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CITY SECRETARY
DALLAS, TEXAS

City of Dallas

*1500 Marilla Street, Room 6EN
Dallas, Texas 75201*



Community Police Oversight Board

January 14, 2020

5:30 PM

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

CALL TO ORDER**APPROVAL OF MINUTES**

1. [20-137](#) Approval of the December 10, 2019 Minutes

Attachments: [Minutes](#)

PUBLIC COMMENT/OPEN MICROPHONE**ACTION ITEMS**

2. [20-138](#) Subcommittee update on development of rules and procedures for the Community Police Oversight Board Meetings [Kristian Hernandez, District 6 Member]

Attachments: [Memo](#)
[Additional Comments](#)
[Subcommittee Draft Rules](#)

3. [20-139](#) Monthly Activity Report

Attachments: [Memo](#)
[Monthly Report Chart](#)

4. [20-140](#) Review Actions and Requests from Prior Meeting(s)
- a. Overview of the Office of Community Police Oversight Board Fiscal Year 19-20 Budget [Jon Fortune, Assistant City Manager, City Manager's Office]
 - b. Update regarding the process to hire the Police Monitor position [Jon Fortune, Assistant Manager, City Manager's Office]
 - c. Implicit Bias Training - January 16, 2020

Attachments: [4a. Memo](#)
[4b. Monitor for the Office of Community Police Oversight Memo](#)
[4c. Implicit Bias Training](#)

5. [20-141](#) Board Member Update on Community Engagement Activity

Attachments: [Board Member Update](#)

UPCOMING MEETING

6. [20-142](#) February 11, 2020

Attachments: [2020 Schedule](#)

ADJOURNMENT

EXECUTIVE SESSION NOTICE

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

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



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-137

Item #: 1.

Approval of the December 10, 2019 Minutes

Community Police Oversight Board Meeting Minutes

The Community Police Oversight Board meetings are recorded. Agenda materials and recordings may be reviewed/copied by contacting the Board Coordinator at 214-670-3882.

Meeting Date: December 10, 2019
Convened: 5:40 p.m.
Adjourned: 7:28 p.m.

Board Member(s) Present:

Jesurobo Enobakhare, Jr., Chair – District 3
Jose Rivas, Vice Chair – District 7
Janice Coffee – District 1
Loren Gilbert-Smith – District 4
Andre Turner – District 5
Kristian Hernandez – District 6
Tami Brown Rodriguez – District 9
Ezekiel Tyson – District 10
Deatra Wadsworth – District 12
David Kitner – District 13
Alan Marshall – District 14
Juan Olivo – District 15

Board Member(s) Absent:

Linda Lunn – District 2
District 8 – VACANT
District 11 – VACANT

Staff Present:

Major Michael Igo, CMO/DPD Liaison
Casey Burgess, City Attorney's Office
Major Reuben Ramirez, Internal Affairs Division
Jon Fortune, Assistant City Manager
Victoria Cruz, Interim Board Coordinator
Tatjana Williams, Interim OCPO Complaint Specialist
Karen Gonzalez, Interim Executive Assistant

AGENDA:

Call to Order: 5:40 p.m.

Public Comment/ Open Microphone

Public comments were received by five speakers.

1. Approval of Meeting Record for November 12, 2019 Meeting

A motion was made to approve the minutes from the November 12, 2019 Community Police Oversight Board meeting.

Motion made by: Janice Coffee
Item passed unanimously: X
Item failed unanimously:

Motion seconded by: Kristian Hernandez
Item passed on a divided vote:
Item failed on a divided vote:

2. Adopt 2020 Meeting Schedule

A motion was made to adopt the 2020 Meeting Schedule for the Community Police Oversight Board.

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

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

3. Subcommittee update on development of rules and procedures for the Community Police Oversight Board Meetings

Kristen Hernandez, District 6 Board Member, provided an overview of the subcommittee's activities and proposed rules and procedures for the Community Police Oversight Board meetings. A motion was made to delay a vote on the proposed rules and procedures of the Community Police Oversight Board until the January 14, 2020 meeting.

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

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

4. Consideration of directing the director of the Office of Community Police Oversight to initiate an independent investigation concerning the Diamond Ross incident

Several questions were asked regarding the budget for independent investigations, the timeline for hiring the director/ monitor of the Office of Community Police Oversight, and the framework for independent investigations occurring with the guidance and support of the monitor. Staff confirmed that there are funds allocated for independent investigations within the office budget, and that the City Manager would approve appropriate budgetary expenses. Staff also clarified that the City Attorney's Office would follow their typical procurement process for selecting the consultant for the investigation. A motion was made to initiate an independent investigation concerning the Diamond Ross incident, pending the conclusion of all findings, recommendation, and related actions of the Internal Affairs division.

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

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

5. Monthly Activity Report

Assistant City Manager Jon Fortune provided an overview of the Community Police Oversight Board's process and current workflow, as well as the number of external complaints received in October 2019. Information only.

6. Review Actions and Requests from Prior Meeting(s)

- a. Implicit Bias Training Schedule
- b. Board Training – Open Meetings, Open Records & Ethics
- c. Update regarding the process to hire the Police Monitor position

7. Board Member Update on Community Engagement Activity

The Board Chair provided an opportunity for the board members to share an update on their community engagement activities.

UPCOMING MEETING

8. January 14, 2020

Public Comment/ Open Microphone

Public comments were received by several speakers.

Adjourn: 7:28 p.m.

APPROVED BY:

ATTEST:

Chair
Community Police Oversight Board

Board Coordinator
Community Police Oversight Board



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-138

Item #: 2.

Subcommittee update on development of rules and procedures for the Community Police Oversight Board Meetings [Kristian Hernandez, District 6 Member]

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Subcommittee update on development of rules and procedures for the
Community Police Oversight Board Meetings**

On November 12th, the Community Police Oversight Board appointed a subcommittee to review and consider proposed rules and procedures for the Community Police Oversight Board meetings. The subcommittee met on November 21 and December 2, 2019.

Enclosed are draft materials and additional comments for the Board's consideration at the January 14th meeting.

Please let me know if you have any questions.

A handwritten signature in black ink that reads "Casey Burgess". The signature is fluid and cursive, with a long horizontal stroke at the end.

Casey Burgess
Executive Assistant City Attorney

c: TC. Broadnax, City Manager
Jon Fortune, Assistant City Manager

Feedback on the CPOB Rules and Procedure:

- In the section on speakers, section D, page 7, under 1(a) change the “may register” to “must register”.
 - Under the same section on speakers, subparagraph (c) I would propose a “15-minute open microphone period” instead of leaving it open. If we do not have time limits, we will just continue to have an endless number of speakers which will take time away for our business.
- Who is the sergeant at arms?
- In section 7 it states we “shall meet” at least once a month. But we never meet in July. Does this need to be clarified?
- Speakers wanting to address specific agenda items are required to register the day before. I assume these speakers are in addition to the open microphone speakers at the beginning and end of the meeting.
 - When will they speak? During the meeting itself? I read the rules to say if a speaker speaks one time at any time he cannot speak again. Is that correct? If so, that will need to be strictly enforced.

**COMMUNITY POLICE OVERSIGHT BOARD
RULES OF PROCEDURE
(Revised 12-4-19)**

SECTION 1. AUTHORITY.

The Dallas City Code provides that the Community Police Oversight Board may adopt rules to govern its proceedings that are not inconsistent with Chapter 8 of that code or state law. These Rules of Procedure establish guidelines to be followed by all persons at a meeting of the Board, including members of the Board, administrative staff, news media, and visitors. [City Code, Ch. 8, Sec. 8-5.]

SECTION 2. INTERPRETATION. Unless the context clearly indicates otherwise:

- (A) Words used in the present tense include the future tense.
- (B) Words in the singular include the plural, and words in the plural include the singular.
- (C) These rules apply to all committees of the Board.

SECTION 3. DEFINITIONS. Unless the context clearly indicates otherwise:

- (A) BOARD means the Community Police Oversight Board.
- (B) CHAIR means the presiding officer of the Board.
- (C) MEETING means a regular, special, or called meeting of the Board.
- (D) MEMBER means a duly appointed member of the Board.

SECTION 4. DUTIES OF THE CHAIR.

- (A) The Chair, when present, shall preside at all meetings. In the absence of the Chair, the vice-chair shall exercise the powers of the Chair. In the absence of the Chair and vice-chair, the Board shall elect a temporary chair. If the presiding officer ceases to preside during a meeting, and no council-appointed vice-chair is present, the presiding officer may, subject to the approval of the Board, appoint a temporary chair. The first adjournment puts an end to this appointment. [City Code, Ch. 8, Sec. 8-9.]
- (B) A temporary chair may be removed by a two-thirds vote of the Board. If the temporary chair is removed, a new temporary chair must be elected. This election does not survive the meeting in which it was held.

- (C) The Chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the Dallas City Code and these rules. The Chair shall take such disciplinary actions as may be necessary to insure that decorum is preserved at all times. [Dallas City Code §8-10]
- (D) The Chair shall rule on points of order and procedures that are brought up in meetings; however, a member may appeal to the Board from a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly explain the reason for the appeal and the Chair may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question "shall the decision of the Chair be sustained?". If a majority of the members present vote "Aye," the ruling of the Chair is sustained; otherwise it is overruled. [City Code, Ch. 8, Secs. 8-9(b) and 8-15.]
- (E) In debate, the Chair shall be referred to by official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title. [City Code, Ch. 8, Sec. 8-9(d).]
- (F) The Chair shall conduct each vote in accordance with Section 13 of these rules.
- (G) The Chair shall dispense the business of the Board in a just and orderly manner, including signing the minutes of each meeting in accordance with the decision of the Board.

SECTION 5. DUTIES OF BOARD SECRETARY.

The Board secretary shall be generally responsible for the clerical work of the board, under the direction and supervision of the police monitor. The Board secretary shall:

- (A) keep the minutes of all meetings and proceedings showing the vote of each member, insuring that the minutes are filed with the city secretary's office within the time required by the Board rules;
- (B) maintain the original audio and video tape recording of all meetings;
- (C) prepare the agendas to be distributed to the members and type letters and memoranda requested by the Board; and
- (D) inform members of meetings.

SECTION 6. MOTIONS.

- (A) Equal right to make motions. All members shall have an equal right to make a motion on any matter before the Board.
- (B) Holding motions. When recognized by the Chair, a member may state a readiness to make a motion. It is the privilege of the Chair, if the Chair thinks debate is not

ended, to ask the member to hold the motion. The member may defer to the Chair's request or make the motion at the member's option. If the recognized member defers to the request, the Chair must return to that member prior to accepting a motion from any other member.

(C) Reconsideration.

- (1) Unless an item is referred back to the Board by the City Council, a motion to reconsider is the exclusive method by which a matter can again be brought before the Board after a final vote has been taken. A motion to reconsider any action of the Board can be made not later than the next succeeding meeting. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Board.
- (2) In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the subject matter is not on the agenda when made, the motion to reconsider must include a date when reconsideration of the previous action is proposed to be placed on the agenda.
- (3) Once an action can no longer be changed by the Board, it may not be reconsidered.
- (4) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the Board until at least six months from the date it was last voted on.
- (5) An item referred back to the Board by the City Council is a new item.

SECTION 7. MEETINGS.

- (A) Calendar. The Board shall adopt a calendar of meeting dates, times, places, and events on a regular basis, to be held at a location within a public building. This calendar should cover no less than a 90-day time period from the date it is adopted. The Board shall meet at least once each month, with additional meetings upon the call of the Chair or upon petition of a simple majority of the members. [City Code, Ch. 8, Sec. 8-2 and Ch. 37, Sec. 37-31(h).]
- (B) Placement of items on the agenda. The agenda shall include any item that is within the purview of the Board that any three members request be brought before the Board. The request to place an item on the agenda must be provided to the Chair at least 100 hours in advance of the day of the meeting at which the members want the item considered unless the meeting is an emergency meeting, as described by

state law, in which case the request to place an item on the agenda must be provided to Chair at least three hours in advance of the meeting.

- (C) Public notice. The agenda for all meetings shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act and on the City's website. [Texas Government Code Sec. 551.043 and 551.050, and City Code, Ch. 8, Sec. 8-7.]
- (D) Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the Board, regardless of the total number of members actually provided for the Board, except that a quorum may not be fewer than six members. [City Code, Ch. 8, Sec. 8-4(a).]
- (E) Items taken in order. The items on the Board agenda must be acted upon in the order in which they appear, unless, upon a majority vote, the Board determines that:
 - (1) the reordering of items will accommodate members of the public who have appeared to offer comment or testimony;
 - (2) the grouping of certain items together provides a more expeditious means to handle those items;
 - (3) the special nature of a particular item indicates that it should be acted upon earlier or later than the other items in the agenda; or
 - (4) a hardship is shown.
- (F) Discussion.
 - (1) A member who desires to speak must be recognized by the Chair. No member shall address the Chair or demand the floor while a vote is being taken. [City Code, Ch. 8, Sec. 8-13.]
 - (2) All discussion must be limited to the question under consideration, and all discussion must be addressed to the Chair and not to individual members. [City Code, Ch. 8, Secs. 8-10, 8-22(b), and 8-22(e).]
 - (3) No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the Board. The five-minute limitation includes time expended by the member on discussion, debate, and asking questions. [City Code, Ch. 8, Sec. 8-16.]
 - (4) A member, once recognized, shall not be interrupted while speaking unless called to order by the Chair, except when a point of order is raised by

another member or the speaker chooses to yield to questions from another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or otherwise comply with rules of the Board. [City Code, Ch. 8, Sec. 8-22(c).]

- (5) The right of a member to address the Board on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. [City Code, Ch. 8, Sec. 8-19.]
- (6) A member stopped from voting on a matter for reasons of financial interest shall:
 - (a) refrain from discussing the matter at any time with any other member of the Board or any other body that will consider the matter;
 - (b) leave the room during the debate and hearing; and
 - (c) refrain from voting on the matter. [City Code, Ch. 8, Sec. 8-14.]
- (G) Required statement. Each person who speaks at a public meeting must state his or her name, address, and, if applicable, who he or she represents.
- (H) Intermissions. Intermissions may be taken at regular intervals during meetings. The length of the intermission shall be announced by the Chair, and members must return to their seats in the meeting room promptly at the conclusion of the intermissions.
- (I) Cancellation of scheduled meeting. The Chair may, in inclement weather, cancel a meeting if the Chair notifies the police monitor by 4:00 p.m. the afternoon of the meeting. Upon receipt of notification of cancellation, the police monitor shall immediately:
 - (1) notify all members, applicants or their representatives, and any other person the police monitor deems necessary to be notified of the cancellation of the meeting; and
 - (2) post notice of the cancellation with the posted agenda in all entrances to the scheduled meeting room.

SECTION 8. HEARINGS.

- (A) All typewritten documentary evidence must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

- (B) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the Board unless such documentary evidence is submitted to the police monitor no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, the Board may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the Board sufficient time to consider the tendered evidence prior to the next scheduled hearing date.
- (C) For purposes of this subsection, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something, but signed petitions shall not be considered documentary evidence.
- (D) For purposes of this subsection, PARTY means the applicant or any person or entity that appears in favor of or against the request.

SECTION 9. CONDUCT OF MEMBERS.

- (A) While in the meeting room during a meeting, members shall comport themselves at all times in a manner consistent with the Code of Conduct contained in Article V of Chapter 8 of the Dallas City Code, as amended, and each member shall:
 - (1) not use the telephones in the meeting room;
 - (2) refrain from reading materials not pertinent to business of the Board;
 - (3) refrain from any other activity that could possibly divert their attention or that of other members from the matters properly before the Board as a whole; and
 - (4) during Board meetings, members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the Chair or the rules of the Board. All members shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Board and shall refrain at all times from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities. [City Code, Ch. 8, Sec. 8-22(a) and (d).]
- (B) A member temporarily absent from a meeting shall return to the meeting as soon as possible.

SECTION 10. CONDUCT OF CITIZENS AND OTHER VISITORS.

- (A) Citizens and other visitors are welcome to attend all public meetings of the Board and will be admitted to the meeting room up to the fire safety capacity of the room. [City Code, Ch. 8, Sec. 8-25(a).]

- (B) Citizens and other visitors attending Board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the Board or while attending a Board meeting shall be removed from the room by the sergeant-at-arms if the Chair so directs, and that person shall be barred from attending the remainder of that meeting. [City Code, Ch. 8, Sec. 8-25(b).]
- (C) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chair, who shall direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Chair. If the Chair fails to act, any member may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Board shall require the Chair to act. [City Code, Ch. 8, Sec. 8-25(c).]
- (D) Speakers.
 - (1) The Board will provide an opportunity for the public to present concerns or address issues that are not matters for consideration listed on a posted agenda meeting during an open microphone period at Board meetings, subject to the following rules:
 - (a) Five persons may speak during an open microphone period at the beginning of each Board meeting. Open microphone speakers may register prior to the beginning of the meeting. Speaker registration will be available 15 minutes before the Board meeting begins. These first five speakers will be called in the order in which they registered to speak at the beginning of the meeting.
 - (b) Whenever a person fails to speak when the person's name is called, the name of the next speaker registered for the initial open microphone period will be called, until either five persons have spoken, or all of the names have been called.
 - (c) An open microphone period will also be provided after the Board has concluded its agenda, at which speakers not heard earlier in the meeting may speak.
 - (d) For purposes of enforcing all provisions of this section, a person who signs up to speak during the open microphone period at the beginning of a Board meeting, but who fails to speak when called upon, will be deemed to have spoken at the meeting.

- (2) Speakers wishing to address a specific agenda item must register with the Board secretary by 5:00 p.m. the day before a scheduled Board meeting. A person wishing to speak may register in person at the office of community police oversight or electronically by providing the following information:
 - (a) Name.
 - (b) Residential address.
 - (c) Daytime telephone number.
 - (d) Subject matter to be discussed or agenda item number.
 - (3) For speakers who register to speak on a specific agenda item, Dallas residents will be allowed to speak before non-Dallas residents.
 - (4) Speakers are limited to three minutes each. The Board may request speakers to continue. The Chair may choose to impose more restrictive time limits when a large number of persons wish to speak.
 - (5) Except as provided in Paragraphs (1) and (3) above, the order in which speakers are called is determined by the Chair.
 - (6) Speakers shall address their comments to the Chair.
 - (7) Speakers may only address issues concerning the police department. A person who addresses the Board on a specific agenda item must limit their remarks to the subject matter of the agenda item.
 - (8) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.
 - (9) There will be no substitutions or pooling of speakers.
 - (10) Each speaker may speak only once during a meeting.
 - (11) Speakers may file copies of their remarks or supporting documentation with the Board secretary. The Board secretary shall make the information available to Board members and the police monitor.
- (E) No placards, banners, or signs are permitted in the Board meeting room. Exhibits, displays, and visual aids used in connection with presentations to the Board, however, are permitted.

SECTION 11. EXECUTIVE SESSIONS.

- (A) The Board may remove itself from an open meeting by moving to go into an executive session. Only matters allowed under the Texas Open Meetings Act may be addressed in an executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. Members shall not intentionally or knowingly disclose any confidential government information gained by reason of the member's position. [City Code, Ch. 12A, Sec. 12A-6(b).] The Board may only hold an executive session when:
- (1) seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the Board's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act;
 - (2) deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;
 - (3) deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person;
 - (4) deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing;
 - (5) deliberating the deployment, or specific occasions for implementation, of security personnel or devices; or
 - (6) discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Texas Government Code Chapter 551, Subchapter D.]
- (B) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the Board shall follow the following procedure:

- (1) The Chair shall announce that the Board is going into an executive session, identifying the section of the Texas Open Meetings Act under which the executive session is held.
 - (2) The Chair shall announce the time.
 - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
 - (4) The Chair shall announce the date and time at the beginning of the executive session.
 - (5) The executive session must be tape recorded.
 - (6) The Chair shall announce the date and time at the end of the executive session.
 - (7) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
 - (8) The Chair shall announce the date and time when the Board resumes the open meeting. [Texas Government Code Chapter 551, Subchapter E; Dallas City Code §8-6(b).]
- (C) No formal vote shall be taken in an executive session on any matter under consideration, nor shall a member enter into a commitment with another member respecting a vote to be taken subsequently in a public meeting of the Board.

SECTION 12. ATTENDANCE.

- (A) All regular members must comply with the attendance rules in Chapter 8 of the Dallas City Code. No member shall be excused from attendance at a meeting unless for medical reasons certified to by a physician or unless excused by the Board and the City Council. A member having three unexcused absences in succession shall forfeit membership on the Board. A member who is absent from more than 25 percent of the regular meetings during any 12-month period, whether excused or not, shall forfeit membership on the Board. Any office that has been forfeited under the provisions of this subsection shall be filled for the remainder of the term by appointment of the City Council. For purposes of this subsection, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. [Dallas City Charter Ch. XXIV, Sec. 17; Dallas City Code Ch. 8, Sec. 8-20.]
- (B) A member may not leave a meeting without acknowledgment by the Chair. A member who leaves a meeting after the Board has been duly called to order and is

absent for the remainder of the meeting without first obtaining the consent of the Chair shall be charged with an unexcused absence for that meeting. The consent of the Chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [City Code, Ch. 8, Sec. 8-21.]

- (C) A member absent from the meeting room because of a conflict of interest is not absent for purposes of the attendance rules.

SECTION 13. VOTING AND VOTING QUALIFICATIONS.

- (A) Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member must be physically present in the meeting room to vote except that a member who is present during the meeting who does not vote and who is not prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the Chair to leave the meeting and is absent for the remainder of the meeting. [City Code, Ch. 8, Sec 8-17.]
- (B) The Chair shall state each motion before it is submitted for a vote. The Chair shall then call for an affirmative and negative vote, and announce the result. [City Code, Ch. 8, Sec. 8-11.]
- (C) A roll call vote shall be taken upon the request of any member. [City Code, Ch. 8, Secs. 8-11 and 8-18.]
- (D) Once cast and called out, no vote may be changed except through a reconsideration in accordance with Section 6(C) of these rules. Votes called out in error must be corrected immediately on the public record. Votes registered improperly in the minutes may be corrected by following the procedure in Section 14 of these rules.

SECTION 14. MINUTES.

- (A) Within five days after any meeting, a list of members absent from the meeting, and a draft of the minutes from that meeting must be filed in the office of the city secretary. [City Code, Sec. 8-8.]
- (B) The draft of the minutes shall be distributed to the Board no later than the second official meeting after that meeting.
- (C) Corrections to the minutes may be submitted to the secretary of the Board at any time up until the second official meeting after the meeting at which the draft was distributed.

- (D) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall incorporate the changes.
- (E) If corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall prepare the portion of the official record relied on in the preparation of the draft and present it to the Board. The Board shall vote, after hearing the record, whether to accept the correction as submitted, modify the correction, or let the minutes stand.
- (F) The approved minutes shall be filed in the office of the city secretary within five days after the meeting at which the minutes were approved. [City Code, Sec. 8-8.]

SECTION 15. COMMITTEES.

(A) Committees established.

- (1) The following standing committees are established:
 - (a) Board training.
 - (b) Policy review.
 - (c) Community engagement.
 - (d) Rules.
- (2) Each standing committee shall review matters in its area of responsibility that are referred to it by the Board, the police monitor, or an individual Board member. A standing committee may recommend action to the Board, but a committee recommendation is not necessary for a matter to be placed on the Board agenda. The committee chair may make a statement on behalf of the committee on an item in a meeting of the Board.

(B) Appointment.

- (1) A standing committee shall consist of not less than three members appointed by the Chair.
- (2) Standing committees shall select a committee chair and vice chair.
- (3) The Chair may remove and reassign committee chairs and members to and from the various standing committees.
- (4) The chair or vice chair of any committee (standing or ad hoc) may appoint any member of the Board as a temporary member of such committee for the sole purpose of meeting quorum requirements. The first adjournment puts an end to this appointment.

(C) Committee meetings.

- (1) Standing committees may meet at any time deemed necessary by the chair of the committee, the Chair, or the police monitor.
- (2) Committee meetings must be conducted in accordance with the Texas Open Meetings Act.

(D) Ad hoc committees. The Chair may appoint ad hoc committees from time to time to study and review specific issues. The Chair shall determine the number of members and appoint a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of time which may be extended by the Chair and shall meet as needed.

(E) Agenda and Information. Before each committee meeting, the police monitor shall provide an agenda and supporting information for each committee meeting, to the entire Board.

SECTION 16. ENFORCEMENT.

Members, citizens, and other visitors shall be removed from the meeting for failure to comply with decisions of the Chair or continued violations of the rules of the Board or the City Code. If the Chair fails to act, any member may move to require the Chair to enforce the rules, and the affirmative vote of a majority of the Board shall require the Chair to act. [City Code, Ch. 8, Sec. 8-22(f) and 8-25(c).]

SECTION 17. OTHER RULES OF PROCEDURE.

Unless otherwise specified in these rules, the proceedings of the Board shall in all cases be governed by rules of order as set forth in the most recent edition of "Robert's Rules of Order." [City Code, Ch. 8, Sec. 8-5.]

SECTION 18. RULE SUSPENSION OR AMENDMENT.

- (A) Suspension of rules. Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the Board members present.
- (B) Amendment of rules. These rules may be amended, supplemented, or changed from time to time by a majority vote of the Board in conformance with the Dallas City Code, as amended.



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-139

Item #: 3.

Monthly Activity Report

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Community Police Oversight Board Members

SUBJECT **Office of Community Police Oversight November and December Report**

Attached you will find November and December monthly reports from the Office of Community Police Oversight (OCPO). Currently, this information is being provided by the Dallas Police Department's Internal Affairs Division (IAD) until the monitor position is in office. These reports provide a summarization of the total number of External complaints turned into the OCPO and IAD, the source of the complaints, and the disposition of the complaints. Also attached is an external Complaint Workflow Process diagram and general definition document that defines categories for no investigation which are listed as "No Investigation" on the monthly reports.

The external complaints for January are in the review process and will be provided once this information has been completed.

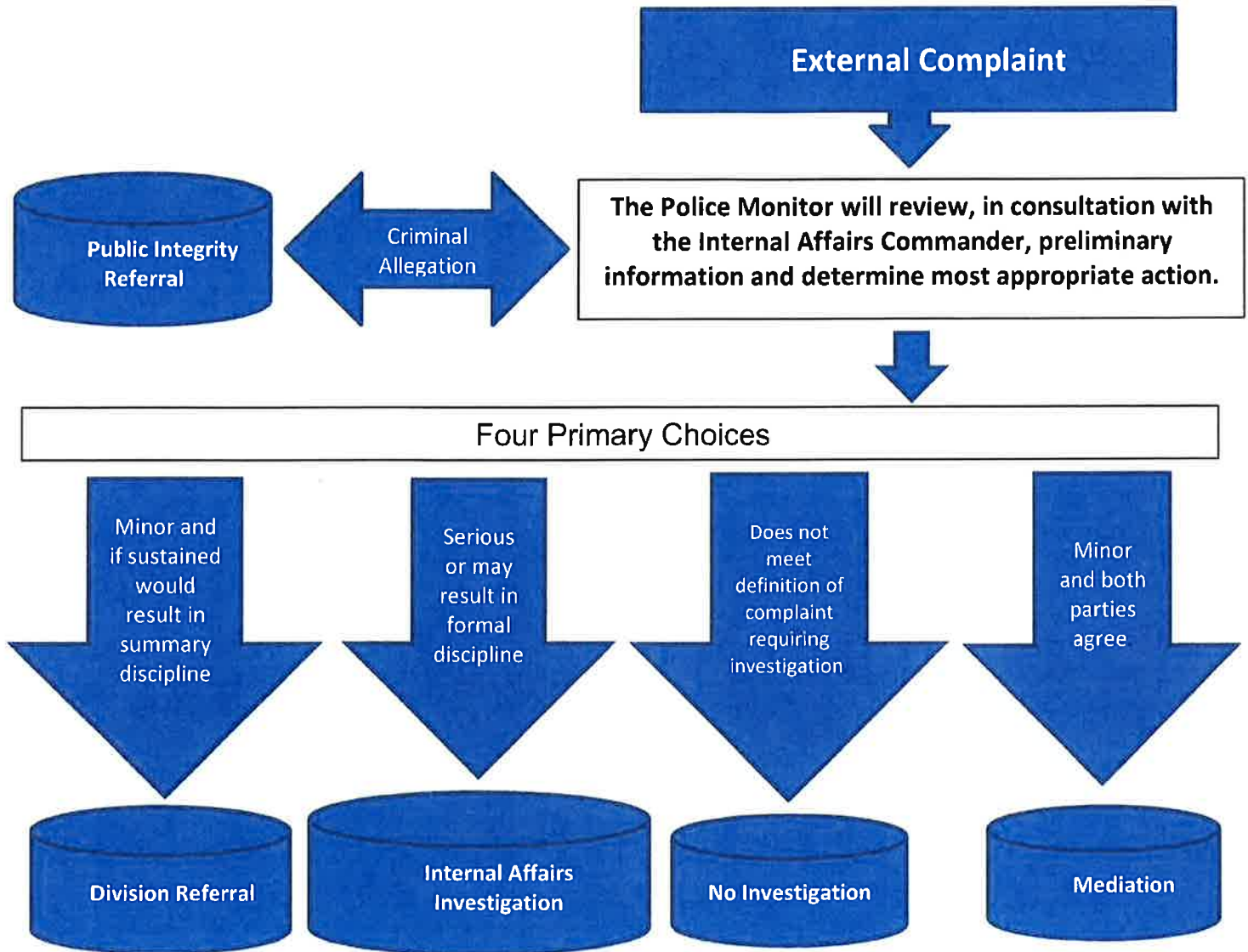
Please do not hesitate to reach out should you have any questions or concerns.

A handwritten signature in cursive script that reads "Jon Fortune".

Jon Fortune
Assistant City Manager

c: TC. Broadnax, City Manager

External Complaint Workflow Process



External Administrative Complaints
November - December 2019

Total External Complaints by Source

	Nov	Dec
DPD Total	58	54
External Email	13	22
External Letter	5	6
External Online Form	6	7
External Walk-in	34	19
OCPO Total	8	24
External Email OCPO	5	17
External Letter OCPO		1
External Online Form OCPO	3	5
External Walk-in OCPO		1
Grand Total External Complaints by Source	66	78

Classification of External Complaints

	Nov	Dec
Divisional Investigation from External Complaint	23	17
Discourtesy or Unprofessionalism	8	5
Fail to Complete Reports	1	1
Improper Action	8	4
Improper Comments	1	2
Improper or No Investigation	5	5
Internal Affairs Investigations from External Complaint	2	0
Improper or No Investigation		
Improper Release of Information		
Mistreatment of Individual	2	
Racial Profiling		
Use of Force		
No Investigation Conducted	41	52
Did not meet criteria		2
Duplicate Complaint	3	1
Fail to Articulate	10	17
Failed to Complete Report on Time		1
Guilt or Innocence	3	4
Information Only	4	2
More Information	4	3
Need Signature		1
No Violation	7	7
No Violation - BWC (Body Worn Camera)	6	9
Non Employee	3	3
Sixty Day		1
Third Party	1	
Unknown Officer		1
Pending Classification (as of 1/7/20)	0	9
Grand Total Classification of External Complaints	66	78

External Complaint Workflow

No Investigation Sub-Classification General Definitions

It is the policy of the Department to accept and investigate all complaints of misconduct or wrongdoing from any citizen as prescribed by state law and Department policy. Complaints are handled in accordance with Texas Government Code, Section 614.021-614.023, as interpreted by the City Attorney.

A No Investigation (NI) number is assigned to information received in the Internal Affairs Division that does not meet the guidelines of a complaint requiring a full investigation by the Department. The information is given a sub-classification for statistical tracking purposes. The current sub-classifications used are:

- **Does not meet criteria-** Complaints relative to differences of opinion between a citizen and the investigating officer regarding the contributing factors listed on an accident report will not be investigated. If a person calls or comes in but does not want to provide a written statement at that time, it will be entered. If they fail to follow up and provide a written complaint in any format, it may result in this sub-classification.
- **Duplicate Complaint-** Person is making a repeated allegation that has already been handled by the department.
- **Fail to Articulate-** Person may be complaining but does not make an allegation of misconduct.
- **Guilt or Innocence-**
 - Complaints relative to differences of opinion between a citizen and an arresting police officer regarding the guilt or innocence of that citizen will not be investigated but will be properly disposed of within the judicial system. If a citizen can furnish evidence that the arrest was malicious and/or illegal, the complaint may be investigated at the discretion of the Internal Affairs Division Commander.
 - Complaints relative to differences of opinion between a police officer and a citizen over the issuance of a traffic citation will not be investigated unless there is an allegation of a violation of law or departmental rules on the part of the officer.
- **Information Only-** A person may just be sending information or needing something from a member of the department. For instance, needing a detective to call them back about a case. A complaint about having to wait a long time for a police response to a 911 call may receive this sub-classification. Information is forwarded to division of responsibility.
- **More Information-** Person makes an allegation of misconduct, but the department needs more information to make determination on how to proceed.

- **No Violation-** Preliminary investigation is able to determine, based on evidence available, there is no violation of department procedures. Complaints involving a citizen's misunderstanding of departmental policy, which are resolved by a supervisor explaining the correct departmental policy and where the citizen is satisfied with the response, will not require investigation.
- **No Violation BWC-** Preliminary investigation is able to determine there is no violation due to review of officer's body worn camera.
- **Non-Employee-** Person makes allegation into misconduct of person who is not an employee of the police department.
- **Sixty Day-** Complaints are not typically accepted more than sixty days after the alleged incident, with the following exceptions:
 - When the complaint involves a criminal violation, the criminal statute of limitations will prevail.
 - When the complainant can show good cause for not making the complaint within the specified time limit.
- **Third Party-** Person complaining has no direct knowledge of incident. Often used when person sends an email or letter after seeing a negative news or social media story.

In all case, the citizen is sent a return letter to inform them that the information or complaint has been received and how it will be handled. If the department is not going to investigate, the reason is given with contact information on who they may call to discuss.



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-140

Item #: 4.

Review Actions and Requests from Prior Meeting(s)

- a. Overview of the Office of Community Police Oversight Board Fiscal Year 19-20 Budget [Jon Fortune, Assistant City Manager, City Manager's Office]
- b. Update regarding the process to hire the Police Monitor position [Jon Fortune, Assistant Manager, City Manager's Office]
- c. Implicit Bias Training - January 16, 2020

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Office of Community Police Oversight FY19-20 Budget**

At the December 10, 2019 Community Police Oversight Board Meeting, members requested additional information on the FY19-20 budget for the Office of Community Police Oversight.

Below, for your review is the outlined budget.

Office of Community Police Oversight Budget

FY 2019-20

Expense Group	Budget
Personnel - 3 FTEs	\$379,607
Office Supplies	\$5,393
Community Engagement	\$20,000
External Professional Service	\$40,000
Office Configuration (one-time)	\$30,000
Total Budget Request	\$475,000

Please let me know if you have any questions.


Jon Fortune
Assistant City Manager

c: T.C. Broadnax, City Manager

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Appointment of Monitor for the Office of Community Police Oversight**

After an extensive search and interview process that included the Community Police Oversight Board Chair and various community stakeholders, I am pleased to announce the appointment of Tanya McClary as the City's first Monitor for the newly created Office of Community Police Oversight, effective February 24, 2020.

Ms. McClary currently serves as the Chief Monitor of the Office of the Independent Police Monitor (OIPM) in New Orleans, Louisiana. Ms. McClary possesses a Juris Doctorate from the University of Baltimore School of Law and a Bachelor of Arts in English and African American Studies from the University of Maryland Baltimore County. In her current position as the Chief Monitor of the Office of the Independent Police Monitor, Ms. McClary monitors investigations that involve the use of force by the New Orleans Police Department and directly oversees the OIPM Use of Force Department. She also handles oversight of disciplinary hearings and complaints that involve the use of force. Ms. McClary has previously served as the founder and principal of McClary and Associates, where she worked on criminal, civil rights and human rights cases at the local and national levels. She has over 20 years of legal experience, focusing on criminal defense, mitigation and human/civil rights cases.

I am excited about Ms. McClary joining the City of Dallas, and I look forward to her beginning the work to foster renewed trust and improved relationships with the residents of Dallas. Upon starting her tenure with the City, Ms. McClary will begin the important work of staffing and operating the Office of Community Police Oversight.

A complete bio for Ms. McClary is attached for your review

Please contact me if you have any questions or need additional information.



Jon Fortune
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager



Tonya McClary is a pastor, lawyer, advocate, organizer and artist. Her life's works are in the areas of transformative justice, criminal justice, healing, civil and human rights and for over two decades, Tonya has been realizing her vision. Tonya is currently the Chief Monitor over Use of Force at the Office of the Independent Police Monitor (OIPM) in New Orleans, Louisiana. Tonya's position was newly created in the office; therefore, part of her mandate was to build the department, create the policies that would govern it, develop best practices for use of force civilian oversight and other foundational tasks. Tonya's department has now become a model for other oversight agencies in the country working on use of force. Because use of force cases often garner public attention, Tonya frequently served as a spokesperson for the OIPM on local and national media outlets.

In addition to Tonya's use of force work at OIPM, she also served on the office's management team alongside the Police Monitor and Deputy Monitor to manage all office operations and strategic planning and represent the office at high level meetings with New Orleans Police Department (NOPD), City officials, the Consent Decree Monitors, and national police oversight partners. Tonya also supervised the New Orleans Community-Police Mediation Program. Because of her passion for community outreach and advocacy, Tonya also took on the role of recruiting and supervising a Public Allies Fellow who is primarily working with a group called Families Overcoming Injustice (FOI). This group is made up of loved ones who have had a family member killed by the New Orleans Police Department. FOI started meeting many years ago as a support group for one another. However, over time they learned that they shared many of the same concerns about the investigation of their loved one's cases. With Tonya's support the group chose a name for itself, developed goals, started having public events and built some infrastructure that is helping the group reach its desired goals and have the impact they want in the City of New Orleans. The group also moved from being almost solely a support mechanism to making policy changes within the NOPD in the form of "*A Family Bill of Rights*".

Before joining OIPM, Tonya's work in the area of policing encompassed working with groups at all levels of government to develop strategies to offset brutality in communities, document human rights abuses, and work with police agencies on the development of community policing standards. Tonya also assisted some of these same groups in addressing issues internationally to independent monitoring bodies, like the United Nations. Tonya also developed partnerships with national police organizations to review responses to police brutality and inadequate responses from internal affairs departments. Working with groups like these was important to understanding police culture and ensuring that there was interest and cooperation from police departments when recommendations were being put forward.

In addition to police accountability and oversight work, Tonya has also spent many years as an organizer and advocate for policy changes and reform regarding issues impacting the criminal justice system, locally, nationally and internationally. Some of those issues include indigent defense, juvenile justice, human rights education, rights of incarcerated and formerly incarcerated people, women and girls.

Tonya has also had a long career as a public defender in various offices across the country. Those offices include, (1) the Regional Public Defender for Capital Cases in Texas, (2) The Public Defender's Office in Baltimore, Maryland and (3) the Orleans Public Defender's office in New Orleans, Louisiana. Tonya has also been in leadership in most of the public defender offices where she has worked. In Maryland, Tonya served as the Circuit Court Chief in Baltimore City and had responsibility for approximately 70 staff which included attorneys, paralegals, legal secretaries, investigators, social workers and intake workers. Tonya was also a Supervising Attorney at the New Orleans Public Defender's Office.

Tonya's visionary work and expertise has taken her around the world as a lecturer and trainer. She is a graduate of the University of Baltimore School of Law.

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Implicit Bias Training – January 16, 6 p.m.**

At the November 12th meeting of the Community Police Oversight Board, members requested extended Implicit Bias training.

The training is scheduled for Thursday, January 16, 6 – 8:30 p.m., at the University of North Texas-Dallas campus, 7350 University Hills Blvd., Student Success Learning Center, Room 1009. Materials will be provided in advance of the meeting.

Please contact me directly or the interim Board Coordinator at 214.670.3882 or OCPO@dallascityhall.com with any questions you may have.

A handwritten signature in dark ink that reads "Jon Fortune". The signature is fluid and cursive.

Jon Fortune
Assistant City Manager

c: T.C Broadnax, City Manager



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-141

Item #: 5.

Board Member Update on Community Engagement Activity

Memorandum



CITY OF DALLAS

DATE January 10, 2020

TO Members of the Community Police Oversight Board

SUBJECT **Board Member Update on Community Engagement Activity**

The Board will discuss and provide an update on Community Engagement Activities.



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-142

Item #: 6.

February 11, 2020



Community Police Oversight Board (CPOB) 2020 Schedule

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

Community Police Oversight Board meetings are held every 2nd Tuesday of each month, except for the month of July (City Council Recess). Meetings are held at Dallas City Hall, 1500 Marilla, City Council Chambers, 6EN. Meetings begin at 5:30 p.m.

January 14, 2020 – City Council Chambers, 6EN

February 11, 2020 – City Council Chambers, 6EN

March 10, 2020 – City Council Chambers, 6EN

April 14, 2020 – City Council Chambers, 6EN

May 12, 2020 – City Council Chambers, 6EN

June 9, 2020 – City Council Chambers, 6EN

July – No meeting (City Council Recess)

August 11, 2020 – City Council Chambers, 6EN

September 8, 2020 – City Council Chambers, 6EN

October 13, 2020 – City Council Chambers, 6EN

November 10, 2020 – City Council Chambers, 6EN

December 8, 2020 – City Council Chambers, 6EN