The background of the page is a large, light blue, semi-transparent seal of the City of Dallas. The seal features a five-pointed star in the center, surrounded by a circular border containing the text "CITY OF DALLAS TEXAS".

**A New Citizen Police Oversight
Commission for Dallas:
The report of Congresswoman Eddie
Bernice Johnson's task force on citizen
review of police.**

**Collette Flanagan, Chair
February 15, 2017**

A New Citizen Police Oversight Commission for Dallas: Executive Summary

Following the murder of five Dallas police officers on July 7, 2016, Congresswoman Eddie Bernice Johnson asked Collette Flanagan, founder of Mothers Against Police Brutality, to convene a task force to examine ways to improve citizen review of local police. Over the next six months, this group, which included attorneys, scholars, and community organizers, met regularly and analyzed the policies and practices of the Dallas Citizen Review Board (CRB) and the experiences of CRBs in other cities.

One undeniable theme emerged in the group's review of CRBs in the United States: Citizen review of police has been generally ineffective in holding officers and departments accountable for discriminatory policing, use of excessive force, and particularly use of deadly force.

No study has found persuasive evidence that CRB deter police misconduct or enhance trust in law enforcement. A principal shortcoming is that they embody an adversarial model that focuses on punishing past police misconduct.¹

This report describes a different, proactive approach.

Background.

The Dallas CRB has been a point of conflict and tension since it was established in 1987, following a sharp increase in police shootings in communities of color in 1986-87. Dallas had the highest incidence of police shootings per capita of any major city during those years (Associated Press, June 15, 1987.) Six months after the CRB's founding, the city council limited its power, under pressure from Dallas Police Association, effectively limiting its role to review of individual complaints already decided (and almost invariably dismissed) by the Dallas Police Department's internal affairs division. Although the CRB retained a formal subpoena power, it has *never* issued a subpoena to an officer to compel testimony concerning a civilian complaint. The CRB has *never* issued a report recommending policy changes to improve policing in Dallas. Positions on the CRB often remain vacant.

The Dallas CRB has followed the pattern of many such initiatives nationwide.

The problem that most civilian-oversight bodies face is that, once they are created and the crisis passes, governments tend to ignore their need for adequate resources, political support, or amendments to their enabling legislation. Similarly, activists once committed to creating civilian-oversight bodies often fail to provide continued support and turn against established civilian-oversight agencies by criticizing them as inefficient and ineffective. Such criticisms are often well-founded because resistance from rank-and-file

¹ Walker, S., & Macdonald, M. (2009, Summer). An Alternative Remedy for Police Misconduct: A Model State "Pattern or Practice" Statute. *George Mason University Civil Rights Law Journal*, p. 19.

police officers, police-department leaders, and police unions can cripple a civilian-oversight body.²

Dallas Citizen Police Oversight Commission: Mission Statement and Objectives.

The task force proposes that the existing Dallas CRB be replaced with a new Dallas Citizen Police Oversight Commission (CPOC), with the mission statement and objectives described below:

Mission: To provide effective oversight of law enforcement in the City of Dallas to ensure fair and equitable policing in every community and for every resident.

Objectives:

1. To investigate complaints concerning Dallas Police Department (DPD) officers; to be the first recipient of such complaints; to report results to the police chief, city manager, and city council, with recommendations for clearance, discipline, or dismissal of the officers involved.

A. The Commission will be the initial contact for citizens desiring to file a complaint about a City of Dallas police officer. DPD will refer citizen complaints directly to the Commission. This reverses current practice in which the CRB reviews complaints after DPD has ruled on them.

B. The Commission will provide information about filing a complaint at Dallas public libraries, recreation centers, and community centers.

C. The Commission will create a web site featuring an online complaint form, also available on through the main City of Dallas website. The Commission will work with the branch libraries to provide assistance, when needed, to residents who desire to use the online form.

2. To hold public hearings quarterly concerning police community relations; to conduct periodic surveys – at least annually – on police community relations; and to report on the hearings and surveys to the police chief, city manager, and city council.

A. The Commission will schedule a four public hearings annually, one in each quadrant of the city. The purposes of the hearings include taking testimony from residents concerning police services in their neighborhoods; reporting to residents on the work of the Commission and related issues involving police-community relations.

²Clarke, S. (2009, Fall). Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How it Fails. *Columbia Journal of Law and Social Problems*.

B. The Commission will conduct an annual survey of Dallas residents concerning the conduct of police and related issues, ensuring that the survey sample is representative of the economic, ethnic, and cultural diversity of the city.

C. The Commission will also conduct periodic surveys of various neighborhoods and demographic subgroups (e.g., youth) to receive their particular views on police services.

D. The Commission will after each survey or public hearing report to the police chief, city manager, and city council on the survey results or the information gathered at the hearing.

3. To review current policy and practices of the DPD concerning the use of force, particularly deadly force, and concerning overall approaches to crime prevention and control; to compare local policy and practice with federal guidelines, current research, and best practices in other cities; and to make recommendations to the police chief, city manager, and city council for changes in DPD policies and practices when necessary and appropriate.

4. To issue an annual report on the state of policing in Dallas.

Independent Oversight.

The differences in the CPOC approach from the existing board are evident in its mission and objectives. The CPOC will conduct independent investigations of residents' complaints against police officers, not simply review complaints that have been dismissed – or, in rare cases, sustained – by DPD's internal affairs department. The CPOC will reach out to and engage the people of Dallas concerning the quality of policing. The CPOC will conduct survey research and public meetings to obtain community views on policing. The CPOC will research best practices in policing throughout the U.S. and abroad, making periodic recommendations for reforms. In this manner, the CPOC will not only review misconduct after the fact, but will make a significant impact on preventing police misconduct and building trust between police officers and the communities they are sworn to protect.

Next Steps for the Task Force.

This report will be presented to Congresswoman Eddie Bernice Johnson. Under her leadership, the task force will share its findings and recommendations with local public officials and with the public through meetings and forums.

The task force analysis of the current CRB and related research is ongoing; for example, a number of open records requests for information filed by the task force have yet to receive a response. A supplemental report will be issued as this information is received, but ongoing research is no excuse for delay. The task force intends this report to lead to action. The status quo is not working, not producing accountability in policing, and the need for change is urgent.

The city's grief after the July 7 shootings revealed a deep well of sympathy and support for Dallas police officers. No one in Dallas was left unmoved by the tragic loss of life. The task force report appears in a civic landscape changed by the sniper's deadly actions that night. The challenge of the time concerning tensions between police departments and the communities they serve remains. This report is delivered as a positive contribution to the national and local dialogue on justice in policing.

A New Citizen Police Oversight Commission for Dallas: Report

Introduction.

Between 2010 and 2014, the Dallas Police Department aggregated the third highest rate of fatal police-involved shootings per capita in the country, even outpacing cities such as Chicago, New York, Los Angeles, and Houston.³ Former Chief David Brown had a reputation as a reformer, and he often expressed his belief in the need for transparency and community trust.⁴ In the matter of deadly police shootings, however, the fact remains that under Chief Brown, as under each of his predecessors going back four decades, there has not been a single indictment of a Dallas officer for a fatal police shooting since 1973.

The Dallas Citizens Police Review Board (CPRB) is arguably one of the city's hardest fought victories in the name of police accountability. The council-appointed CPRB is meant to act as a conduit between the police department and the public by allowing residents to seek remedial action regarding Internal Affairs investigations and by serving "as an advisory body to the City Council, its policies, operations and practices, as well as the public's perception of the same."⁵ Given the gravity of the role that the CPRB should play, according to its charge, in the police department's pursuit of transparency and community trust, the department's expressed commitment to such ends can naturally be met with questions regarding the effectiveness of Dallas' CPRB. These questions grow even more relevant given the amount of turnover Dallas will see in the offices that are most relevant to police accountability and transparency.

In 2017, Dallas will welcome a new chief of police and city manager; a number of city council positions, including seats on the council's public safety committee, will be up for election in May. This amount of transition, along with the juxtaposition of the copious thought pieces available on Dallas' community policing programs coupled with the silence surrounding the effectiveness of Dallas' CPRB, which should be one of the City's most effective tools to accomplish community trust and transparency, there naturally arises an interest in an independent examination of the mechanism the city openly points to as "a vehicle for making impartial recommendations for change for improvements in the operations of the Dallas Police Department."⁶

It only takes a cursory review of the Dallas Citizen Police Review Board's policies and procedures with the Dallas City Code to recognize a number of clear conflicts. First, the citizen police review board effectiveness is marred by mechanisms limiting the board's independence. For example, the board's subpoena power, which is often cited as the CPRB's greatest claim to

³ <http://www.bettergov.org/news/fatal-shootings-by-chicago-police-tops-among-biggest-us-cities>

⁴ <http://www.dallasnews.com/news/crime/2016/04/22/dallas-police-chief-to-release-use-of-force-data-friday-at-white-house-event>

⁵ Dallas Citizens Police Review Board "Mission Statement"

⁶ Dallas Citizens/Police Review Board "Mission Statement"

model practices,⁷ cannot be exercised without the approval of a majority of its law-enforcement dominated “technical advisory committee” or six members of the Dallas City Council.⁸ The CPRB has never in fact issued a subpoena to compel testimony from an officer concerning a complaint. Moreover, the policies within the City Code pertaining to the CPRB are silent on any practices the board should pursue to increase community engagement. If anything, the board is encouraged to limit the scope of their interaction with the public.⁹ The CPRB is additionally marred by its dependence on the Dallas Police Department’s Internal Affairs investigation process. These, and other procedural hurdles,¹⁰ call into question the CPRB’s effectiveness as a vehicle for community trust and police accountability.

The CPRB can only review an incident or complaint “upon the completion of all findings and recommendations of the internal affairs division of the police department.”¹¹ The CPRB’s review of complaints is overly reliant DPD’s Internal Affairs Division findings, and it lacks adequate staff and budget to conduct its own investigations. In addition, the CPRB provides no greater accessibility to a resident desiring to make a complaint than the DPD itself. The board will never know of a complaint if a Dallas resident is reluctant to directly interact with the police after a negative encounter; if the department discourages a resident from making a complaint; or if a resident faces other access barriers such as lack of transportation or inability to take off work to make the complaint in person.

DPD does not allow online complaints, or complaints made anonymously, or by third-party complainants. The City of Dallas has not made it easy to file a complaint through its Meet and Confer Agreement, a labor-management agreement that governs the complaint process.¹² Moreover, the only available written instructions on how to file a complaint, found on DPD’s web site, appear more likely to confuse rather than inform potential complainants.¹³ Finally, Dallas’ Internal Affairs Division lacks reasonable deadlines for completing an investigation or updating a complainant of an investigation’s progress.¹⁴

⁷ Udi Ofer, Seton Hall

⁸ §37-35 (3); §37-36 (b); It is noteworthy that the City Code is very clear that “[a]ctive Law enforcement professionals employed in Dallas County by the state, the county, or any local government may not be members of the technical advisory committee. In addition, former city of Dallas police officers may not be members of the technical advisory committee.”

⁹ §37-33 (c 1-2); §37-34 (f); §37-33 (b)

¹⁰ §37-33 (C 1-2); §37-33 (e 1-3); §37-32 (d 1-2)

¹¹ §37-33 (e 1)

¹² <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.614.htm>

¹³ <http://www.dallaspolice.net/division/internalaffairs/complaint>

¹⁴ Dallas Action, a local police accountability advocacy group, points out in their policy paper, *Reform Dallas Police Department’s Internal Affairs Process*, that according to the DOJ’s Office of Community Oriented Policing Services, “these practices are contrary to national best practices for complaint submission, which emphasize procedures to encourage complaint filing, including: providing easily accessible descriptions of the complaint process and investigation procedures in writing; making complaint forms widely available, including electronically; and permitting complainants to deliver complaints to any agency branch and to neutral, non-police facilities.”

The existing CPRB is in desperate need of a fundamental change in order to demonstrate to the people of Dallas significant transparency independence, accessibility, effectiveness, and authentic engagement with the diverse communities of Dallas today.

The Presidential Task Force on 21st Century Policing is surely correct that

Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.¹⁵

If citizen monitoring of police in Dallas is going to contribute to building such trust, a new structure and approach are required.

¹⁵ President's task Force on 21st Century Policing. 2015. *Final Report of the President's task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services, p. 1.

Proposed: A New Citizen Police Oversight Commission.

The task force proposes that the existing Dallas CRB be dissolved and replaced with a new Dallas Citizen Police Oversight Commission (CPOC), with the mission statement and objectives described below:

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Objectives:

1. To investigate complaints concerning Dallas Police Department (DPD) officers; to be the first recipient of such complaints; to report results to the police chief, city manager, and city council, with recommendations for clearance, discipline, or dismissal of the officers involved.

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B. The Commission will provide information about filing a complaint at Dallas public libraries, recreation centers, and community centers.

C. The Commission will create a web site featuring an online complaint form, also available on through the main City of Dallas web site. The Commission will work with the branch libraries to provide assistance, when needed, to residents who desire to use the online form.

2. To hold public hearings quarterly concerning police community relations; to conduct periodic surveys – at least annually – on police community relations; and to report on the hearings and surveys to the police chief, city manager, and city council.

A. The Commission will schedule a four public hearings annually, one in each quadrant of the city. The purposes of the hearings include taking testimony from residents concerning police services in their neighborhoods; reporting to residents on the work of the Commission and related issues involving police-community relations.

B. The Commission will conduct an annual survey of Dallas residents concerning the conduct of police and related issues, ensuring that the survey sample is representative of the economic, ethnic, and cultural diversity of the city.

C. The Commission will also conduct periodic surveys of various neighborhoods and demographic subgroups (e.g., youth) to receive their particular views on police services.

D. The Commission will after each survey or public hearing report to the police chief, city manager, and city council on the survey results or the information gathered at the hearing.

3. To review current policy and practices of the DPD concerning the use of force, particularly deadly force, and concerning overall approaches to crime prevention and control; to compare local policy and practice with federal guidelines, current research, and best practices in other cities; and to make recommendations to the police chief, city manager, and city council for changes in DPD policies and practices when necessary and appropriate.
4. To issue an annual report on the state of policing in Dallas.

Recommendations.

A. First Point of Contact for Residents.

The CPOC should be the first contact for citizens filing a complaint against police.

When a task force member phoned the Northeast substation to ask how a citizen can file a complaint against an officer, the answer was:

Well, first call the substation and speak with the supervisor over that officer. If it can't get resolved at that level or if the complaint is against a supervisor, ask for the lieutenant. If not, then there is a chief in each one of the seven subdivisions. If it's still not handled, go downtown to speak with Internal Affairs.

According to the official DPD webpage "File a Complaint," this is the process:

When a citizen lodges a complaint against a member of the Dallas Police Department, it is assigned to the Internal Affairs Division, 1400 S. Lamar Street, Dallas, Texas 75215 for review. This office is open Monday-Friday, 8 a.m. - 5 p.m. If the Internal Affairs Division (IAD) offices are closed, you may lodge a complaint with any supervisory officer of the department. Once received, the complaint will be investigated by IAD or the employee's supervisor. Texas law requires that all complaints against police officers must be in writing and signed by the person making the complaint. Just as citizens who are arrested must be notified of the charges against them, police officers must be given a copy of the complaint before any disciplinary action may be taken. Complaints must be made within 60 days of the incident complained about, except in special cases (such as criminal misconduct or when good cause can be shown by the person making the complaint). Complaints must be made by the person aggrieved (wronged). Other persons may give statements as witnesses.

(Source: *File a Complaint*, City of Dallas, Dallas Police Department, <http://www.dallaspolice.net/division/internalaffairs/complaint.>)

Even residents who mail in a notarized complaint must come to DPD in person to make a formal statement. Beyond the conflicting information a citizen is likely to receive about how to file a complaint, the requirement that complainants appear at Police Headquarters can be intimidating, and limiting access to that single location likely discourages people from filing.

User-Friendly Complaint Process.

In order to make the complaint filing process user-friendly the task force recommends:

The CPOC will institute an online complaint procedure which anyone with a computer and internet access can use. The commission will work with public libraries, recreation centers, and community organizations to provide assistance to residents desiring to file a complaint.

Workstations will be established at locations where residents will feel comfortable and safe filing their complaints. DPD will replace its current “File a Complaint” webpage with a link to the CPOC web site (see section G below).

After the new commission is created, DPD will refer all complainants directly to the CPOC and will also forward any written complaints received to the CPOC.

B. Investigation of Complaints.

The CPOC should have the authority to pursue independent and parallel (to DPD internal affairs) investigations of complaints.

An example of this kind of approach can be found in the Austin, Texas, *Office of the Police Monitor*, which works with the Austin Police Department but operates independently of the department. (Source: 2014 Annual Report. *Office of the Police Monitor*, p. 7, http://www.austintexas.gov/sites/default/files/files/OPM_Annual_Report_2014_FINAL_3.7.pdf.)

Under the current framework, set out in the Dallas City Code, the existing review board lacks the power and infrastructure to independently accept and evaluate complaints before a determination from the Police Department. Although the Board can receive complaints, it must postpone any review of those complaints—or any other incident—until the Internal Affairs Division (IAD) and the Police Department have finished their investigation and made a final decision regarding potential disciplinary action. In practice, this means that Dallas residents must go through the IAD to access the Board’s services, and complainants have nowhere to turn to reassure their trust in the investigative process while IAD reviews their complaint. Finally, the existing board does not provide staff assistance to complainants, e.g., to prepare for the presentation to the board.

A Public Advocate to Assist Residents.

The CPOC will employ a public advocate, or ombudsman, to assist residents in making complaints and preparing for their hearings before the Commission. In addition, the CPOC will provide translation service for residents requesting it.

The CPOC will report the results of complaint investigations to the police chief, city manager, and city council, with recommendations for clearance, discipline, or dismissal of the officers involved.

C. Subpoena Power.

The CPOC should have the power to issue a subpoena to any employee of the City of Dallas upon a majority vote of the members.

The Dallas City Code grants the current CPRB the authority to issue subpoenas. At first blush, this authority appears one of the CPRB's most effective powers, since the authority to subpoena witnesses and evidence is a critical tool to ensure an oversight board can conduct independent investigations.¹⁶

Independent subpoena authority is particularly important given the historic difficulties of compelling police officers who have witnessed wrongdoing to testify against their fellow officers. The unwritten rule, the 'blue wall of silence,' sometimes even encourages police officers to refuse to cooperate in investigations.¹⁷

However, the CPRB's authority to issue subpoenas is significantly cabined by procedural restrictions: the CPRB may not issue a subpoena unless there is a favorable vote of a majority of board members, and that vote must be approved by two out of the three members on the board's "technical advisory committee"¹⁸ or by six members of the city council. Because each member of the Advisory Committee is required to have "at least 10 years of law enforcement experience,"¹⁹ there are legitimate concerns that the board cannot exercise its subpoena authority with sufficient independence.²⁰ To address this concern, the new Commission should have the authority to issue a subpoena with a majority vote, and should not be subject to override from the technical advisory committee, the city council, or any other entity.

D. Access to Evidence and Documentation.

The CPOC should have the ability to access evidence and documentation for all complaints under investigation.

The Commission cannot credibly foster community trust in the complaint process if its investigation is not as independent as possible of DPD. Part of that independence flows from the ability to reasonably review all available evidence and documentation. As such, the Commission should have access to all body camera footage, videos (whether private or public), dash cam, and audio for all cases under its review. Additionally, the Board should have the ability to send directives to the DPD records division to ensure relevant footage is not discarded either in bad faith or as a result of routine retention policies.

E. Timely Investigations.

¹⁶ Udi Ofer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 Seton Hall L. Rev. 1033–62, 1046 (2016).

¹⁷ *Id.* at 1046.

¹⁸ Dallas City Code § 37-35 (a)(1)-(3).

¹⁹ *Id.* § 37-36 (b).

²⁰ The City Code does attempt to reduce potential conflicts of interest by prohibiting law enforcement professionals employed in Dallas County, or formerly employed by DPD from being members of the Technical Advisory Committee. *Id.* § 37-36 (c). But the effective override of the Technical Advisory Committee, given its close relationship with law enforcement, can fuel reasonable skepticism of the Board's true independence in issuing subpoenas.

The CPOC should create clearly publicized deadlines for timely completions of its investigations. DPD should similarly reform procedures for IAD investigations.

A major shortfall of the current IAD investigative process that impacts the existing CPRB and undermines public confidence is a lack of clear deadlines for the investigation. Dallas Action has pointed out that “there is neither a mandated deadline for IAD to begin an investigation once a complaint has been filed, nor is there a deadline for classification of the complaint.”²¹ Naturally, the lack of mandated points of contact with a complainant could lead to a negative impact on the public perception of the investigative process, especially if the findings of the investigation are unsatisfactory to the complainant.

To address this, the task force recommends creating deadline points for both CPOC and IAD:

- to notify a resident concerning receipt of complaint;
- to begin investigation of a complaint; and
- to reasonably complete an investigation and issue findings, depending upon the nature of the complaint, availability of witnesses, etc.

For example, the Commission might notify a resident that his or her complaint has been received within 3 days; start the investigation within 30 days; and expect to complete its work within 60 days.

F. Mediation Process for Low/Mid-Level Offenses.

The CPOC should offer mediation services to residents that complain of low or mid-level offenses.

Mediation allows resolution of a complaint with the resident and officer(s) talking face-to-face, under the guidance of a neutral mediator. The mediation option is an alternative to an investigation. Participation in mediation is voluntary and the mediation session is confidential.

Mediation does not lead to discipline for the officer, but can often result in greater understanding between the resident and the officer. Mediation allows the complainant and the officer to be fully heard and understood. It allows the civilian to give officers feedback, and often prevent similar incidents in the future. Residents can hear the officer’s perspective and the process can promote mutual respect. “There is a growing body of research that provides support for the argument that mediation can have some positive benefits for complainants and officers, especially for less serious misconduct.”²²

²¹ Dallas Action, *Reform Dallas Police Department’s Internal Affairs Process*, at 1.

²² Joseph De Angelis, Richard Rosenthal & Brian Buchner, National Association for Civilian Oversight of Law Enforcement: *Assessing the Evidence* 47-48.

In other cities like New York²³ and San Francisco,²⁴ mediation has been highly successful.

G. Website for Public Information and Access.

The CPOC should maintain a website that provides up-to-date information about its activities, access to the online complaint form, and reports on its surveys, meetings, and best practices research.

Information about the work and activities of the existing CPRB is very limited and not easily accessible to the public. The CPRB's page on the City's website is limited to agendas from past meetings; it does not even provide minutes of those meetings. Although the applicable City Code provisions, roster of the Board's membership, and video recordings of CPRB meetings are available elsewhere on the City's website, that information is not centralized on the CPRB's page or elsewhere. There are no published reports from the CPRB available online.

To address this lack of accessible authoritative information, the CPOC will develop and manage a website including, but not limited to:

- The name, biography (including who appointed them and when), public contact phone and email for member of the Commission.
- Quarterly, annual, and discretionary reports.
- Calendar of community forums.
- Links to video recordings of meetings, transcripts, and agendas.
- Detailed tutorial on how to file DPD complaints and the Internal Affairs process.
- Contact information for relevant police departments.
- Access to online complaint process, online complaint form, and a printable complaint form.
- Links to developed social media presence (e.g., Facebook, Twitter, etc.).

²³ Dr. Astrid Brigden & Julio Lopez-Varona, Community-Police Complaint Mediation Project: A Review Paper 12-13 (2011); *see also* E.C. Bartels & E.B. Silverman, *An exploratory study of the New York Citizen Complaint Review Board mediation program*. Policing: An International Journal of Police Strategies & Management, 28(4), 619-630 (2005).

²⁴ Office of Citizen Complaints & Joyce M Hicks, Mediation Program Report to the San Francisco Police Commission Mediation Program Report to the San Francisco Police Commission 1-4 (2009).

H. Cultural Competency and Other Training.

The CPOC and its staff should be trained in cultural competency, implicit bias, and local factors affecting citizen-police interaction.

The Commission cannot raise public confidence in the police, or effectively record and investigate problematic police interactions, if members cannot communicate effectively with the public and the police department.

Consequently, all CPOC members and staff should be trained in cultural competency and specific policing concerns for at-risk groups, such as people of color, LGBT people (and trans people in particular), people experiencing homelessness, survivors of domestic violence, immigrants, and youth. This training should be in partnership with community groups made up of members of the affected populations.

The CPOC should also train staff in local factors affecting citizen-police interaction, including the local environment, politics, and sources of friction within the department.

I. Public Outreach, Engagement, and Reporting.

The CPOC should maintain an authentic program of public outreach, engagement, and reporting.

To achieve this recommendation, the Commission will:

- Hold quarterly public hearings in the four quadrants of the city.
- Conduct an annual survey of residents' attitudes toward police and ideas for improving police services and community/police relations.
- Conduct periodic targeted surveys of selected neighborhoods (e.g., where numerous complaints originate) and demographic groups (e.g., African American youth, immigrants) to receive their particular views and concerns.
- Report to the public, police chief, city manager, and city council after each meeting and survey. The results of each meeting and survey will be reported to the public, police chief, city manager, and city council, and will available on the Commission's website.
- Deliver an annual report on the state of policing in Dallas.

During these meetings, all community members will be able to interact with police, give the department feedback on its policies and programs, and help influence those policies and programs to be responsive to community needs. Best practices suggest bringing police and civilians together to work collaboratively makes policing more effective and responsive to the community.²⁵

²⁵ President's task Force on 21st Century Policing. *Final Report of the President's task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services, 2015, at 2, 26-27.

J. Research and Policy Recommendations.

The CPOC should have an affirmative obligation to review DPD policy and practices, to conduct research into best practices in policing nationally, and to make recommendations for policy changes.

Policy analysis is a critical function of an oversight board, necessary to ensure DPD is in line with national best practices. Public discussion about policy recommendations will raise the Commission's visibility in the community, which in turn builds community trust in the purpose and mission of citizen monitoring of police.

To facilitate this kind of in-depth review, the Commission should engage professionals skilled in data analysis; should have full access to non-confidential police data as it pertains to the complaint process and standard operating procedures; and should hold regular meetings with DPD leadership to advise them on policies and practices.

K. Board Structure.

The CPOC should generally be structured like other major city boards (e.g., planning commission) with an appointment from the mayor and each council member. The task force strongly recommends that candidates for the Commission be vetted not only for past due taxes, etc., but also for potential conflicts of interest that are specific to a board monitoring police conduct (e.g., persons who regularly hire off-duty police officers for private security; persons who are sell equipment to police departments).

Consultation with Experts.

The task force recommends that the CPOC not have a standing "technical committee." The Commission will instead consult when necessary with experts in law enforcement, criminal justice, civil rights, and related fields.

L. Funding Citizen Oversight of Police.

The CPOC should have sufficient funding to hire staff and carry out an effective oversight program as summarized in this report.

The task force reviewed budgets for citizen review of police in three cities – San Francisco, New York City, and Austin.

The approved budget of the San Francisco Office of Citizen Complaints (OCC) for fiscal year 2015/2016 was \$5,562,081 and for 2016/2017 is \$5,596,380.²⁶ The budget included the following 39 positions:

1. Department Head
2. Deputy Director
3. Attorney (5)
4. Information Technology
5. Business Analyst
6. Business Analyst Assistant
7. Executive Assistant
8. Senior Account Clerk
9. Senior Investigators (4)
10. Investigators (18)
11. Principal Clerk
12. Clerk Typist (3)
13. Senior Clerk Typists (2)

With a population of approximately 866,000 in 2016, San Francisco is 2/3 the size of Dallas (population approx. 1.3 million in 2016).

The Civilian Complaint Review Board of New York City had a budget of \$12.8 million and a staff of 167 in 2015²⁷ (population 8.5 million).

The Office of Police Monitor in Austin, Texas, (population 932,000) had a budget of \$1.15 million approved for 2015-16, with a 9 staff members for investigating complaints and support the city's civilian review board.²⁸

²⁶ Office of Citizen Complaints 2015 *Annual Comprehensive Statistical Report*, https://sfgov.org/occ/sites/default/files/OCC_2015.pdf.

²⁷ *Report on the Fiscal 2016 Preliminary Budget and the Fiscal 2015 Preliminary Mayor's Management Report* Civilian Complaint Review Board March 12, 2015, <http://council.nyc.gov/budget/wp-content/uploads/sites/54/2015/06/fy2016-ccrb.pdf>.

²⁸ City of Austin, *2015-2016 approved budget, Management Services Budget Detail Activity, Police Oversight Monitoring*, Volume II, p. 183, https://assets.austintexas.gov/budget/15-16/downloads/Vol2Approved_Final.pdf.

A Final Word.

The national unrest following the 2014 shooting death of Michael Brown in Ferguson, Missouri, opened a window on unaccountable use of police deadly force. Cell phone video recordings of police shootings and beatings have made more Americans more aware than ever before of unequal enforcement of the law (e.g., war on drugs) and the resulting distrust of police, particularly in African-American and Latino communities.

Effective oversight of law enforcement by citizens representing the broad diversity of America today can play a major role in restoring the broken social contract between the police and the public they are sworn to protect and serve, here in Dallas and throughout the country.

Members of the task force are convinced that implementation of these concrete recommendations will bring positive change and long term improvement to the Dallas Police Department and to the overall social life of the city.

**February 15, 2017
Dallas, Texas**

**Collette Flanagan, Chair
John Fullinwider, Co-Chair
Walter “Changa” Higgins
Dr. William Marvin Dulaney
Patty Bates Ballard
Chantel L. Hobbs
Lalita Hamilton
Emmanuel U. Obi
Dr. Ervin Seamster**

Appendix I: Task Force Biographies



Collette Flanagan, Chair

Collette Flanagan founded Mothers Against Police Brutality (MAPB) after her son, Clinton Allen, was shot to death by a Dallas police officer in March 2013. Clinton was unarmed; he was shot a total of seven times – once in the arm, five times in the chest, and once in the back. Mrs. Flanagan’s experiences in the aftermath of this official homicide – the indifference of Dallas City Hall, the lack of any assistance to the surviving family, the vilification of her son in the media, and finally the impunity enjoyed by the killer – turned her grief into anger and then into action.

The purposes of MAPB are to stop the killing of unarmed and mentally ill persons by law enforcement agencies; to change the deadly force policies and practices in the City of Dallas and nationally; to support families who have lost loved ones to police violence; and to help restore trust between the police and the communities they are sworn to serve and protect.

A former IBM executive, Collette Flanagan has, in a very short time, built MAPB into an inter-generational, multi-ethnic, multicultural organization with both a local

and national presence. To make preliminary contacts with other activist groups nationally. She went to New York to join the Stop Mass Incarceration Network, co-founded by Dr. Cornel West. Dr. West later came to Dallas at Collette’s invitation, to meet with local activists and attorneys and to speak out against police brutality at Friendship West Baptist Church on behalf of MAPB.

MAPB has pressured the Dallas Police Chief to be more transparent in the investigations of fatal police shootings. In two controversial shootings in 2014, MAPB was the first to release the autopsies of the victims – which showed that both victims were shot in the back. Chief David Brown announced in October that the department would display information on police shootings on the DPD web site. MAPB advocated officers should be suspended for 30 days following a shooting, when existing policy mandated only a 3-day leave. This change was also announced by Chief Brown in October 2014 (though later rescinded under pressure from the Dallas Police Association).

In November 2014, MABP, under Collette’s leadership, presented the first ever public hearing of testimony by the surviving relatives of the victims of police homicide, *Voices of Grief & Struggle: Families Speak Out in the Aftermath of Police Violence*.



John Fullinwider, Co-Chair

John Fullinwider is an educator and community organizer, with more than 35 years' experience in Dallas, working on a wide range of issues ranging from lead pollution to homelessness.

He has served on the boards of the National Coalition for the Homeless, National Low-Income Housing Coalition, Low Income Housing Information Service, and Institute for Community Economics. He has testified as an expert witness on housing and homelessness in federal court and numerous times before the U.S. House of Representatives Subcommittee on Housing & Community Development.

Fullinwider is the co-founder of Common Ground Community Economic Development Corporation, the first community development corporation in Dallas; East Dallas Community Schools, a network of award-winning Montessori programs for inner-city children; Dallas Peace and Justice Center; and Friends of the South Dallas Cultural Center. John is board president of Teatro Dallas. John taught for 15 years at Otto Fridia Alternative High School in Dallas ISD; he won the district's highest honors, the Excellence in High School Teaching Award and the districtwide "Golden Apple" Teacher of the Year Award.

For his community work, he is the recipient of numerous awards including the Equal Justice Award from Legal Aid of Northwest Texas, the Martin Luther King Jr. Center Neighborhood Improvement Award, and the Dallas Urban League President's "Bridge Builder" Award.

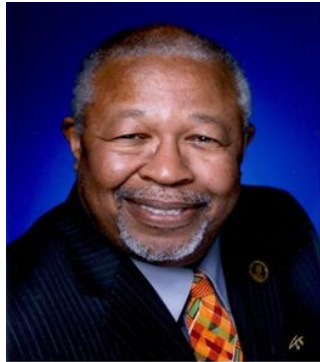


Walter "Changa" Higgins

Walter "Changa" Higgins is a longtime organizer for police policy reform, community development and racial justice in the Texas and Oklahoma region. For over 20 years, he has played several strategic and organizing roles in several organizations including The Harambee Brotherhood, Unify South Dallas, and the Dallas Police Reform Organizing Project.

Professionally, Changa has worked in media and technology for over 15 years, in roles ranging from Managing Editor, Director of Interactive Services and Principal Experience Designer for a wide range of companies and media outlets. Some of them include: Pizza Hut, The Dallas Morning News, Sabre Corporation, New York Times Company and BlackAmericaWeb.com.

Changa recently founded Dallas Action Coalition, whose mission is to reform unjust, discriminatory, and racially biased practices and policies of the City of Dallas and the Dallas Police Department that disproportionately affect low-income and people of color.



Dr. William Marvin Dulaney

Dr. W. Marvin Dulaney is Associate Professor Emeritus and Interim Director of the Center for African American Studies at the University of Texas, Arlington. For forty years, he has taught American History, African American History, Public History, and the History of the American Civil Rights Movement. He was born in Troy, Alabama, but grew up and attended elementary and secondary schools in Alliance, Ohio. He is a graduate of Central State University in Wilberforce, Ohio, where he earned his Bachelor of Arts degree in History, *magna cum laude*. He earned his Master of Arts and Doctor of Philosophy degrees in American and African-American history at the Ohio State University in Columbus, Ohio. From 1994 to 2008, he taught at the College of Charleston, South Carolina and served as the Executive Director of the Avery Research Center for African American History and Culture, a museum in archives dedicated to preserving the history and culture of African Americans in the Low country of South Carolina. He

has published extensively in the fields of civil rights, police-community relations, and African American history. His first book, *Black Police in America* (1996), is still the standard work in the field.

He is a member of the Organization of American Historians, the Association for the Study of African-American Life and History, the Southern Historical Association, the Texas State Historical Association, the Southern Conference on African-American Studies, and the American Historical Association.



Chantel L. Hobbs

Chantel L. Hobbs is the Founder and Advocacy Consultant of CLH Social Solutions, LLC. Her personal mission is to advance racial, gender, and economic equity, while also developing leaders to become advocates for social change.

Professionally, Chantel has served as the Program Officer for Dallas Faces Race; a network of over 300 Dallas area non-profits working to advance racial equity through their organizations. Chantel has also previously worked as a Workforce Development Specialist, serving marginalized communities of color. She

designed and implemented job readiness & life enrichment programs for individuals who were either homeless, unemployed or under-employed.

Chantel often shares about her most valuable professional experience in helping survivors of domestic violence to create a life free from abuse. Her program and training support included access to quality education, mental health services, and employment opportunities for hundreds of women in Dallas, TX.

Her work and community efforts have not gone unnoticed. Chantel was selected to serve on the Mayor's Star Council to assist with crafting the future of Dallas' citizens. In addition to her participation on the Mayor's Star Council, Chantel is also a member of the United Nations Association, and Delta Sigma Theta Sorority, Inc.

Chantel is a Dallas transplant from Detroit, MI. She graduated from Western Michigan University with a bachelor's degree in Business Management and received her master's degree in Adult Education & Training from Argosy University in Dallas, TX. In her free time, she enjoys empowering aspiring entrepreneurs, swing out dancing, reading, and enjoying life as a newlywed with her husband Jeremy.

Lalita Hamilton is an attorney and mediator who has dedicated her time to advocating for changes to the criminal justice system. She heads a Houston task force with the goal of assisting in the changing of law and policy both locally and nationally.

Prior to relocating back to Houston, Lalita resided in Washington, DC for 13 years. She is a member of the New York



Lalita Hamilton

State Bar; a member of the Civil Rights committee of the New York State Bar Association; a board member of the Houston Lawyer's Association (HLA); a member of the HLA Judicial Oversight Committee; a member of the Houston Bar Association (HBA), board member of the Houston Lawyer Referral Service; member of HBA's Communities in Schools; and a member of the Johns Hopkins Houston Alumni Association.

She volunteers at SHAPE community center in Third Ward; co-chaired the Rare Pearls, Inc. Sterling High School event for girls; tutored at the Forge for Families; is a committee member of the Housing and Community Law Trust Committee of the Emancipation Economic Development Council; volunteered mentoring women and facilitating First Impressions with Dress for Success; is a both a community outreach volunteer and volunteer mediator with the Dispute Resolution Center; volunteered with the Texas Gulf Coast chapter of the Lupus Foundation of America; organized Walks to End Lupus; volunteered with the Museum of Fine Arts; and completed training with Child Advocates, Inc.

Lalita received a J.D. from The Catholic University of America, Columbus School of Law (Washington, DC) and attended the

Cornell University and Université Paris I Panthéon-Sorbonne Cornell-Sorbonne Paris Summer Institute in International and Comparative Law (Paris, France). Lalita attended the Charles Hamilton Houston Law School Preparatory Institute (Washington, DC) where she won Best Appellant in moot court competition and awarded Best Office Memorandum and was the recipient of the Totee J. Dixon Brown Memorial Law Scholarship.

When Lalita is not volunteering, she enjoys globetrotting, great food, and lots of conversation.



Dr. Ervin D. Seamster, Jr.

Dr. Ervin D. Seamster, Jr. is a minister, philanthropist, academician and entrepreneur. As a visionary, he has been instrumental in developing numerous educational, social, and spiritual organizations. From 1999-2002, Dr. Seamster served in key roles at Abilene Christian University. His past endeavors have impacted every facet of the school's current success—whether fundraising, academic, or the focus on diversity. Dr. Seamster was the first African American invited to be a special assistant to the president of ACU, Dr. Royce Money. In this unique challenge, created especially for him, Dr. Seamster played a pivotal role in recruiting talented men and women of color

to apply to the doctoral fellows program for minority faculty members. Dr. Seamster also taught courses dedicated to Old Testament theology and Urban Ministry in the 21st Century. He recruited students from across the state of all ethnicities and backgrounds while urging donors to pledge several million dollars in scholarships. It has been an honor and his great joy to raise money for Christian education, especially for his alma mater, Southwestern Christian College. For nearly two decades, Dr. Seamster has used his brainchild-event, The Fab Five Revival, to raise funds for deserving students. The revivals, and other initiatives, have generated substantial amounts for Southwestern Christian College. Dr. Seamster was chief architect of the One in Christ Conference, sharing leadership duties with his mentor, J. McDonald Williams, Dr. Jack Reese and Don Crisp. The conference mission was to break down barriers by bringing together ministers from across America to address the socio-economic and cultural issues that separated black, white and brown churches within their fellowship.

Ervin D. Seamster, Jr. holds a Bachelor of Science degree from Southwestern Christian College, a Master of Divinity degree from Perkins School of Theology at Southern Methodist University, and a Doctorate of Ministry degree from United Theological Seminary in Dayton, Ohio. Dr. Seamster has traveled the world, taking his New Testament message about Christ to citizens of every race, creed, color, and socioeconomic background. He is the proud son of the late Iona Calloway-Seamster and Ervin D. Seamster, Sr. of Shreveport, LA.



Patti Bates-Ballard

Patti Bates-Ballard is the owner of WordSmooth, a communications company with a passion for inclusion and diversity. She is co-author of the book, *Navigating Diversity*, and developer of a series of diversity workshops implemented in school districts, non-profit organizations, corporations, and government divisions. Previously the Diversity Director for the Greater Dallas Community Relations Commission, Patty has worked in the field of multi-cultural relations for over 20 years. She also develops grant proposals and other materials for nonprofit organizations.

A graduate of Austin College, she has written extensively on diversity, ecology, wellness, and politics. Patty is a trained mediator who has helped mediate conflict and facilitate public meetings and dialogues for school districts, corporations and governmental entities. She served as a member of the Dallas Citizens Police Review Board from 2000-2002. Patty works from her Dallas home office while raising her two sons, Kory and Kaden.



Emmanuel Obi

Emmanuel Obi graduated *magna cum laude* with a Juris Doctor from Southern Methodist University's Dedman School of Law in the top 2% of his law school class and upon graduation was admitted to the prestigious Order of the Coif. OBI started practice at the Dallas office of international powerhouse Weil, Gotshal & Manges, LLP, as a corporate associate. At Weil, OBI's practice focused on complex mergers and acquisitions, and a variety of other sophisticated corporate transactions.

After several years with Weil, and seeking an opportunity to make a greater community impact with his professional career, Emmanuel moved to Norton Rose Fulbright, where he leveraged his transactional expertise as a public finance attorney representing cities, municipalities, and other public entities in a variety of public financing matters.

In May of 2015, Emmanuel stepped out on faith and followed his lifelong dream of starting his own practice—*The Obi Law Firm, PLLC*—a boutique minority-owned transactional firm specializing in providing top-notch yet affordable legal services.

Emmanuel recently completed a book project based on the teachings of Isaiah 40:31 entitled *Born to Fly—Reflections on Faith, Social Justice & Love*. His dream is to create the *Born to Fly Leadership Academy*—a program focusing on providing academic and other support to young black men.

Appendix II: Open Records Requests

I. SUBMITTED VIA ONLINE FORM

February 10, 2017

Public Information Office
Open Records Division
1500 Marilla Street, 4ES
Dallas, Texas 75201

RE: Request for Public Information / Citizen Review Board

To Whom It May Concern:

Pursuant to the Texas Public Information Act, Texas Government Code Ch. 552, I request the following Information (as defined below) maintained by City of Dallas and its employees and agents concerning Dallas's Citizens Police Review Board ("CPRB"):

The term "information" as used in this request includes all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

1. Any materials provided to CPRB member applicants, City Council Members, city employees, and/or the public concerning the application and nomination process for CPRB members.
2. The completed applications submitted by the current CRPB board members when seeking nomination for their CPRB board member position (Janice Coffee, Miriam Dominguez, Loren Gilbert-Smith, Carl Raines, Mario Gutierrez, Jesuorobo Enobakhare Jr., William Freeman, Felix Saucedo, Shannon Crumby, Michael Pappas, Joshua Vernon, and Paul Hille).
3. Any correspondence to or from the Mayor or City Council Members between 2015 and 2016 concerning their respective vacancies on the CPRB.
4. Roster of CPRB members for each calendar year between 2012 and 2016, including each member's:
 - a. Full name;
 - b. Nominating City Council Member;
 - c. Date of appointment;
 - d. If no longer seated, reason for departure;
 - e. Zip code of residence;
 - f. Race/ethnicity; and

g. Gender.

5. Any manuals, directives, guidance, memos, emails, or other written materials provided to CPRB members concerning:

- a. The governance of the CPRB;
- b. The execution of their duties on the CPRB;
- c. Review of evidence;
- d. Communication with other members of the CPRB, the CPRB's technical advisory board, city employees or representatives, and/or anyone appearing before the CPRB;
- e. Assistance available to them from the technical advisory board, city employees, or other city representatives/contractors; and
- f. Internal or external reporting requirements.

6. Any training provided to CPRB members, including but not limited to the training required under Dallas City Code § 37-31(g), or any other orientation materials provided to CPRB members.

7. Materials identifying all city employees and/or city positions that work with or contribute to the operations and/or administration of the CPRB, including but not limited to the CPRB Coordinator and the administrative assistant designated by the City Manager who receives citizen complaints for referral to the police department and aids the board and technical advisory committee in their work, as identified in Dallas City Code § 37-37.

8. Annual operating expenses for the CPRB for each fiscal year from 2006 to 2015, including but not limited to costs to appoint investigators under Dallas City Code § 37-32(a)(5), fees under Dallas City Code § 37-35(d), and staff-related costs (including allocated personnel costs for the CPRB Coordinator and administrative assistant identified in Request 6).

9. All lists submitted by the police chief to the CPRB between 2012 and 2016 briefly

10. Minutes from all CPRB meetings held in 2015.

11. Any materials, excluding agendas, provided to the public about or by the CPRB.

12. Any written materials provided to complainants appearing before the CPRB.

To the extent possible, I request that this information be provided electronically.

Materials may be sent by email to kcohn@aclutx.org, by fax to (713) 942-8966, or by mail to 6440 N. Central Expressway, Dallas, TX 75206.

As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding.

The Texas Public Information Act mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available. Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act. Under provisions of the Public Information Act, I reserve the right to appeal should you determine to withhold any information sought in my request.

Please do not hesitate to contact me if you have any questions or concerns. Please contact me by email at kcohn@aclutx.org or by telephone at (214) 346-6577.

Thank you for your assistance in this matter.

Sincerely,
Kali Cohn
ACLU Foundation of Texas

II. SUBMITTED VIA ONLINE FORM

February 10, 2017

Public Information Office
Open Records Division
1500 Marilla Street, 4ES
Dallas, Texas 75201
RE: Request for Public Information / Citizen Review Board

To Whom It May Concern:

Pursuant to the Texas Public Information Act, Texas Government Code Ch. 552, I request the following information (as defined below¹) maintained by City of Dallas and its employees and agents concerning Dallas's Citizens Police Review Board ("CPRB"):

¹ The term "information" as used in this request includes all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

1. All lists submitted by the police chief to the CPRB between 2012 and 2016 briefly describing all citizen complaints filed with the internal affairs division of the police department, as required under Dallas City Code § 37-33(a).
2. Copies of any subpoenas issued by the CPRB between 2012 and 2016, pursuant to the CPRB's authority under Dallas City Code § 37-35.
3. Copies of the results of any review of facts and evidence conducted by the CPRB and/or investigations instigated by the CPRB between 2012 and 2016, pursuant to the CPRB's authority under Dallas City Code § 37-32(a).
4. Copies of any recommendations made by the CPRB to the City Manager regarding improvements in police department policies and procedures between 2012 and 2016, pursuant to the CPRB's authority under Dallas City Code § 37-32(a)(9).
5. List of any complainants who requested CPRB investigation and were denied investigation between 2012 and 2016.

To the extent possible, I request that this information be provided electronically. Materials may be sent by email to kcohn@aclutx.org, by fax to (713) 942-8966, or by mail to 6440 N. Central Expressway, Dallas, TX 75206. As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding.

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Please do not hesitate to contact me if you have any questions or concerns. Please contact me by email at kcohn@aclutx.org or by telephone at (214) 346-6577.

Thank you for your assistance in this matter.

Sincerely,
Kali Cohn
ACLU Foundation of Texas

III. SUBMITTED VIA EMAIL

February 10, 2017

Dallas Police Department
Open Records Unit
1400 South Lamar Street, 1st Floor
Dallas, Texas 75215
openrecordunit@dpd.ci.dallas.tx.us

RE: Request for Public Information / Citizen Review Board

To Whom It May Concern:

Pursuant to the Texas Public Information Act, Texas Government Code Ch. 552, I request the following information (as defined below) maintained by the Dallas Police Department (“DPD”) and its employees and agents concerning the review of internal and citizen complaints:

The term “information” as used in this request includes all records or communications in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, telephone messages, logs, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training manuals, other manuals, or studies.

1. Any orders, policies, procedures, or other materials concerning investigation of complaints by DPD’s Internal Affairs (“IA”) Division.

2. Any orders, policies, procedures, or other materials concerning investigation of officer misconduct not handled by IA.
3. Any orders, policies, procedures, or other materials concerning the referral of complaints, records, recordings, or other materials to or from the Citizens Police Review Board.
4. The form provided to complainants after they are notified of IA findings and recommendations, which permits complainants to request review of the findings by the Citizens Police Review Board, pursuant to Dallas City Code § 37-33(d).

To the extent possible, I request that this information be provided electronically. Materials may be sent by email to kcohn@aclutx.org, by fax to (713) 942-8966, or by mail to 6440 N. Central Expressway, Suite 318, Dallas, TX 75206. As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding.

The Texas Public Information Act mandates that if you are unable to produce the requested information within 10 business days of this request, you certify that fact in writing and set a date within a reasonable time when the information will be available. Should you elect to withhold or delete any information, please justify your decision by referencing specific exemptions under the Act. Under provisions of the Public Information Act, I reserve the right to appeal should you determine to withhold any information sought in my request.

Please do not hesitate to contact me if you have any questions or concerns. Please contact me by email at kcohn@aclutx.org or by telephone at (214) 346-6577.

Thank you for your assistance in this matter.

Sincerely,

Kali Cohn
ACLU Foundation of Texas

Appendix III: Statement from former CRB member.

Patti Bates-Ballard

Dallas Police and the Police Review Board – A Former Insider’s Perspective

From 1988-2002, I worked as a police-community liaison for the Greater Dallas Community Relations Commission. I attended and observed monthly police review board meetings. I began to recognize that the needs of citizens were not being met. Residents were coming before the board without having read the IAD investigation. They did not know the powers of the board. Many let their frustrations get the better of them. I began connecting with residents prior to their testimony and providing them information. Some residents decided to postpone their appearance until they obtained a copy of the IAD investigation and then return. Those who did so generally got a better reception from the board and were more successful in getting what they wanted from the board.

Yet the board still was so limited that most were dissatisfied in the outcome. One of the citizens I worked with was Morton Hoffman. His story was printed in D Magazine here:

<http://www.dmagazine.com/publications/d-magazine/1991/december/refusing-to-yield/>.

In 2000, I was appointed as a member of the Police Review Board. As someone who had watched the board for several years, I was fully engaged and committed to using all the powers the board had. I regularly made motions for the board to request more information, and several times moved that the board disagree with the IAD findings.

Many board members seemed reticent to vote against the police department. At least once, we attempted to subpoena officers, but were not supported by the technical advisors. In August 2002, my son was born with disabilities, and I was unable to continue to serve on the board. In order to be effective, the board needs paid investigators, the power to receive complaints directly, and the power to subpoena all city employees (without approval by law enforcement advisors). The board also needs more training to understand the jobs of police officers. Having a mediation option would be very helpful to residents, who often just want to be heard, and to receive an apology.

In the 1990s, I observed diversity training as it was being presented to newly hired Dallas Police officers, and went on ride-alongs with officers. In the late 1980s, I worked for the private company that, at the time, administered polygraph tests to police officer applicants. I have developed and delivered diversity training to police officers for 15 years. The single-most important thing I think will lead to more ethical, fair policing is to increase the effectiveness of employment screening. We need to do a better job of identifying bias in potential officers because neither post-incident discipline nor basic diversity training can reverse subconscious bias.

Appendix IV: Literature Reviews.

The task force reviewed recent scholarship on citizen review boards. This appendix contains a brief sampling of studies consulted.

I.

10 Studies of Citizen Oversight of Police and Civilian Complaint Review Boards

1. *Getting It Right: Building Effective Civilian Review Boards to Oversee Police* by Udi Ofer, Seton Hall Law Review 2016

Americans' scrutiny of policing practices peaks whenever high profile cases of police brutality capture the national attention. In the 1990s it was the beating of Rodney King and the killing of Amadou Diallo, and in the 2000s the shooting deaths of Sean Bell and Oscar Grant. Today, the police shooting of Michael Brown in Ferguson, Missouri, and subsequent shootings of unarmed Black men have sparked yet another reevaluation of police use of force and of police practices in communities of color. ⁿ¹

[*1034] The regimes currently in place to hold police officers accountable for wrongdoing have faced particular scrutiny, as frustrations have grown over their failures to hold police officers accountable for wrongdoing. ⁿ² While there are many governmental agencies with the jurisdiction to oversee police departments - including local prosecutors, internal affairs bureaus, civilian review boards, and state attorneys general - there is a growing feeling that these institutions have too often failed when it comes to overseeing police departments.

An August 2014 poll conducted by USA Today and the Pew Research Center found that 65% of Americans believe that police departments nationwide do a poor or fair job of holding police officers accountable when misconduct occurs, compared with 30% who say they do an excellent or good job. ⁿ³ A separate 2014 poll found that while a large majority of Americans (78%) have a favorable view of the [*1035] police, only 46% believe that police officers are held accountable for wrongdoing. ⁿ⁴

How can it be that with so many accountability regimes in place, Americans still believe that the police oversight system is broken? The answer is that these institutions, which range tremendously in scope and power, have often times failed to adequately oversee local law enforcement agencies, and that many of these regimes were rigged to fail in the first place given their limited mandates and authorities. For example, my research has found that of the top fifty largest police departments in the nation, only six have civilian review boards with some form of disciplinary authority. ⁿ⁵

2. *Judge, Jury, and Executioner: The Excessive Use of Deadly Force by Police Officers* by John Gross, Texas Journal on Civil Liberties & Civil Rights, Spring 2016

A series of shootings has started a national debate about the use of deadly force by law

enforcement officers. Though this debate has entered mainstream media and the public consciousness, the law gives little guidance on when the use of force by police is justified. While the Supreme Court has made it clear that the Fourth Amendment applies to questions about the use of deadly force, the Court has never given any specific guidance to law enforcement on when the use of deadly force is [*156] justified - and the standard of review the Court has promulgated is highly deferential to the judgment of police officers. n1

The first part of this article examines the Supreme Court's decisions regarding the use of deadly force by police officers, concluding that the Court has failed to provide law enforcement with any meaningful guidance on when the use of deadly force is appropriate.

The second part of this article calls into question the Court's justifications for not limiting the use of deadly force by law enforcement. The Court overestimates the deterrent effect of civil rights litigation and places too much confidence in police professionalism on the one hand, while failing to take into account the militarization of law enforcement and exaggerating the inherent dangerousness of police work on the other.

The third part of the article illustrates the malleability of the reasonable officer standard promulgated by the Supreme Court. Three recent cases in which a police officer was charged with homicide are explored in order to demonstrate how officers can use unscientific training and tactical practices, along with exaggerated claims regarding the dangerousness of police work, to justify the use of deadly force.

The fourth part of the article evaluates the purported need for broad use of force doctrine - the dangerousness of police work - by analyzing available data on the number of homicides committed by law enforcement and number of officers feloniously killed in the line of duty. When the number of homicides committed by law enforcement officers is compared to the number of officers feloniously killed between 2003 to 2009, it was the suspect who was killed 94%-97% of the time. n2 A similar analysis of data collected during 2015 also resulted in a finding that when an encounter between police officers and a suspect ended with the death of either the officer or the suspect, it was the suspect who was killed 97% of the time. n3

The article concludes by arguing that the number of suspects killed by police officers is grossly disproportionate to the number of police officers who are killed by suspects, which suggests that law enforcement officers are using deadly force before any threat to their safety has materialized. This is a result, at least in some part, of the Supreme Court's failure to impose meaningful restrictions on the use of deadly force, which has encouraged law enforcement officers to prioritize their own safety over the safety of civilians.

3. The Police Community Partnership: Civilian Oversight as an Evaluation Tool for Community Policing By Nathan Witkin, *The Scholar St. Mary's Law Review on Race and Social Justice*, 2016

This article proposes an alternative vision for civilian oversight of law enforcement. Currently, civilian oversight organizations review instances [*183] of police misconduct using a process that mirrors criminal trial procedures, even though they often do not have the resources to independently investigate these situations and consequently cannot punish officers. Meanwhile,

police departments are in need of structured community input in evaluating officers' problem-solving and community policing skills. The two ideas set forth below aim to maximize the effectiveness of CRBs by tailoring the process and function of civilian oversight to also meet the needs of the modern police department.

First, CRBs should replace the adversarial trial model used for reviewing police misconduct with facilitated discussions on effective policing in the community. Second, these oversight organizations should review not only police misconduct, but also exemplary instances of police action. Together, these changes should allow citizen oversight to better monitor the low-visibility instances of problem-solving by law enforcement officers and serve as an evaluation tool so that police executives can promote officers who exemplify the modern COP strategy.

This argument is supported by a review of the purposes, powers, and problems of CRBs, and an examination of the COP movement. An analysis of these various factors supports a number of significant conclusions. First, CRBs currently use criminal trial-like procedures to investigate police misconduct. CRBs, however, are not equipped to carry out these investigatory duties because individual members of the CRB do not have the training necessary, nor does the CRB as a whole possess the power to effectively investigate misconduct (or duplicate internal affairs' investigations). Instead, CRBs should organize the community's perspective concerning both positive and negative police action. Second, the core function of CRBs is to channel input from opinionated members of the community and mediate their interaction with individual police officers. If CRBs apply this valuable insight, police departments could utilize CRB input as an important evaluation tool to monitor police conduct, measure the effectiveness of the COP strategy in the community, and promote community-friendly officers. An effective application of these findings would bring together the community and the police to work towards the common goal of promoting a safe environment by deterring officer misconduct.

4. *Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations* By Kevin King, Hastings Race & Poverty Law Journal, Winter 2015

Police misconduct goes beyond tragic homicide. Civilians often complain of excessive force, disrespect via racial slurs, harassment, and other grievances not suited to be solved through civil or criminal proceedings. Police officers have unique power in being able to use deadly force and other intrusive means of carrying out their duties. When a civilian is handcuffed, ordered to lay on the ground, thrown to the ground, and tased to the ground, they can feel the most atrocious infringement of their liberty. n54 Civilians are often further enraged because they do not perceive this exercise of power as legitimate and justified. n55 Thus, when submitting complaints, civilians are not always seeking recourse for the most egregious offenses. n56 Instead, they may simply be searching for an explanation for the officer's actions, an apology, and assurance that illegitimate action will cease. What do civilians do with these frustrations and what are their remedies, if any?

Civilian oversight boards are not the only appropriate spheres to receive civilian complaints and create policy change in law [*96] enforcement. Police misconduct has been limited by Fourth Amendment and Fifth Amendment jurisprudence. n57 Civilians are protected from searches and

seizures without probable cause and are less susceptible to involuntary confessions resulting from police interrogation tactics. n58 However, police officers can still circumvent these rights by attaining consent. n59 Thus, there is a continued need for additional protective measures. For instance, if a civilian is aware that they have the right to refuse a consent search, then they may be more likely to assert that right. Requiring that officers give such an admonition may suffice. However, such an admonition is currently not required by law because actual knowledge of the right to refuse consent is not essential to demonstrate voluntariness. n60 Additionally, police departments across the country have begun experimenting with body-mounted cameras, which would ensure transparency. n61 Thus, although civilian oversight boards are not the absolute cure for stopping police misconduct, when implemented effectively, they can serve as one pivotal instrument among a greater strategy.

Critics of civilian oversight boards argue that they are unnecessary because [1] there are several other avenues in curbing police misconduct and [2] boards are ineffective. n62 However, since police misconduct is such a broad and complex issue, there is no one-size-fits-all remedy. Constitutional protections invoked during criminal proceedings do not address more minor allegations and therefore are not an effective deterrent. For instance, in criminal proceedings, the remedy for an improper search and seizure is suppression of evidence. n63 This remedy does not prevent police officers from acting first and dealing with the consequences later. n64 Criminal proceedings have no bearing on them personally, so those consequences are relatively minor. n65 Further, this type of judicial oversight in criminal proceedings does nothing to regulate illegal [*97] searches and seizures that do not result in a formal arrest and charge.

5. The Seattle Community Police Commission: Lessons Learned and Considerations for Effective Community Involvement by Betsy Graef, Seattle Journal for Social Justice, Summer 2015

This paper outlines the purpose, role, and responsibilities of the CPC under the settlement agreement between the City of Seattle and the DOJ. Additionally, the paper details the policy and other recommendations the CPC has completed and continues to develop, and the contributions it is making to the SPD reform process. The paper reviews the CPC's deliberative approaches in developing recommendations, its efforts to represent community perspectives, its successes and challenges, and its upcoming work. After more than two years in business, the CPC has learned many lessons. Critical factors for the success of Seattle's model may also prove useful to other cities seeking community input to police reform, with an understanding these should be adapted to local conditions and needs. Finally, the paper discusses the similarities and differences between the CPC's structure and charge and those mandated for reforming police departments in communities elsewhere.

6. Citizen-Directed Police Reform: How Independent Investigations and Compelled Officer Testimony Can Increase Accountability by Kristen Chambers, Lewis & Clark Law Review, Summer 2012

Police misconduct in the United States has spurred decades of police reform efforts, but change has been slow and not attributable to any particular method. One method that seems promising both to remedy individual harms and to help transform police culture is citizen oversight of the police. This Note argues that citizen oversight agencies can aid in reformation of the police by

conducting independent investigations of police misconduct. To be effective, such investigations must be conducted by citizen oversight agencies that are truly independent and vested with ample authority. In this Note, examples from Portland, Oregon's citizen oversight agency are used to illustrate common hurdles to conducting independent investigations, with specific focus on gaining the power to compel officer testimony. This Note challenges municipal deference to collective bargaining agreements with respect to police oversight and suggests methods for citizen oversight agencies to gain more independence and power.

7. *Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How it Fails* By Stephen Clarke, Columbia Journal of Law and Social Problems. Fall 2009

Police misconduct is a persistent, multi-faceted problem that no city can permanently solve. n1 Cities must constantly struggle [*2] to deter police misconduct and prevent its damaging consequences. Corruption and brutality undermine the legitimacy of governmental authority and reduce the willingness of citizens to comply with the law. n2 Left unchecked, police misconduct often triggers racial tension because "poor people of color bear the brunt of police abuse." n3

Many governments across America have attempted to employ civilian oversight of the police to reduce police misconduct. The term "civilian oversight" refers to governmental institutions that empower individuals who are not sworn police officers to influence how police departments formulate policies and dispose of complaints against police officers. n4 Civilian oversight bodies exist in roughly eighty percent of the large cities in America, and approximately one-hundred different civilian-oversight bodies currently operate in the United States. n5 The use of civilian oversight is limited neither to a particular region in America nor to municipalities with particular demographic characteristics. n6

Civilian oversight has become commonplace because it satisfies a need in most American jurisdictions. Local executive branch officials, local legislatures, criminal courts, and civil courts generally do little to punish and deter routine acts of police misconduct or to reform problematic police-department policies. n7 When scandals erupt, crises occur, and police misconduct obtains momentary political salience, cities create civilian-oversight bodies to fill this oversight gap. n8 [*3]

The problem that most civilian-oversight bodies face is that, once they are created and the crisis passes, governments tend to ignore their need for adequate resources, political support, or amendments to their enabling legislation. n9 Similarly, activists once committed to creating civilian-oversight bodies often fail to provide continued support n10 and turn against established civilian-oversight agencies by criticizing them as inefficient and ineffective. n11 Such criticisms are often well-founded because resistance from rank-and-file police officers, police-department leaders, and police unions can cripple a civilian-oversight body. As a result, numerous civilian-oversight bodies have failed and been dissolved, n12 while others have endured despite being condemned as failures.

Previous studies of civilian oversight have failed to produce a framework for reforming unsuccessful oversight bodies. Studies focused on the structure of civilian-oversight bodies have

disregarded the importance of local politics and the place of civilian oversight within a broader system of accountability. n14 Studies regarding effectiveness of civilian oversight have not evaluated [*4] the ability of civilian-oversight bodies to function despite limited resources and police department resistance.

8. *Building Trust in Northern Ireland: The Role of Civilian Review of the Police* By Shannon McNulty, Indiana International & Comparative Law Review, 2002

In response to increasing concern about police brutality and abuse, governments all over the world are implementing or strengthening systems of civilian review of police conduct. The police of Northern Ireland, a province rife with conflict between the police and the citizenry, have operated under some form of civilian review of the police for several decades. Despite such review, the police have continued to be the objects of domestic and international criticism for wide-spread corruption and abuse of power.

In 1998, the British government and nationalist and loyalist parties signed the Good Friday Agreement, which stipulated the need for a study of the police system in Northern Ireland and the need for police reform. That same year, the Secretary of State for Northern Ireland appointed an Independent Commission on Policing, led by Christopher Patten, the former governor to Hong Kong. In 1999, the Commission issued its report, which called for widespread reforms to the police system. Pursuant to this report, the British Parliament passed sweeping legislation to restructure the police force of Northern Ireland and substantially strengthen civilian review of police conduct. n1

The new legislation enacts many - but not all - of the reforms recommended by the Patten Commission. In light of failed attempts at reform in the past, it remains to be seen whether the new legislation will effect a substantial improvement in the police accountability system or whether it will prove to be yet another toothless attempt at reform.

This Article will explore the context of the current debate over policing in Northern Ireland, describe the civilian oversight protections in the newly-enacted police reform legislation, and evaluate these reforms in light of dominant theories of police review.

9. *Police Violence: Causes & Cures* By Edward Sparer, Journal of Law and Policy, April 1998

I was appointed in that first group of public and civilian commissioners who took office in Fall 1987. I served from 1987 to 1992 when I resigned, having proved too progressive for some, too conservative for others, and too ornery for just about everybody. Much to my surprise, I was asked by city officials to testify as an elder statesman about the need to have a police presence on an external CCRB at the time of large police demonstrations during City Council hearings on the Board. Much to my shock, I was invited to return to the CCRB in 1993. I have, therefore, the dubious distinction of being the only member of the 1987 Board to still be at the CCRB several years later. From that vantage point, I have seen some of the good, the bad and the ugly things that we have defined as police misconduct. I want to speak briefly to the issues of what police misconduct is, how we define it and how we stop it.

There are three micro-examples I would like to provide; the true experts - the Judge, professor

and civil libertarian will provide the macro-examples. For example, the Military Model n16 is very inapposite when applied to the police department, because in the military, most of the discretion resides in the commander. The "grunts" in the field have virtually no discretion. In the police world, however, most of the discretion resides in junior officers who are unsupervised, or as the judge indicated, under-supervised in the field. n17 This is a major difference between the military and police models. The point was also made by the professor about the interplay between tort law and awards against the police. n18 There is the saying in the police department: "It is better to be judged by [*108] twelve than carried by six." That saying is their internal mantra with respect to whether or not to take action.

I would like to give three micro-examples of the kinds of cases that we have confronted, with no names obviously, but real cases, on the old Board and new Board. In the first case, a woman calls the Board to file a complaint on behalf of her teenage son. She says that an officer has uttered an ethnic slur against her son. The cop said, according to the woman, "Be careful boy, don't you know cops are shooting niggers out here?" The wrinkle, of course, is that the woman, the son and the cop are all black. Does it make sense for the CCRB to characterize this as an ethnic slur? Would black officers stop using the phrase if it were? Should such a case be mediated or facilitated? If so, should the same option be offered to a white officer who considers himself "the white shadow," who gets down with the brothers and sisters and uses the same language? What kinds of equal protection risks are run?

In case two, note the contrast between the old Board and the new Board. A young, poor Latino with a criminal record and convictions for narcotics dies in police custody. Traces of cocaine are found in his blood. Does the officer have to be questioned? I have had two answers. Under the old Board: "No. The guy was obviously a user. We will exonerate you." Under the new Board: "No. The guy was obviously a victim of police misconduct. We will substantiate." The Bill Kuntz way: I think you talk to the police officer to try to find out what happened.

In case three, a young Latino cop has an exemplary record and no CCRB complaints, with one exception - he cannot stand what he perceives as favored treatment of Latinas, and he proceeds to tell them so on every interaction. There is also a white cop with an exemplary record, with one exception - he is an ardent right-to-lifer, who lectures women entering abortion clinics that he has been to protect. Should these cops have cases substantiated against them or have cases unsubstantiated against them, or should the commanders have the good sense to take the Latino cop out of Williamsburg, Brooklyn, and take the other cop away from abortion clinic duty? Just switching them would have done wonders for their respective careers. Some of this stuff is rocket science, but some of it is not. It was amazing that we [on the Board] had to say to them [the police department] "just switch them."

10. *Ending the Internal Affairs Farce* By Rachel Moran, Buffalo Law Review, July 2016

Police officers across the United States killed 2318 people between January 1, 2014 and December 31, 2015. n19 Several of those victims - McDonald, Rice, Scott, Michael Brown, Eric

Garner, Akai Gurley, Freddie Gray, and Samuel DuBose, to name just a few of the unarmed black men killed by police - have in their deaths become the focal points of further public outrage, protests, and rioting. n20 In the wake of these tragic [*841] deaths, government officials have spouted many of the same platitudes and promises for systemic change within police departments, pledging to discipline abusive officers, increase accountability, and review departmental policies on use of force. n21

These promises - and the travesties from which they stem - are hardly new. After four Los Angeles Police Department officers were caught on video viciously beating Rodney King in 1991, the city of Los Angeles erupted into race riots. n22 Los Angeles mayor Tom Bradley pledged to conduct an investigation into the police department's internal disciplinary system, assuring the public that "the men who beat Rodney King do not deserve to wear the uniform of the L.A.P.D." n23 Further, U.S. Attorney General Dick Thornburgh vowed to review every police brutality complaint made to the federal government within the past [*842] six years. n24 In 1997, when New York Police Department officers falsely arrested and tortured Abner Louima, a black Haitian immigrant - injuring him so badly that he remained hospitalized for two months n25 - Mayor Rudy Giuliani publicly denounced the officers who attacked Louima, and the U.S. Attorney for the Eastern District of New York promised to "pull out the stops" in prosecuting the abusers. n26 Louima himself expressed hope that he would become a "symbol for change" in the way police officers treated minorities. n27 After Atlanta police officers shot and killed ninety-two-year-old Kathryn Johnston in 2006, and then planted drugs in her home in an attempt to cover up their misdeeds, the U.S. Attorney for the Northern District of Georgia promised that his office would begin investigating a "culture of misconduct" within the Atlanta Police Department, n28 and the Department of Justice (DOJ) issued a press release announcing that officers who ignored the Constitution could expect to be "vigorously prosecuted." n29 And just two years before twelve-year-old Tamir Rice's killing, a group of thirteen Cleveland police officers fired 137 shots at Timothy Russell and Malissa Williams, killing the unarmed African American couple who had failed to pull over after a turn signal violation. n30 After [*843] their deaths, the Cleveland police chief assured residents that the department would "make sure that any and all violations of our policies and procedures will be dealt with." n31

The tragedy of minorities - particularly black men - being killed, abused, or harassed at the hands of police officers has long been and continues to be one of the great civil rights crises for our country. Although the legal community has known of and periodically wrung its hands about the policing problem for decades, we have made little progress in solving it. As lawyers, uniquely situated to influence or even dictate the practices of law enforcement, we should have a "capacity for moral indignation at injustice" that prompts us to seek lasting solutions to the ongoing outrage of abusive officers. n32

This Article focuses on one aspect of solving the police misconduct crisis: changing how cities review, and respond to, citizen complaints about police misconduct. When misconduct goes unchecked, it alienates the very people the police are intended to serve, allows bad officers to thrive, and creates a fertile breeding ground for the abuses that the more vulnerable members of our society - especially poor minorities - have suffered for decades.

II.

Civilian Review Boards General Information and Best Practices.

1.

There are three types of CRB: investigative, review and auditive. Investigative look into specific allegations. Review CRB asses the findings of police investigations. Auditing CRB look over the internal investigation models of police to ensure proper procedure. CRB work best when they are structurally independent from police departments, transparent in their investigations and findings and have serious outreach into the communities they operate in. The average sustain rate is 8%.

Civilian Review Boards. (2015). Retrieved August 22, 2016, from <http://www.policemisconduct.net/explainers/civilian-review-boards/>

2.

Newark's CRB will require their police department to consult with them to create a matrix guiding disciplinary actions for police misconduct.

Mcgregor, A. (2015). Politics, Police Accountability, and Public Health: Civilian Review in Newark, New Jersey. *Journal of Urban Health J Urban Health*, 93(S1), 141-153. doi:10.1007/s11524-015-9998-4

3.

Of the 50 biggest police departments, 26 have no CRB. Only six CRB have disciplinary authority. 18 of these CRBs can only suggest action to the police department, with the final decision falling in the hands of the heads of said department. Only one CRB (Detroit) is not majority appointed and is empowered with subpoena, disciplinary, and policy review jurisdiction. [Very useful table in the appendix of this paper]

Ofer, U. (2016, May 18). Getting It Right: Building Effective Civilian Review Boards to Oversee Police. *Seton Hall Law Review*, 46, 1033-1063. Retrieved from <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>

Civilian Review Boards Strengths:

4.

A study of 17 police departments found that CRB sustain police brutality complaints at a higher percentage than police themselves.

Chapter 4: Alternative Models for Police Disciplinary Procedures. (n.d.). Retrieved August 23, 2016, from <http://www.usccr.gov/pubs/sac/wv0104/ch4.htm>

5.

Review boards increase the likelihood of reporting experiencing excessive force. They do not affect trust in government or the police. In some cases review boards decrease perceptions of government efficacy

Shannon, B. N. (2016). *DO LAW ENFORCEMENT REVIEW BOARDS AFFECT PERCEPTIONS OF TRUST AND EFFICACY IN GOVERNMENT?* (Unpublished master's thesis). University of Memphis.

Civilian Review Boards Shortcomings and Limitations:

6.

There is very limited evidence about the effectiveness of CRB, or their capacity to build capacity among citizens.

Lytle, D. (2009). Accounting for variation in distrust of local police. *Policing Policing: An International Journal of Police Strategies & Management*, 32(3).
doi:10.1108/pijpsm.2009.18132cae.003

7.

CRBs are often police friendly. Most CRBs are appointed by elected officials who depend on law enforcement support. A new generation of activist should seek to increase the powers of CRB and advance a new understanding of the police role, and image new ways to constrain law enforcement power at the departmental level

Miller, Eric J., Challenging Police Discretion (August 23, 2015). 58 *Howard Law Journal* 521 (2015); Loyola Law School, Los Angeles Legal Studies Research Paper No. 2015-28. Available at SSRN:<http://ssrn.com/abstract=2649696>

8.

CRB may fall short because adjudicators may begin to adopt the perspective of police officers after working with them. CRBs are complicated by attracting adjudicators that are “vociferous, radical elements of the community . . . [who use] complaint hearings and policy hearings as platforms to espouse political rhetoric aimed at the police department, at police in America, and even at ‘the establishment’ generally.”

Weinbeck, M. (2010). WATCHING THE WATCHMEN: LESSONS FOR FEDERAL LAW ENFORCEMENT FROM AMERICA'S CITIES. *William Mitchell Law Review*, 36. Retrieved from

9.

No study has found persuasive evidence that CRB deter police misconduct or enhance trust in law enforcement. A principal shortcoming is that they embody an adversarial model that focuses

on punishing past police misconduct

Walker, S., & Macdonald, M. (2009, Summer). AN ALTERNATIVE REMEDY FOR POLICE MISCONDUCT: A MODEL STATE “PATTERN OR PRACTICE” STATUTE. *George Mason University Civil Rights Law Journal*, 19.

10.

The complaints in jurisdictions with CRB were sustained at only half the rate of complaints filed in the remaining jurisdiction. The number of sustained complaints between the two studied groups after adjustment was roughly equal. Internal affairs division seem to dramatically increase the likelihood that officers will be disciplined when compared to CRB

Sklansky, D. (2008, Spring). IS THE EXCLUSIONARY RULE OBSOLETE? *Ohio State Journal of Criminal Law*, 5.

11.

Even proponents of CRB argue that they are often weak, ineffective and poorly led. CRB have had no measureable impact on police misconduct. Due to their retrospective nature, they fail at addressing law enforcement misconduct before it actually occurs.

Kami Chavis Simmons, The Politics of Policing: Ensuring Stakeholder Collaboration in the Federal Reform of Local Law Enforcement Agencies, 98 J. Crim. L. & Criminology 489 (2007-2008)

12.

Creating CRB to evaluate prosecutorial decisions after the fact is a “bog-the-system-down” ineffective idea. Outside reviewers can be highly polarized and lack the experience of prosecutorial offices.

Harvie Wilkinson, H. J. (2014). IN DEFENSE OF AMERICAN CRIMINAL JUSTICE. *Vanderbilt Law Review*, 67, 1099th ser.

13.

Approximately 20% of large departments have some form of civilian oversight. Only a quarter of these departments have independent investigative authority. There is little research on the quality of such investigations. CRB suffer from lack of funding, leadership and political will.

Schwartz, J. (2012, February). WHAT POLICE LEARN FROM LAWSUITS. *Yeshiva University*, 33.

14.

CRB whose funding depends on the police department or the city council of the city they are in often fail due to lack of adequate funding

Casisi, A. (spring 2016). *Justice for All? An analysis of police brutality in the United States, England & Canada* (Unpublished master's thesis). Hofstra University.

Appendix V: Summaries of Selected Transcripts from Meetings of the Existing CPRB.

This appendix contains summaries of past CPRB meetings that were reviewed by the task force. For each meeting, the type of investigation involved, a brief description of the issues raised, and the citizen outcome are noted by a task force member.

| DALLAS CPRB MEETING: SEPTEMBER 8, 2015 | | | | |
|---|-------------------|---|-----------------------|---|
| TYPE (IAD) OR (COC) | CITIZEN(S) | ISSUE(S) | OUTCOME(S) | NOTES & OBSERVATIONS |
| COC | Timothy McNeely | Officers were not professional and citizen felt threatened and unsafe | Votes: 8-0; Unanimous | <p>“We don’t feel safe calling the police, because after that incident, I’m looking over my shoulder all the time because I’m hoping I don’t even get stopped.” (Mr. McNeely, p.20).</p> <p>In response, Mr. Foster showed concern and let the Mr. McNeely know that there is a crime watch group near where Mr. McNeely lives called Adalay Crime Watch. Mr. Foster stated that he is chairperson of the group. Mr. Foster stated that if Mr. McNeely attended meetings, he could meet the beat officers and maybe feel more comfortable (p.20).</p> <p>Mr. Vernon stated, “Sergeant Butler, for future reference, a landlord is required by Texas Real Estate Law to give written, timely notice or 24 hours before they are granted access to property. So, if you are aware of that and we can avoid a complaint like this in the future, that might be a good thing to keep in mind.” (p.28). Shows unbiased.</p> <p>Mr. Foster stated, “Just a comment, Mr. Chair, if I may. It sounds like to me that our police officers need some better</p> |

DALLAS CPRB MEETING: SEPTEMBER 8, 2015

| TYPE (IAD) OR (COC) | CITIZEN(S) | ISSUE(S) | OUTCOME(S) | NOTES & OBSERVATIONS |
|------------------------------|------------|----------|------------|---|
| | | | | <p>training for this kind of situation. That's what it sounds like to me so they can know the law." (p.34).</p> <p>Motion to not concur with the findings that there was no wrongdoing on the part of the Officer or any officer on March 27, 2015.</p> <p>Pappas had a hard time finding the Officer unprofessional. (p.35-36).</p> <p>Saucedo stated that "common sense" told him that the behavior was unprofessional. (p.36). He stated that he thought it was unprofessional with officers to get involved "on one side of the equation." (p.37).</p> <p>Foster stated that "this is not the first time that these officers had some encounters." "This is not their first rodeo." (p.37).</p> <p>Ruling: Issue was whether officers' conduct was unprofessional or rude; The ruling was just unprofessionalism (unanimous vote), but no ruling on whether conduct was rude; so disagreed with initial findings; no open records request mentioned.</p> <p>McNeely stated that the CRB's ruling made the situation "a little better." (p.44).</p> <p>Mr. Foster wanted to add, again, that the vote had to be based upon the evidence from the statements presented (p.48).</p> <p>In this meeting (9/8/15), the CRB</p> |

DALLAS CPRB MEETING: SEPTEMBER 8, 2015

| TYPE (IAD) OR (COC) | CITIZEN(S) | ISSUE(S) | OUTCOME(S) | NOTES & OBSERVATIONS |
|------------------------------|------------|----------|------------|--|
| | | | | <p>appeared to be unbiased. Mr. McNeely(citizen) expressed fear and skepticism of the officers and the overall process. However, he was okay with the ruling, but he made clear that he did not want any future problems from the officers.</p> <p>Of particular interest were CRB members Mr. Vernon, Mr. Foster, and Mr. Saucedo, who did not hesitate to call the officers out for their conduct. Mr. Foster went even further and suggested Mr. Neely attend the crime watch meetings to get to know police officers. Mr. Pappas appeared to be on the only CRB member who did not understand how the conduct was unprofessional. However, the finding of unprofessionalism was unanimous.</p> |

DALLAS CPRB MEETING: OCTOBER 13, 2015

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|--|---|---|--|---------------------------------|
| | Robert Singular Steve Gartside (witness) Suzette Pilot (witness) | Professional misconduct of officers and failure to follow proper protocol. | DPD Prevails | |

DALLAS CPRB MEETING: MARCH 8, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|--|-----------------|--|--|--|
| | Frost | Alleges threatening messages from DPD. Without requesting time to review, the CPRB made a decision on her case based on a set of emails. | DPD Prevails | <p>Observation: Problematic evidentiary considerations. Here, the IAD officer read a set of text messages instead of giving the board the full history of the text that the complainant was referring to.</p> <p>Observation: There were several times during the meeting where the CPRB could have made a recommendation about this officer to the DPD, Chief, but did not. (page 36-38).</p> <p>Observation: Ultimately, no resolution as the CPRB took no action and repeatedly asserted that “there is nothing the board can do.”</p> <p><i>Observation: 11 of 15 CPRB Members present for meeting.</i></p> |

DALLAS CPRB MEETING: MAY 10, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|------------------------------|--|---|---|--|
| | <p>Laketha Michelle Cuington</p> <p>Stephen Cook (Witness)</p> | <p>Violated policy/ procedure by not providing accurate crash report or allowing car to be toward privately. Accident with officer and police filed the report wrong which made the fault look like on the citizen. DPD also impounded the citizen's care even though t she requested that her private wrecker service.</p> | <p>DPD Prevails</p> | <p>Observation: CPRB sustained the IAD's investigation and made no recommendations for the traffic copy to go back and amend the accident report.</p> <p>Observation: Lack of technical knowledge of DPD policy, relying solely on the IAD and advisory board knowledge. Instead of researching city and DPD policy, the CRB relied solely on the technical knowledge of the technical advisory board representatives (ELGIN) from Arlington, as well as the IAD officer presenting the investigation. What is problematic about this is that none of the CRB members asked for policy or procedure to see if the officer had violated DPD policy, city policy or state law on how the officer should operate his vehicle. They simply relied on the statements from the IAD and an officer from another jurisdiction. (Page 27)</p> <p>Observation: Did not request to see video of the incident when there was video available. Although one board member raised concerns about the dash cam video from the patrol car was not present for their review, none of the board members requested to see it, or postpone their ruling until they had a chance to review. Additionally, the board did not request to talk with officers who were witnesses to the accident.</p> <p>Observation: Failure to take action/recommendation on behalf of the citizen. After some concern and recommendation from a single board member to go back and amend the report to reflect the citizen's concerns, it was never recommended that this happen. The Chairman quickly moved to make a ruling on the matter before further comment was made on the matter.</p> <p><i>Observation: 12 of 15 CPRB Members present for meeting.</i></p> |

DALLAS CPRB MEETING: JUNE 14, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAILS) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|------------------------------|---------------|---|--|---|
| | Steven Garcia | <p>Not treated fairly by officer after accident; did not follow protocol with proper accident report.</p> <p>Complaint was against the officer that citizen allegedly filed the accident incorrectly and never talked to him to get his side of the story. The citizen here also claimed that the officer was rude and gave him harsh treatment as opposed to the other driver.</p> | Citizen Prevails | <p>Observation: In this case, the CPRB sustained the IAD’s investigation and made no recommendations for the traffic cop to go back and amend the accident report.</p> <p>Observation: None of the CPRB members asked for policy or procedure to see if the officer had violated any applicable DPD policy, city policy or state law on how the officer should operate his vehicle. Rather, the Board simply relied on the statements from the IAD and an officer from another jurisdiction.</p> <p>Observation: The Board did not use any of its discretionary power to recommend to the DPD leadership to change the police report in favor of the officer.</p> <p>While this is not in the scope of the Board’s authority, it’s a simple gesture that would have increased this citizen’s notions of procedural fairness in this matter. Board asked about the existence of anybody cam footage. However, this inquire was not responded to, yet the Board went on with the meeting.</p> <p><i>Observation: 9 of 15 CPRB Members present for meeting.</i></p> |

DALLAS CPRB MEETING: AUGUST 9, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|------------------------------|-------------|---|---|--|
| | Andy Accord | Special Presentations: 1. Early Intervention, Employee Development (Support Program) 2. Body Camera Program | | <p>Observation: (Page 7-23) Sergeant Kelley begins an overview of the Early Intervention, Employee Development (Support Program). Total presentation is 20-25 slides long and goes into the history of the program and what they are looking to implement.</p> <p>Observation: (Page 29) Adam Constantine gives a presentation on the body camera program. Officers are required to record all contacts that are conducted within the scope of an official law enforcement capacity including but not limited to before any enforcement stop and exiting their vehicle, officers will activate the body camera upon exiting the police vehicle. An officer may activate the body camera any time prior to exiting the vehicle. If the body worn camera cannot be activated upon exiting the police vehicle, it will be activated as soon as practical and safe to do so.</p> <p>Observation: (Page 51) Mr. Saucedo makes a suggestion that it's difficult to have meetings at City Hall at 1:00 in the afternoon for citizens, especially working people, to show up and to express their opinions and express their concerns and what I would like to propose is that we have meetings out in the community.</p> <p><i>Observation: 11 of 15 CPRB Members present for meeting.</i></p> |

DALLAS CPRB MEETING: SEPTEMBER 13, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|--|---------------------------|---|--|---------------------------------|
| | Ms. Heithcox (primary) | Disrespected and threatened by DPD officer. | Citizen Prevails | |

DALLAS CPRB MEETING: DECEMBER 13, 2016

| TYPE (IAD) OR (COC) | CITIZENS | ISSUE(S) | DECISION (CITIZEN PREVAIL) (DPD PREVAILS) | NOTES & OBSERVATIONS |
|--|--|---|---|---|
| | <p>Mark Booney</p> <p>(In reference to Oct. 11, 2016 transcript)</p> | <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> <p>Officer violated due process rights racial profiling</p> | <p>Vote: 10-1(1 Abstain Vote)</p> <p>Vote: 3</p> <p>Vote: 8</p> <p>Vote: 11</p> <p>Vote: 11</p> <p>Vote: 11</p> | <p>Motion 1: Forward case to City Manager’s office so that they can coordinate with police for re-training</p> <p>Motion 2: Illegal/Improper search unfounded</p> <p>Motion 3: Racial profiling unsubstantiated</p> <p>Motion 4: Improper comments sustained</p> <p>Motion 5: MIC violation sustained</p> <p>Motion 6: Untruthfulness when conducting police business sustained</p> |