


COPY
09-836

CITY OF KATY, TEXAS

REPORT OF COMPLAINT - DECLARACION DE ABUSO

Complainant's Name (Reclamante) ELSA CANTU		Address (Domicilio) 2910 Commercial Suite 103-215 KATY TX 77494		Phone Number (Numero de Telefono) (281) 493-1212
Age (Edad) 35	Race (Raza) White	Sex (Sexo) F	Occupation (Ocupacion) Housewife	
Name of Witness (Nombre de Testigo)		Address (Domicilio)		Phone Number (Numero de Telefono)
Otoniel Cantu		2910 Commercial 103-215 77494		(281) 493-1212
O'Connor, Loreen		2800 Katy Hockley #3002 77494		(832) 623-0906
Raquel		AMC Theater Katy Mills Mall		(281) 644-4262

SUBJECT OF COMPLAINT - PERSONA ACUSADA <small>(If unknown, please provide description of the employee(s) - listed no lo conoce, describa al empleado(s))</small>				
Name (Nombre)		Description (Descripcion)		
Sean Matthew Kiley		White - City of Katy Police Officer		
Robert Gustav Espinosa		Hispanic - "		
3rd - Officer		White - "		
When did incident occur? <small>(Cuando Occurrio el incidente?)</small>		Location <small>(En donde Ocurrio el incidente?)</small> AMC Theater, Katy Mills Mall		
Month (Mes) 5	Day (Dia) 17	Year (Año) 2009	Time (Hora) 7pm	
<p align="center">DETAILS OF COMPLAINT (Use Additional Sheet if Necessary) DETALLES (Use papel adicional si es necesario)</p>				
See Attached Narrative				
I certify that, to the best of my knowledge and belief, all my statements are true, correct, and made in good faith.		Yo declaro (certifico), a mi mayor conocimiento, que el testimonio hoy dado por mi, es verdadero, correcto, y hecho con toda buena fe.		Signature of Complainant Firma del Reclamante 
Time & Date Reported <small>(Fecha y Tiempo del Reporte)</small>		Name of Person Receiving Complaint <small>(Nombre de Persona Recibiendo Declaracion)</small> <small>(Printed Name and Signature)</small>		
		Debra C. Smith } 06/16/09 VERNA C. SMITH }		

Katy Police Department
5456 Franz Road
Katy, Texas 77493-1717

COPY
09-836

CITY OF KATY, TEXAS

REPORT OF COMPLAINT - DECLARACION DE ABUSO

Complainant's Name (Reclamante) OTONIEL CANTU		Address (Domicilio) 2910 Commercial Suite 103-215 Katy TX 77499		Phone Number (Numero de Telefono) (281) 493-1212
Age (Edad) 48	Race (Raza) White	Sex (Sexo) M	Occupation (Ocupacion) Engineer	
Name of Witness (Nombre de Testigo)		Address (Domicilio)		Phone Number (Numero de Telefono)
Elsa Cantu		2910 Commercial 103-215 77499		(281) 493-1212
O'CONNOR, Loreen		2800 Katy Hockley #3002 77499		(832) 623-0906
RaqueL		AMC Theater Katy Mills Mall		(281) 644-4262


SUBJECT OF COMPLAINT - PERSONA ACUSADA
(If unknown, please provide description of the employee(s) - Listed no lo conoce, describa al empleado(s))

Name (Nombre)	Description (Descripcion)								
SEAN MATTHEW KILEY	White - City of Katy Police Officer								
ROBERT GUSTAV ESPINOSA	Hispanic -								
3rd - Officer	White -								
When did incident occur? (Cuando Ocurrio el incidente?)	Location (En donde Ocurrio el incidente?)								
<table border="1"> <tr> <th>Month (Mes)</th> <th>Day (Dia)</th> <th>Year (Año)</th> <th>Time (Hora)</th> </tr> <tr> <td>5</td> <td>17</td> <td>2009</td> <td>7PM</td> </tr> </table>	Month (Mes)	Day (Dia)	Year (Año)	Time (Hora)	5	17	2009	7PM	AMC Theater, Katy Mills Mall Katy, TX 77499
Month (Mes)	Day (Dia)	Year (Año)	Time (Hora)						
5	17	2009	7PM						

DETAILS OF COMPLAINT (Use Additional Sheet if Necessary)
DETALLES (Use papel adicional si es necesario)

See Attached Narrative

I certify that, to the best of my knowledge and belief, all my statements are true, correct, and made in good faith. Yo declaro (certifico), a mi mayor conocimiento, que el testimonio hoy dado por mí, es verdadero, correcto, y hecho con todo buena fe.


 Signature of Complainant
 Firma del Reclamante

Time & Date Reported (Fecha y Tiempo del Reporte)	Name of Person Receiving Complaint (Nombre de Persona Recibiendo Declaracion) (Printed Name and Signature) VERNA C. SMITH } 06/16/09
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Katy Police Department
 5456 Franz Road
 Katy, Texas 77493-1717

My complaint is against the three Katy police officers that arrested me and my wife on May, 17 2009.

Specifically:

Officer Sean Matthew Kiley for rude, unprofessional demeanor and behavior. His continuous screaming at my wife is an indication of a lack of respect for citizens and women. His subsequent false arrest not only of one but both parents. Common sense is demanded in handling suspects with children and the type of alleged crime.

Officer Robert Gustav Espinoza for violating my first amendment right. Officer Espinoza stopped me from filming or taking pictures of the arrest of my wife by Officer Kiley.

Officer unknown name for allowing the conduct by officer Kiley and Espinoza to continue. Failing to take action on a continuing escalating incident produced by the Police officers.

My wife, child and I were in the movie theater on Sunday, May 17, 2009 in the AMC Theaters located inside the mall at 5000 Katy Mills Circle, Katy, TX 77494.

An AMC Theater employee came and identified herself as Raquel. She asked us to step outside the movie theater for a moment. I stepped outside the theater with Raquel. Raquel informed me that we were to leave the theater. At this time a Katy police Officer by the name of Sean Matthew Kiley arrived. I started to tell him the information about us being assaulted. I repeatedly requested the police officer to see the video surveillance of the theater since there are dozens of cameras inside the theater, particularly at the soda fountain area. Raquel, the AMC Theater employee told the police officer that the video surveillance was going to be available on Monday. Rachel did not allow the police officer to look at the video tape, claiming that they had to stop it.

At this point, my wife, Elsa Cantu stepped out of the movie theater and asked Raquel if she was the manager. Officer Kiley asked me "is this your wife." I said "yes." Then Officer Kiley told my wife "you need to talk to me." My wife told Officer Kiley that she needed to go get our daughter sitting inside the theater. Officer Kiley screamed "shut up and stand right there!" My wife tried again to explain to the officer Kiley that they had asked us to step out of the movie theater

for a moment and that we had our 5 year old daughter inside the theater. Officer Kiley raised his voice even more and screamed "shut up and stand right there!".

My wife told Officer Kiley not to raise his voice and not to talk to her like that. Again my wife told Officer Kiley she had to go get our 5 year old daughter in the theater. The policeman said "ok, go get her!" When my wife turned around to go to the theater and get our daughter, Officer Kiley grabbed my wife by the arms as she was walking and told her she was under arrest.

Officer Kiley dragged my wife to the soda fountain counter and put his weight over her. My wife is a petite; she is a 4 feet 11 inches woman. Officer Kiley attempted several times to handcuff my wife. The police officer pinched my wife's arms with the handcuffs, using them as a pair of pliers. Officer Kiley placed the right handcuff first and then did the same with the left handcuff, leaving my wife's arms full of scratches, abrasions and bruises. One of the scratches made with the handcuffs peeled her skin off.

When I saw the police officer pinching her arms, I told the officer Kiley "why are you doing this? Do not do that?" Officer Kiley screamed at me several times saying "shut up and stand there!" I was extremely anxious and had palpitations. I started sweating profusely. Two more police officers arrived, Officer Espinoza and an Officer unknown name.

I went inside the theater to check on my daughter. I told her to sit there and not to move. I came out and told Officer Kiley that my wife was simply was trying to go to the movie theater to get our daughter. I informed officer Kiley that my wife has never been in trouble and has a clean record. Officer Kiley responded "it was time people like you go to jail." We were very offended that a public servant and police officer would say such a thing to us. We can only interpret this statement "people like you" is of a racist or ethnic nature. We have never seen or met officer Kiley and the only thing he knew about us was our Hispanic surname and accent.

When I took my wife's camera phone out and tried to take pictures, Officer Espinosa told me not to take pictures or a video. I insisted, but the police Espinosa prevented me from using my wife's phone camera to take pictures or film. The AMC Theater is a public place and the police officers are public servants.

Officer Kiley told me to go get my daughter. As I was going to do so, Officer Kiley grabbed my left arm and told him I was under arrest. He handcuffed me.

I informed Officers Espinoza and Officer unknown name of the assault that had occurred to me and my wife. The police officer's unknown name response was, "I would arrest them." I asked the police officers, "then, why are you arresting me and not her?" His face turned red and did not respond. He later responded that the decision maker was Officer Kiley.

Officer Kiley wrongfully arrested my wife and I. Officer Kiley made us stand right at the exit of the AMC Theater. This is a highly trafficked area; we were highly embarrassed and suffered distress as dozens of people passed by.

During this event Mr. Loreen O'Connor informed the police officers that we the parties who were assaulted. Officer Kiley wrongfully arrested us for "disorderly conduct, language and making excessive noise," We had been the victims of assault and racist threats.

The AMC Theater employee Raquel brought our daughter out of the theater. Officer Espinosa allowed me to make call to a friend, who came and took our daughter home. Our daughter was completely traumatized, crying and scared.

I informed Officer Kiley that I would sue for false arrest; Officer Kiley threatened us by stating that he would 'press felony charges of children endangerment' if we sued. This was said to us in front of the officer Espinosa and Officer unknown name.

After enduring a traumatizing event, being embarrassed in front of dozens of AMC Theater customers, Officer Kiley took us to the Katy police station. Officer Kiley told us that a detective was going to get the video surveillance from the AMC Theater. I responded to Officer Kiley that we might sue them. Officer Kiley again threatened us by stating "He would press felony charges of child endangerment" against me, my wife and we would go to state jail. This second threat was made in the hall of police station on Franz Road by the garage.

Officer Kiley asked me what I did for a living. I informed Officer Kiley that I was a scientist. Officer Kiley told me that I did not know anything. Officer Kiley told me that he had been working here for 13 years.

After we made bail and were leaving. Officer Kiley told me that the case was closed, and that there was no detective investigating anything further.

On Monday, May 18, 2009, my wife and I went to the Katy Mills Mall security office and talked to Randy Carson. He told us that they have video of the entrance to the AMC Theater, but that the video surveillance inside the AMC Theater is independent. We went to the AMC Theater and the manager Ziad and another employee Michael returned our money for the movie tickets and the soda and popcorn. Ziad apologized to us and said we were welcomed back to the theater anytime.

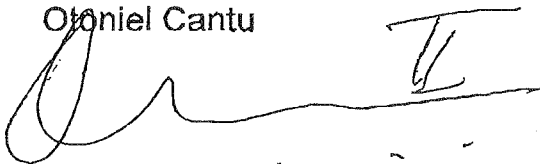
The Manager Ziad told us that two policemen came and took the only original video of the incident earlier that morning. Ziad asked us who had called the Katy police because the theater does not call the Katy police stating that "the Katy Police always escalates everything" making things worse.

We ask that all three officers be investigated for the above listed issues. That each officer be disciplined according to the investigation findings.

The unprofessional behavior and actions by the Officer Kiley, Officer Espinoza and Officer unknown name should not be tolerated by anyone they come into contact in the future. The behavior, comments and arrest seem over the top for such a small allegation. Whatever Officer Kiley is suffering from, needs to be addressed as soon as possible, before someone is hurt.

These police officers are held to a higher standard and any inappropriate behavior diminishes the police's ability to conduct it's affairs in a fair and professional manner. The faith of citizens in the Katy Police department is not positive.

Oroniel Cantu

A handwritten signature in black ink, appearing to read 'Oroniel Cantu', with a stylized flourish at the end.