

Citizens Police Review Board Meeting Minutes

The Citizens Police Review Board meetings are recorded. Agenda materials and recordings may be reviewed/copied by contacting the Citizens Police Review Board Coordinator at 214-671-5265.

Meeting Date: August 14, 2018

Convened: 1:01 p.m.

Adjourned: 3:19 p.m.

Board members Present:

Janice Coffee
Jesuorobo Enobakhare, Jr.
James Birdsong
Mario Gutierrez
David LaBrec
Joshua Vernon
David Kitner
Brian H. Williams, **Chair**

Board member(s) Absent:

Linda Lunn
Loren Gilbert-Smith
Paul Hille, **Vice-Chair**

Staff Present:

Dallas Police Department Internal Affairs
Michelle Buendia, Assistant City Attorney
Mary Kate Bevel, City Manager's Office
Thomas Taylor, DPD
Chief Pughes, DPD
Major Ramirez, DPD
Arlington Police Department
Fort Worth Police Department

AGENDA:

Call to Order

RECEIVED
2018 SEP 11 PM 4:09
CITY SECRETARY
DALLAS, TEXAS

Action Taken/Recommendation(s):

Chair Brian H. Williams called an Open Session of the Citizens Police Review Board meeting to order at 1:01p.m., Tuesday, August 14, 2018 at Dallas City Hall, 1500 Marilla, Room L1FN – Conference Center Auditorium, Dallas, TX, 75201. A quorum was present and attendance documented with each member stating their name and district they represent for the record.

1. Approval of Meeting Record for June 12, 2018 Meeting

Motion to approve the minutes of June 12, 2018.

Motion by: Janice Coffee

Motion seconded by: David Kitner

Passed unanimously

Public Hearing (Cases appearing on the Board's Agenda)

A quorum was present for public hearings. Mr. Birdsong provided an overview of the Board's functions, limitations, powers, and the mission statement of the Board. The City Attorney's office verified that there was no pending litigation between the City and the speakers. All speakers were sworn in by Chair Williams.

2. Mr. Michael Floyd – CN2016-149

Summary (Nature of Complaint)

Mr. Michael Floyd alleges that on June 27, 2016, at approximately 2:45a.m., Senior Corporal Pablo Rojas, #9652, South Central Patrol Division, used inappropriate or unnecessary force when he was taken into custody for Evading Arrest at 4100 Bonnie View Road. Mr. Floyd also alleges the arrest was false.

DPD Internal Affairs provided an overview of the investigation. The Board discussed the allegations and findings of the investigation.

Allegation #1 – Failed to activate wireless microphone

Based on the testimonial and documentary evidence collected during the course of this investigation, Allegation #1, stating that on June 27, 2016, Police Officer Wendy Lary, #10070, failed to activate her wireless microphone during a traffic stop is classified as **“SUSTAINED.”**

Allegation #2, #3, & #8 – Failed to complete Blue Team Use of Force report

Based on the testimonial and documentary evidence collected during the course of this investigation, Allegations #2, #3, #8, stating that on June 27, 2016, Senior Corporal Pablo Rojas, #9652, Police Officer Wendy Lary, #10070, and Police Officer Mia Alvarez, #10451, failed to complete a Blue Team Use of Force Report are classified as **“SUSTAINED.”**

Allegation #4 – Failed to activate body worn camera

It is alleged on June 27, 2016, Senior Corporal Alan Haynes, #8583, failed to activate his body worn camera during a traffic stop. **“RESCINDED”**

Allegation #5 – Failed to complete vehicle check sheet

It is alleged on June 27, 2016, Senior Corporal Pablo Rojas, #9652, failed to complete a vehicle check sheet. **“RESCINDED”**

Allegation #6 – Failed to activate body worn camera

Based on the testimonial and documentary evidence collected during the course of this investigation, Allegation #6, stating that on June 27, 2016, Senior Corporal Pablo Rojas, #9652, failed to activate his Body Worn Camera during a traffic stop is classified as **“SUSTAINED.”**

Allegation #7 – Failed to activate wireless microphone

It is alleged on June 27, 2016, Senior Corporal Pablo Rojas, #9652, failed to activate his wireless microphone during a traffic stop. **“RESCINDED”**

Allegation #9 – DVR policy violation

Based on the testimonial and documentary evidence collected during the course of this investigation, Allegation #9, stating that on June 27, 2016, Senior Corporal Pablo Rojas, #9652, violated the Digital Video Recorder policy by turning off his camera during a traffic stop is classified as **“SUSTAINED.”**

Motion to concur with Internal Affairs' findings #1-9.

Motion by: Janice Coffee Motion seconded by: Joshua Vernon

No discussion

Motion passed unanimously.

Allegation #10 – Failed to provide medical treatment

This investigation has been unable to prove or disprove the allegation that Senior Corporal Rojas, Senior Corporal Haynes, Officer Lary, and Officer Alvarez failed to provide medical treatment by not calling for medical assistance at the scene when Mr. Floyd says he was injured and may have lost consciousness. Therefore, this portion of the investigation is classified as “NOT SUSTAINED.”

Motion to concur with Internal Affairs' finding #10.

Motion by: David Kitner Motion seconded by: Joshua Vernon

No discussion

Motion passed unanimously.

Allegation #11 – Inappropriate or unnecessary force

After reviewing the video, Senior Corporal Lavender said Senior Corporal Rojas used a body lock takedown. Given the circumstances of the situation, the force employed by Senior Corporal Rojas was appropriate and necessary. Officer Lary said at no time did Senior Corporal Rojas choke Mr. Floyd. Therefore, the allegation that Senior Corporal Rojas used inappropriate or unnecessary force is classified as “EXONERATED.”

Motion to concur with Internal Affairs' finding #11.

Motion by: James Birdsong Motion seconded by: Janice Coffee

No discussion

Motion passed on divided vote.

Allegation #12 – False arrest

Video evidence shows Senior Corporal Rojas activating his overhead lights in order to detain Mr. Floyd. Mr. Floyd is seen evading Senior Corporal Rojas on his bicycle. Senior Corporal Rojas was within departmental police when he arrested Mr. Floyd for disregarding the traffic control device. Therefore, this portion of the investigation is classified as “UNFOUNDED.”

Motion to concur with Internal Affairs' finding #12.

Motion by: Joshua Vernon Motion seconded by: Janice Coffee

No discussion

Motion passed unanimously.

3. Mr. Alpha Ly – CN2017-261**Summary (Nature of Complaint)**

On November 19, 2017, at approximately 3:12p.m., Mr. Alpha Ly was involved in a vehicle accident at the intersection of Cole Avenue and East Lemmon Avenue. Senior Corporal Valerie Womack, #9716, Police Officer Tu Nguyen, #10740, and Police Officer Trainee III Jacob Diehl, #11223, Central Patrol Division, responded to the call. Mr. Ly claimed officers treated him unfairly during the accident investigation.

DPD Internal Affairs provided an overview of the investigation. The Board discussed the allegations and findings of the investigation.

Allegation #1 – Unfair treatment

Based on the testimonial and documentary evidence collected during the course of this investigation, the allegation that Senior Corporal Womack, Officer Diehl, and Officer Nguyen treated Mr. Ly unfairly during their accident investigation, is classified as “**UNFOUNDED.**”

Motion to concur with Internal Affairs’ finding.

Motion by: David Kitner Motion seconded by: James Birdsong

Discussion among board members.

Motion failed on a tied vote.

2nd Motion to concur with Internal Affairs’ finding.

Motion by: David Kitner Motion seconded by: James Birdsong

Discussion among board members.

Motion failed on a tied vote.

This case will be heard again next meeting.

The August 14, 2018 Citizens Police Review Board Meeting adjourned at 3:19 p.m.

APPROVED BY:

ATTEST:



Brian H. Williams, Chair
Citizens Police Review Board



Mary Kate Bevel, Board Coordinator
Citizens Police Review Board