



Dallas District Attorney Announces Plan for New Unit to Investigate Police Shootings: Will It Go Far Enough?

By Candice Bernd

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After years of relentless pressure from community organizers, and amid a national spotlight on police violence in the aftermath of the shooting death of unarmed black teenager Michael Brown, Dallas District Attorney (DA) Craig Watkins recently announced his plan to create a civil rights unit to investigate police shootings of civilians in Dallas County.

But while community organizers and family members of police shooting victims say Watkins' new plan is a step in the right direction, many are concerned the plan won't go far enough in a city where people of color make up the majority of those killed in police shootings. This gaping disparity, in which about 79 percent of all police shootings in Dallas from 2002 to 2013 have been of people of color, could provide a basis for a Department of Justice (DOJ) investigation into systematic civil rights violations by the Dallas Police Department (DPD). A DOJ investigation isn't currently planned, but the organizers have been building a case for the investigation over a period of months.

The DPD is currently investigating its [13th police shooting in 2014](#), in which Officer Jose Gamez shot and killed 18-year-old Sergio Ramos on August 27. Ramos was the sixth person shot by Dallas police last month.

Watkins says he has been working on the plan for the civil rights unit for the previous two years, well before the events in Ferguson caught the national spotlight. The Commissioners Court is expected to authorize funding for the unit when it finalizes the county budget on October 1. The unit will consist of a newly hired prosecutor and an investigator, and will cost about \$200,000 annually. The unit will be a part of the DA's office and the new hires will report to Watkins.

"One of the first things I noticed when I took office was that there was a mistrust among certain communities as it related to police officer shootings," Watkins told Truthout. "Police officers would generally investigate themselves and those kinds of investigations didn't go over well with the general public."

After violence erupted in the streets of Ferguson, Missouri, in part provoked by the use of heavy military equipment by the local police, city leaders like Watkins are coming under pressure to independently investigate police shootings in a manner that is transparent and provides a sense of real accountability in major cities across the nation.

The new unit will take over handling police shootings investigations from the DA's public integrity unit, which currently works in conjunction with the DPD Special Investigations Unit (SIU) in cases where police shoot civilians in Dallas County. The public integrity unit has come under criticism from community organizers and family members of shooting victims for the way it handles investigations of Dallas officers.

The unit has only recently secured the indictments of three Dallas cops: Rodney Bailey for a 2006 sexual assault, and Amy Wilburn and Cardan Spencer for nonlethal shootings of civilians last year, which were captured on video. In the previous 40 years not a single Dallas officer had been indicted for shooting civilians.

Dallas Police Chief David Brown supports Watkins plan, telling [The Dallas Morning News](#) that he believes the new unit "can only improve the public trust and confidence in the criminal justice system."

Brown has been widely criticized for quietly instituting a 72-hour review policy in November 2013 that allows officers to remain silent for 72 hours and review any evidence against them after they are involved in a shooting before making an official statement.

The city's largest police union, the Dallas Police Association (DPA), is resisting Watkins' new civil rights unit, drafting up its own proposal that would include the two new district attorneys in the DPD's SIU - keeping the investigative process within the police department's internal affairs division.

"It's better to have one investigation that is thorough, done quickly, and [investigators] can determine the outcome from that," DPA president Ron Pinkston told Truthout.

Watkins told Truthout the DA's office is still considering the DPA's alternative plan and is planning a meeting with DPA representatives and Chief Brown to determine how to move forward.

More recently, in response to last month's shootings, Dallas police commanders [are now mandating](#) that officers who are involved in police shootings remain off the streets for a full month while working a desk job or lighter assignment. They must also go through more frequent psychological counseling when they return to work after administrative leave.

Is It Enough?

Organizers and family members of police shooting victims with Dallas Communities Organizing for Change (DCOC) have been pushing Watkins and city leaders to implement reforms to the DPD that reflect community policing standards and practices for years.

"It was surprising . . . when [Watkins] announced that he had been working on this for a couple years. It was all our effort," said Walter Changa Higgins, lead organizer with DCOC. "So we kind of looked at it as an opportunity for him to have a little PR spin, and take credit for that, but that's fine because we feel like it's something that needs to happen. More importantly, we feel like it's not enough."

Higgins and other community organizers expressed doubt about the new unit's ability to actually hold Dallas police officers to account for unjustified shootings of civilians. Dallas resident Collette Flanagan, who lost her son Clinton Allen, a 25-year-old who was unarmed, to Dallas officer Clark Staller, told Truthout she expects the new unit will be too closely aligned to the DPD for comfort.

Staller shot Allen seven times in March 2013, and Flanagan has always disputed officers' version of the events that led to her son's killing. A grand jury declined to indict Staller the following October.

Flanagan says she, like many other families of police shooting victims in Dallas, felt excluded from the accountability process after DPD officials and staffers at DA Watkins' office would not speak with her in the aftermath of Allen's death. Flanagan felt a need to unite the families who felt isolated so that they could collectively seek justice for their loved ones. She founded [Mothers Against Police Brutality](#) to be a voice for those families. She traveled to Ferguson, Missouri, to be in solidarity with the families there who have lost loved ones.

"When your child is killed by a Dallas policeman, you are totally isolated and alienated. They put you in a box . . . to break your spirit, to break your will and to send a message to you very early on," Flanagan told Truthout.

Flanagan believes the DA's office is already too closely aligned with the DPD in any case, pointing to the history of the DA's public integrity unit, which she says has mishandled most cases involving police shootings. Flanagan alleged the office, in many cases, simply received the DPD's initial report of an incident and without any further investigation, would present the same report to the grand jury as the final investigation.

Watkins agreed that prior district attorneys worked too closely with the police department, but has hoped to turn that precedent around over the years. He said he would support re-opening previous cases if additional funding and resources could be made available to his office.

"Obviously there are concerns because the prior administration worked hand-in-hand with the police department, and kind of rubber-stamped everything they did," Watkins said. "Since I've been the district attorney, we've done things very differently, and I would just hope folks would look at us from the perspective of what we've done to improve law enforcement."

The DCOC organizers say last year's indictments of former officers Spencer and Wilburn came only after they began protesting outside Watkins' home, demanding accountability for Dallas officers after 40 years without any indictments. DA Watkins can't personally indict an officer in

any case, instead Dallas County criminal district judges appoint grand jurors rather than the DA's office.

The activists are also demanding additional funding to equip every DPD officer with a body-worn camera, a task that could prove difficult as city leaders [cut back](#) on the police department's budget. The DPD began field-testing body-worn cameras from various vendors after the indictments of Spencer and Wilburn, in the hope of ultimately equipping 2,500 officers with cameras [at an estimated cost range](#) of \$2 million to \$11 million.

The group would also like additional reforms to the citizen review board, whose 15 members are appointed by city council members and who provide a means for Dallas citizens to communicate their concerns about police violence and misconduct. Higgins says the board hasn't changed its procedures in more than 20 years. The group is pushing to remove the bureaucratic red tape which governs how the board can use its subpoena power.

Another demand is that Chief Brown rescind the controversial 72-hour review policy, which allows officers to remain silent for 72 hours after they are involved in a shooting before making an official statement.

The policy was instituted after former officer Spencer shot Bobby Gerald Bennett four times, once in the stomach, almost killing him. Bennett struggles with schizophrenia and bipolar disorder, and was off his medication at the time of the incident last year, according to a police report.

Spencer and his partner at the time reported that Bennett moved toward them in a threatening manner, but their report was contradicted by footage from a home surveillance camera. Spencer was later indicted for his shooting of Bennett.

According to [internal communications obtained by Truthout](#) between Brown and City Council member Philip Kingston, Brown justifies the policy by calling it a "best practice" for law enforcement. In a separate email, Brown admits "there is no consensus among Chiefs in major cities" on this issue.

Indeed, in other municipalities that have adopted the same policies, which are not many, the policies also call for all information about a police shooting, including any potential video of the incident, to be released to the public after 72 hours. [According to police accountability experts](#), many of these policies have since been eliminated after they were instituted - and not many, if any, explicitly state that an officer may review any evidence against him or her before making a statement.

Accountability experts believe 72-hour review policies simply give officers time to cover for one another by getting their stories straight. Brown has given no signals that he would consider revoking the policy.

But the community groups' final demand is one that could still be years in the making.

Organizers Push for Another Kind of Independent Investigation: A DOJ Civil Rights Investigation

Dallas organizers are conducting research to build a case for an investigation by the DOJ's Civil Rights Division into the systematic violation of the civil rights of Dallas civilians, primarily communities of color, through institutionalized DPD practices.

DCOC submitted an open records request for data on every police shooting from January 1, 1987, to August 11, 2013, and statistically analyzed the (albeit incomplete) responsive data they received from the department [in a report](#) released in November 2013.

The group's report found that between July 20, 2002, and July 18, 2013, there were 197 police shootings reported by the police department, with 58 resulting in a fatality. Black and Hispanic fatalities accounted for 43, or 74 percent, of all lethal police shootings. Of the remaining 139 non-fatal police shootings, black and Hispanic non-fatal shootings accounted for 112, or 81 percent, of all reported incidents. Overall, the report found that there were 156 black and Hispanic individuals who were shot by a Dallas police officer between July 2002 and July 2013 - a whopping 79 percent of all reported police shootings during that same period.

The findings reveal a clear bias in the application of deadly force against racial minorities by the Dallas Police Department that could provide the basis for an investigation into the institutionalization of racial profiling by the department, according to civil rights attorney Shayan Elahi, who is counsel for the DCOC.

"We are looking at a, sort of, unbridled abuse of power, shoot-at-will-and-then-get-off-scott-free, situation here," Elahi told Truthout.

He said the group decided to approach the DOJ's Civil Rights Division after Dallas city council members were unresponsive to the group's reported research. The local FBI office has expressed interest in meeting with the group after reviewing their report, he said.

"We're trying to put together a narrative which will go along with the numbers to show the DOJ that there's something here that needs to be looked at," Elahi said.

He said the DOJ staffers have been slow to respond to the group's inquiries thus far.

In addition to DCOC's research, the Cato Institute's National Police Misconduct Reporting Project [ranked Dallas 11th highest in reported misconduct rates](#) for law enforcement agencies with 1,000 or more officers.

As far as Watkins' plan for a new investigative unit goes, Elahi expressed mixed feelings.

"I would never begrudge anybody trying to do something positive toward shedding some light into this issue, so I understand where DA Watkins is coming from, and I applaud that effort. Having said that, the other criticisms that are also there are that it is just a fact of the way our

system is set up that the DA's office works very closely with the police department," he said. "They need them for prosecutions."

The group hopes city leaders will look into the disproportional application of deadly force by the department against communities of color before the DOJ files an investigation into the matter.

They are joined by organizers and family members of victims in major cities such as [Chicago](#) and [Los Angeles](#) who are also pushing for community policing standards and transparency in the aftermath of the deaths of not only unarmed teenager Michael Brown of Ferguson, but of other unarmed persons of color such as Eric Garner of New York, and Ezell Ford and Omar Abrego of Los Angeles.