

COMMUNITY POLICE OVERSIGHT BOARD
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

Public Notice

RECEIVED

TUESDAY, January 10, 2023

230033

2023 JAN -6 PM 5:13

5:30 P.M.

In-person: City Hall Council Briefing Chambers 6ES

POSTED CITY SECRETARY
DALLAS, TX

CITY SECRETARY
DALLAS, TEXAS

The Community Police Oversight Board meeting will be held in person and by videoconference. The meeting will be broadcast online at bit.ly/cityofdallastv

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

Video Conference Link:

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=mde75784e8388820041e3341971ee7f6a>

Access Code: CPOB2023

AUDIO PHONE CONFERENCE LINE:

Event line: 408-418-9388 | **Access Code:** 2481 071 2629

CALL TO ORDER

PUBLIC COMMENT (MINUTES and ACTION ITEMS)/OPEN MICROPHONE

APPROVAL OF MINUTES

1. Approval of December 13, 2022 Minutes [CPOB Chairman Enobakhare, Jr.]

Attachment: Minutes

ACTION ITEMS

2.

- a. Charles Breaux Review & Decision Regarding Independent Investigation by OCPO [OCPO Special Investigator Williams]

Attachment: Memo

- b. Update & Discussion Regarding CPOB 2023 Annual Retreat [CPOB Chairman Enobakhare, Jr. and OCPO Director McClary]

Attachment: Memo

- c. Selection of Date for Board Training on Defensive Tactics and Physical Training [OCPO Director McClary]

Attachment: Memo

- d. Discussion Regarding Dallas City Code Sec. 37-31.2 (3) CPOB Annual Report [CPOB Chairman Enobakhare, Jr.]

Attachment: Memo

Community Police Oversight Board

January 10, 2023 Meeting Agenda

BRIEFING ITEMS

3.

a. UPDATE: OCPO Mediation Program [OCPO Mediation Program Manager Laurie McKendall]

Attachment: Memo

b. UPDATE: DPD Monthly Arrest Data [CPOB Chairman Enobakhare, Jr.]

Attachment: Memo

c. January 2023 Death In Custody [OCPO Special Investigator Williams and OCPO Director McClary]

Attachment: Memo

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

Attachment: Memo

e. UPDATE: Status of Independent Investigations Requested by CPOB [OCPO Director McClary]

Attachment: Memo

f. UPDATE: OCPO Policy Review Protests and Use of Force [OCPO Director McClary]

Attachment: Memo

4. Monthly Activity Report [OCPO Director McClary]

Attachments: Monthly Activity Report Memo
Monthly Activity Chart

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

Attachment: Memo

Community Police Oversight Board
January 10, 2023 Meeting Agenda

6. Board Member Update on Community Engagement [All]

Attachments: Memo

UPCOMING MEETING

7. February 14, 2023

Attachment: 2023 Schedule

PUBLIC COMMENT/OPEN MICROPHONE

ADJOURN

Community Police Oversight Board
January 10, 2023 Meeting Agenda

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

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

**HANDGUN PROHIBITION NOTICE FOR MEETING
OF GOVERNMENTAL ENTITIES**

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

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

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

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

Memorandum Item 2A



DATE: January 10, 2023
TO: Members of the Community Police Oversight Board
SUBJECT: Charles Breaux Requests for DPD Investigation Review

Mr. Charles Breaux is requesting that the CPOB review his complaint investigation at its January 10, 2023, board meeting. In preparation for the Board's discussion, the OCPO Director provided Board members with case information regarding Mr. Charles Breaux's complaint.

At the January 10, 2023, Board meeting OCPO Special Investigator K.A. Williams will give the Board a brief synopsis of the case. After that, CPOB Chairman Enobakhare, Jr. will lead the Board in discussing the DPD complaint investigation. Members of the DPD Internal Affairs Department will be available at the meeting to answer any questions they can regarding the case and IAD's involvement. IAD will also reach out to the North Central Division to see if anyone from that division can attend the CPOB meeting and answer specific questions regarding the division referral investigation.

After the discussion, the Board will be asked to vote on this matter. You will decide if you want OCPO to conduct an independent investigation or if no further action is needed.

Below are basic facts regarding the complaint case:

Complainant: Mr. Charles Breaux

Incident Type: DPD IAD

IAD No: EC 2022-0761/DR2022-146

Occurred Date: June 11, 2022

BWC: No

DPD Involved Departments: Internal Affairs Division & North Central Division

Disposition: No Policy Violation & Not Sustained

Civilian Witness: Charles Breaux, Jr.

Involved Officers: (1) David Lopez

(2) Senior Corporal Shawn Freeman

Witness Officers: (1) Officer Nicholas Schneider (2) Officer Ashley Bresnahan

(3) Officer trainee II (4) Adrian Cook

(5) Sergeant Lasharon Watson (6) Sergeant Thomas Purdy

(7) Yu-Kang Yi (8) Officer Thad Stinson

Allegations:

- (1) Accident report was not correct regarding who was at fault for a vehicle accident.
- (2) Use of inappropriate language by Senior Corporal Shawn Freeman.

Synopsis of Complaint by Complainant: "The incident report was all untrue. The diagram is wrong. I was all the way in my lane. The third unit hit me, and the attached sheets all are wrong. That's not the way it went down. I tried to explain several times as I was the only one on the scene that saw the accident from the start to finish".

DPD Internal Affairs Department Involvement:

On 8/24/2022 Division Referral #DR2022-146 was assigned to the North Central Division for investigation. The only allegation listed in the complaint was regarding who was at fault for the cause of an accident. General Orders 502.00 (C) (4) states "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."

Therefore, the North Central Division requested that this Division Referral be closed. IAD did not concur with the request for the Division Referral to be closed because of the second allegation of using inappropriate language by an officer that was observed on BWC. The case was sent back to the North Central Division to review that allegation.

North Central Division Investigation Summary:

The North Central Division concluded the following:

"Video was reviewed. The original complaint was regarding fault on an accident. Comments made by SC Freeman were not directed toward a specific person. SC Freeman was referring to vehicles being towed by vehicles other than tow trucks. SC Freeman was speaking to other Officers. There is no complaint against SC Freeman."

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 2B



CITY OF DALLAS

DATE January 10, 2023

TO Members of the Community Police Oversight Board

SUBJECT Update & Discussion Regarding CPOB 2023 Annual Retreat

At the December 13, 2022, CPOB meeting CPOB Board Training Subcommittee Chair Loren Gilbert-Smith lead a discussion with the full Board regarding the recommendations her subcommittee was making regarding the CPOB Annual Retreat.

The full board adopted the recommendations of the CPOB Board Training Subcommittee regarding invited guests and topics for discussion and training.

Below is a list of the invited speakers:

- City Manager T.C. Broadnax
- Mayor Eric Johnson
- City Council Public Safety Chair Adam McGough
- Deputy City Manager Kimberly Tolbert
- Police Chief Eddie Garcia
- Bruce Orr, representing the Dallas Police Oversight Coalition
- Tonya McClary, OCPO Director

The Board also requested a session on parliamentary procedures.

The Board originally selected January 21, 2023, as the date for the retreat. However, to help ensure as many of the invited speakers could attend as possible, the Board also added two more prospective dates for the board retreat: (1) January 28th and (2) February 25th.

OCPO Director McClary reached out to the invited speakers. Below is each of their availability. Based on the chart below and other responses the Director receives by the January 10th meeting, a date will be selected for the retreat.

Requested Speaker	Available January 21 st	Available January 28 th	Available February 25 th
City Manager T.C. Broadnax			X
Mayor Eric Johnson (No availability on any proposed dates)			
City Council Member & Public Safety Chair Adam McGough			
Deputy City Manager Kimberly Tolbert			X
DPD Police Chief Eddie Garcia		X	
Bruce Orr Representing the Dallas Police Oversight Coalition		X	X
Tonya McClary OCPO Director	X	X	X (Remotely)

CPOB Chairman Enobakhare, Jr. will lead the Board in a discussion on this item.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 2C



CITY OF DALLAS

DATE January 10, 2023

TO Members of the Community Police Oversight Board

SUBJECT Selection of Date for Board Training on Defensive Tactics and Physical Training

Chairman Enobakhare, Jr. asked OCPO Director McClary to schedule a series of specific training for the Board.

The last request in that series is training on defensive tactics and physical training.

The available dates are:

- February 4th
- February 11th
- February 18th

Based on a Doodle Poll that was sent to CPOB Members by OCPO Director McClary, it looks like February 4th is the day most board members who have responded to the poll are available to attend the training.

However, Director McClary is still waiting to hear from some board members regarding their availability. Therefore, Chairman Enobakhare, Jr. will confirm the date for the training and discuss any other questions board members have regarding this item at the January 10th meeting.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 3A



CITY OF DALLAS

DATE **January 10, 2023**

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

SUBJECT **UPDATE: OCPO Mediation Program**

Community mediation offers constructive processes for resolving differences and conflicts between individuals, groups and organizations. Participants control the process and create their own alternatives to avoidance, destructive confrontation, prolonged litigation or violence. Community mediation offers participants an opportunity to discuss their concerns and needs. It also strengthens relationships, builds connections between people and groups, and creates processes that make communities work for everyone. Community mediators support participants through difficult conversations, providing a safe environment to discuss the participants' needs while participants retain decision-making authority. Community mediation centers offer a variety of conflict intervention processes – depending on the needs of the participants and the capacity of the center – that support participants in addressing their own and their community's unique conflict needs.


Community mediation in the United States began in the 1960s during the civil rights movement as efforts to achieve racial, ethnic, class and gender equality gained momentum. The federal government nurtured the development of community mediation by embedding the Community Relations Service (CRS) within the Department of Justice in the 1964 Civil Rights Act. This required the creation of a non-violent and constructive model for dealing with community conflict that continues to be used today. OCPO Mediation Program is created its first advisory committee. We are currently working to staff the community advisory committee and still need your help. We have received one nomination for the community advisory committee. OCPO Mediation Program uses committees to obtain independent expert advice on policy and process matters. OCPO Mediation Program seeks to include the views of women, men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups. The advisory committees are established to provide feedback that supports the program's mission of mediation and promoting better communication between DPD and the community while meeting the requirements outlined in the city's ordinance. The advisory committees are established at the discretion of the OCPO mediation program.

The CPOB can assist the Community Advisory Board by providing nominations of qualified individuals from your council districts to serve on the Community Mediation Advisory Board.

Below are a few items we completed this month:

- Mediation Program observation and training with the New Orleans Oversight office.
- Completed two successful DPD advisory committee meeting 12/12/22 and 12/20/2022.
- Received another request from the HR department to provide mediation training to an additional department.

“Lemonade with Laurie”, presentation link to the webinar listed below.

 [National Conflict Resolution Day Identifying Your Conflict Resolution Style-20221021 115919-Meeting Recording.mp4](#)

Laurie McKendall
OCPO Mediation Program Manager

Cc: T. McClary, Monitor & Director
T.C. Broadnax, City Manager

Memorandum Item 3C



CITY OF DALLAS

DATE **January 10, 2023**

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

SUBJECT **January 3, 2023 Death in Custody**

During the month of January 2023 there was one Dallas Police Department Death in Custody. OCPO attended the scene of the incident. This Is the first Death in Custody of the year.

Below is a brief summary of the facts:

On January 3, 2023, at about 10:00 PM, Dallas Police responded to a request to assist Dallas Fire Rescue with a combative patient at 5122 Cardiff Street.

The preliminary investigation determined when officers arrived DFR, and a family member was trying to control the man. Officers were able to place the man into handcuffs with minimal force and he was placed on a stretcher and loaded into a DFR ambulance for transport. While on the way to a local hospital, the man went into cardiac arrest. The man died at the hospital at 11:19 pm.

The Dallas County District Attorney's Office responded to the scene and will conduct an independent investigation. The Office of Community Police Oversight was notified and responded to the scene.

The investigation is ongoing and is being investigated by the Special Investigations Unit as a death in custody. The case is documented under case number 001772- 2023.

The investigations are still being conducted by DPD at this time so OCPO cannot do an official investigation into the case. However, OCPO is monitoring the work of SIU and IAD.

Video footage of the incident will be played for Board members at the January 10, 2023 meeting.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 3D



CITY OF DALLAS

DATE January 10, 2023

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 prior to the monthly CPOB meeting.

The December meeting was canceled because of a conflict with Chief Garcia's schedule. The next scheduled meeting is on February 14, 2023. The Board will be updated on the discussions held during that meeting at the CPOB February 2023 meeting.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 3E



CITY OF DALLAS

DATE January 10, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: Status of Independent Investigations Requested by CPOB

CPOB Chairman Enobakhare, Jr. has requested that an item related to independent investigations that the Board has voted for OCPO to conduct be added to the monthly agenda for CPOB meetings.

Below is a current list of cases and their status:

- 1) **Name of Complainant:** Diamond Ross
 - **Reason For Complaint:**
(1) Death in Custody
 - **Status of Investigation:** Completed. *However, the case is in litigation and cannot be reviewed by the CPOB until the litigation is complete.*

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 3F



CITY OF DALLAS

DATE January 10, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: OCPO Policy Review DPD Protests and Use of Force

Director McClary had hoped to present the final findings of her review of the policies to the CPOB at the January 2023 meeting, however, the law students she was working with were not able to complete the final review before the semester ended.

Director McClary is working very hard to try and finalize the review by ensuring that any General Order changes by Chief Garcia's administration do not alter her report and findings.

She will hopefully have some law students helping this semester and can complete the project very soon so the Board can have a complete review of these policies.

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager

Memorandum Item 6



CITY OF DALLAS

DATE January 10, 2023

TO Members of the Community Police Oversight Board

SUBJECT Board Member Updates on Community Engagement

Board members will provide an update on their efforts regarding community engagement in their districts.

Below is a recap of community engagement activities by CPOB members in 2022:

1. **District 2** = Attended Juneteenth event and honored NPOs and the DPD Division Chief.
2. **District 3** = Hosted mentorship program with Alpha Phi Alpha Fraternity on May 23, 2022. The event featured an interview by CPOB Chairman Enobakhare, Jr. of DPD Chief Garcia.
 - November 10th hosted Movie Night with youth and DPD for the opening night of Black Panther Wakanda Forever
3. **District 4** = Attended a public safety listening session with District 4 CM Carolyn King Arnold, the Police Department, and Neighborhood Associations on June 6, 2022.
4. **District 11** = Presented at the District 11 Neighborhood Leaders Institute meeting on May 26, 2022, to discuss CPOB and other policing matters.
 - Did a ride-along in her district.
5. **District 12** = Held a town hall meeting on April 28, 2022, focused on CPOB and policing.
6. **District 14** = Did a ride-along in his district.
7. **District 15** = Attended Mayor's State of the City Address

Tonya McClary
OCPO Director

Cc: T.C. Broadnax, City Manager



City of Dallas

Community Police Oversight Board (CPOB) 2022 Schedule

City Hall
1500 Marilla Street
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 Hall Council Chambers (6EN) or City Hall Council Briefing Chambers (6ES) AND virtually. Meetings normally begin at 5:30 p.m. unless noted otherwise.

January 10, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

February 14, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

March 14, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

April 11, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

May 16, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

June 13, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

July 11, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

August 8, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

September 12, 2023 – Location to be determined and Video Conference at 5:30 p.m.

October 10, 2023 – Location to be determined and Video Conference at 5:30 p.m.

November 14, 2023 – Location to be determined and Video Conference at 5:30 p.m.

December 12, 2023 – Location to be determined and Video Conference at 5:30 p.m.