  
at 5:30 p.m.

November 8, 2022 – City Hall Briefing Chambers 6ES and Video  
Conference at 5:30 p.m.

December 13, 2022 – City Hall Council Chambers 5ES and Video  
Conference at 5:30 p.m.