

# Upcoming Council Agenda Items

# Memorandum



CITY OF DALLAS

DATE: August 14, 2009

TO: Members of the Public Safety Committee

SUBJECT: Local Agreement with the Denton County Criminal District Attorney for Equitable Sharing of Asset Seizures and Forfeitures under Chapter 59 of the Texas Code of Criminal Procedures

The Dallas Police Department and the Denton County District Attorney are seeking approval from the Public Safety Committee to place the proposed agreement on the agenda for City Council action. This Agreement is for the equitable sharing of assets seized and forfeited pursuant to Chapter 59 of the Texas Code of Criminal Procedures.

The provisions of this new proposed agreement are as follows:

- In forfeiture cases filed involving currency, the Dallas Police Department will receive 80% and the Denton County District Attorney will receive 20% of the awarded money upon final judgment;
- In forfeiture cases filed involving personal property, the Dallas Police Department will receive 100% of the proceeds from the sale of all awarded personal property upon final judgment;
- In forfeiture cases involving motor vehicles, the Dallas Police Department will pay a flat fee of \$300.00 to the Denton County District Attorney upon final judgment and shall receive 100% of the proceeds from the sale of all awarded motor vehicles upon final judgment and;
- Proceeds from the sale of real property will be negotiated on a case by case basis.

The court costs and litigation expenses related to forfeiture proceedings will be paid by the Dallas Police Department.

The terms of this Local Agreement will be for a period of one (1) year from the date of execution of this agreement. This agreement will automatically be renewed on a yearly basis after the initial one (1) year term. This agreement may be terminated by either party upon thirty (30) days prior notice.

A handwritten signature in black ink, appearing to read 'Ryan S. Evans'.

Ryan S. Evans  
First Assistant City Manager

# Memorandum



CITY OF DALLAS

DATE: August 14, 2009

TO: Members of the Public Safety Committee

SUBJECT: Local Agreement with the Tarrant County Criminal District Attorney for Equitable Sharing of Asset Seizures and Forfeitures under Chapter 59 of the Texas Code of Criminal Procedures

The Dallas Police Department and the Tarrant County District Attorney are seeking approval from the Public Safety Committee to place the proposed agreement on the agenda for City Council action. This Agreement is for the equitable sharing of assets seized and forfeited pursuant to Chapter 59 of the Texas Code of Criminal Procedure.

The provisions of this proposed agreement are as follows:

- In forfeiture cases filed involving currency, all costs and fees incurred pursuant to the forfeiture proceeding will be paid from the awarded funds, and the Dallas Police Department and the Tarrant County District Attorney will share equally the balance of the awarded money;
- In forfeiture cases filed involving personal property, the property will either be divided equally between the Dallas Police Department and the Tarrant County District Attorney or the property will be sold by the Tarrant County District Attorney. After all costs and fees incurred pursuant to the forfeiture proceeding are paid from the proceeds, the remaining balance of the proceeds will be shared equally between the Dallas Police Department and the Tarrant County District Attorney.
- In forfeiture cases filed involving real property, the awarded property will be sold by the Tarrant County District Attorney and after all costs and fees incurred pursuant to the forfeiture proceeding are paid from the proceeds, the remaining balance of the proceeds will be shared equally between the Dallas Police Department and the Tarrant County District Attorney. However, if both the Dallas Police Department and the Tarrant County District Attorney reach agreement, the title to awarded real property may be conveyed to any law enforcement agency to use the real property for law enforcement purposes and;
- In forfeiture cases involving motor vehicles, the Dallas Police Department will have first option of taking title to the motor vehicle and using it for official purposes. If the Dallas Police Department declines the first option on a forfeited vehicle then the Tarrant County District Attorney may claim the vehicle for Tarrant County or offer it to any other contracting police agency to be used for official purposes. If no party claims the motor vehicle then the vehicle will be sold by the Tarrant County District Attorney and proceeds from the sale will be divided equally between the Tarrant County District Attorney and the Dallas Police Department.

This agreement may be terminated by either party upon thirty (30) days prior notice.

A handwritten signature in black ink, appearing to read 'Ryan S. Evans'.

Ryan S. Evans  
First Assistant City Manager

# Memorandum



CITY OF DALLAS

DATE: August 14, 2009

TO: Members of the Public Safety Committee

SUBJECT: Proposal to Accept the Texas Burglary and Automobile Theft Prevention Authority (ABTPA) Grant Funds

In a memo dated March 3, 2009, and presented to the Public Safety Committee members on April 20, 2009, the Dallas Police Department's Auto Theft Unit sought approval to apply for grant funds from the Texas Burglary and Automobile Theft Prevention Authority (ABTPA). The requested amount was for \$507,847 with a Cash Match of \$114,054 and an In-Kind Match of \$544,620. The City Council approved the application process at the meeting conducted on April 22, 2009. The grant period will be from September 1, 2009 through August 31, 2010.

Once accepted, these funds will provide monies for the funding of one sergeant to supervise the day to day operations, three senior corporals working on grant goals related to arrests, crime prevention activities, identifying vehicles, case filing, locating legal and illegal repair shops, along with responding to call-back duties. This money will also fund one civilian clerk to assist in the office with clerical duties and one Police Research Specialist to track trends related to Auto Theft issues.

The awarding of the funds was determined and announced at a Grant Review hearing in Houston, Texas on June 19, 2009. On June 26, 2009, the Dallas Police Department was formally notified by mail of the award of \$517,847. The Dallas Police Department is seeking the support and recommendation of the Public Safety Committee in gaining approval from the City council to accept this grant and continue this proactive approach to combat the Auto Burglary and Theft problem in the City of Dallas.

With your approval, this item will be set for the City Council meeting on August 26, 2009.

A handwritten signature in black ink, appearing to read 'Ryan S. Evans'.

Ryan S. Evans  
First Assistant City Manager

# Memorandum



DATE August 14, 2009

TO: Members of the Public Safety Committee

SUBJECT I. A. D. Cases to be Presented to the Public Safety Committee on August 17, 2009

## **NEW CASE PRESENTATION:**

No New Cases

## **PREVIOUS CASE PRESENTATION:**

### **Control #08-196**

**Council District:** 12  
**Involved Officers:** (2) White Male  
(1) Hispanic Male  
(1) White Female  
**Suspect:** (1) White Male

On June 21, 2008, at approximately 1:15 a.m., Officer #1 working Element A611 and Officer #2 working Element A614 were dispatched to a disturbance at 18081 Midway Road. Upon arrival, the officers met with the witness who stated her son was upset over a recent vehicle accident and had locked her out of her apartment. The witness went on to explain to the officers that the suspect had a lengthy arrest history and was recently released from the penitentiary. Based on the information received from the witness, Officer #2 requested assistance from Officers #3 and #4 who were working Element A622. After the arrival of Officers #3 and #4, all four officers went to Apartment #2018 and knocked on the door. As the officers knocked on the door, they continued to speak with the witness. While speaking with the witness, the officers heard the deadbolt unlocking and noticed the handle of the door starting to turn. The officers drew their weapons and observed the suspect partially open the door and point an automatic weapon directly at Officer #2. Fearing for his safety, Officer #2 fired one round from his duty weapon. Also, in fear of his life and the other officers at the location, Officer #3 fired four rounds from his duty weapon. The suspect was struck once in the neck. The suspect was transported to Parkland Memorial Hospital by Dallas Fire Rescue. No injuries were sustained by the officers. The suspect was listed in stable condition.

While in the ambulance on the way to the hospital, the suspect apologized for pointing the weapon at the officers. The suspect further acknowledged that pointing a "toy gun"

at the officers was stupid. It was determined that the suspect's weapon was a replica AR-15 BB gun.

The suspect has been charged with Aggravated Assault of a Peace Officer, a Felony 3<sup>rd</sup> degree.

**UPDATE:** The Internal Affairs Division investigation revealed the officers were justified in their use of deadly force.

**STATUS:** Complete

Case #CN08-196 was presented at the August 18, 2008 Public Safety Committee Meeting.

**Control #08-234**

**Council District:** 14  
**Involved Officers:** (2) White Male  
(1) Hispanic Male  
**Suspect:** (1) Hispanic Male

On July 18, 2008, detectives assigned to the Sex Offenders Apprehension Program (SOAP) were contacted by the Grand Prairie Police Department concerning the suspect who is a registered sex offender. The detectives were informed that the suspect had four Deadly Conduct warrants for his arrest stemming from an offense that occurred on July 17, 2008. The detectives, who were in plain clothes and driving a covert vehicle, went to the location where the suspect was believed to be. As the detectives sat outside the suspect's residence, they observed the suspect return home and enter the residence. The detectives then notified uniformed officers to come to the location to assist in the arrest of the suspect. However, before the uniformed officers arrived at the scene, the suspect along with another individual exited the residence and placed an unknown object in the trunk of the vehicle before driving off. The detectives then provided a description of the suspect and suspect's vehicle to the uniformed officers as they followed the suspect. The uniformed officers came in contact with the suspect at the intersection of Inwood Road and Maple Avenue. When the uniformed officers activated their emergency lights, the suspect fled and a pursuit ensued. The suspect led the officers down the rocky shoulders of a DART rail track that ran parallel to the 7700 block of Denton Drive, an area that is under construction. The suspect's vehicle then became lodged in the gravel just south of the runways at Love Field Airport. When the suspect's vehicle came to a stop, the suspect exited the driver's door, turned toward one of the uniformed officers who was following the suspect, pointed a weapon and fired several rounds at the officer. Officer #1, a uniformed officer, who was driving parallel with the suspect, got partially out of his vehicle and fired at the suspect. The suspect then turned his attention towards Officer #1 firing several rounds, striking the marked police vehicle and shattering the front driver's window. The suspect then fled on foot

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towards Bombay Drive at which time the suspect suddenly turned in the direction of the officers and began firing at the officers. At this time Uniformed Officers #1, #2, and #3 took a position behind a concrete barrier and fired several rounds at the location. The suspect continued running before collapsing. The suspect was shot once in the lower back and was transported to Parkland Memorial Hospital by Dallas Fire Rescue and listed in critical condition. No officers were injured.

In addition to the warrants out of Grand Prairie Police Department, the suspect has been charged with Aggravated Assault on a Police Officer, Felony 3rd

**UPDATE:** The Internal Affairs Division investigation revealed the officers were justified in their use of deadly force.

**STATUS:** Complete

Case #CN08-234 was presented at the August 18, 2008 Public Safety Committee Meeting.

A handwritten signature in black ink, appearing to read "Ryan S. Evans". The signature is written in a cursive style with a long horizontal line extending to the right.

Ryan S. Evans  
First Assistant City Manager