

2004-0017



MISSOURI CITY POLICE DEPARTMENT



Ron R. Echols
Chief of Police

To: Corporal Daryl Smith
From: L. E. Capps, Lieutenant
Reference: PSI#: 2004--0017
Allegation: Policy Title: 30-16: Mobile Video Recording IV B: Improper Investigation
Detention - III A-4: Fail to activate MVR
Date of Occurrence: June 18, 2004

Written Reprimand

A professional standards officer has investigated this complaint and based on my review of the evidence I sustain the charge as listed above. The investigation reveals that you assisted Officer D'Oench on a suspicious circumstances call at The Gun Shack on Murphy Rd. During the investigation you were in contact with the store owner and a customer. During this time you failed to activate the mobile video / audio recorder in your patrol car.

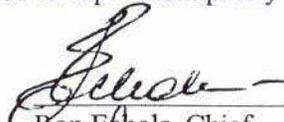
Department policy 30-16, IV B, states, in pertinent part:

1. Officers shall ensure proper activation, focusing and positioning of MVR equipment to provide quality documentation, video and audio, of:
 - a. Traffic stops and other contacts as appropriate;
 - b. The actions of suspects/citizens during field interviews, when feasible; and

The policy is clear on the requirements and serves an important function in overall operations. Your failure to properly activate the video / audio recorder hindered this investigation. Consequently, this letter shall serve as an official written reprimand for the policy violation. I recognize your involvement in the call was limited and of short duration, but the policy requirement still applies. Please make sure you activate the video / audio recorder as required in the future.

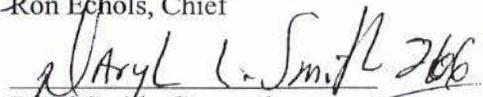
You are hereby referred to department policy regarding an appeal of this decision.

Date 070904



Ron Echols, Chief

Date 7-09-04



Daryl Smith, Corporal

Missouri City Police Department

Professional Standards – Preliminary Complaint Form

Professional Standards Case #: 04-13187

Complainant Information

Complainant Sharma, Anil Race W Sex M DOB [REDACTED]
Address 1127 Autumn Green City MO. City State TX Zip 77459
Home # 281-208-5913 Work # 281-499-4445 Other # 281-620-7200
Incident Location 2419 Murphy Rd "A" Date 06-18-04 Time 12:39pm
Incident Case # 04-12786 Complainant Injured: Yes No
Received By CAPP Date 6-22-04 Time 0830
How Received: Phone Person Letter Complainant Arrested: Yes No

Employee (s) Involved

Employee Name Search, Russell Rank Officer Emp # 481
Employee Name WEATHERS, CRAIG Rank CORPORAL Emp # 148
Employee Name _____ Rank _____ Emp # _____
Employee Name _____ Rank _____ Emp # _____

Witnesses

Witness Name _____ Day # _____ Other # _____
Address _____ City _____ State _____
Witness Name _____ Day # _____ Other # _____
Address _____ City _____ State _____
Witness Name _____ Day # _____ Other # _____
Address _____ City _____ State _____

Summary of Complaint

Complaint Classification – Class I / Class II / Class III Classified By: CAPP Date 6-22-04

Investigator Assigned CAPP Emp # 117 Date 6-22-04

Disposition: Unfounded Sustained Not Sustained Exonerated Fail to Cooperate Withdrew Complaint
No Action Taken / Review Only

Disposition By: CAPP Date: 7-2-04

Discipline: Written Reprimand Suspension Demotion Probation Termination Training Counseling N/

Approved By: [Signature] Date 070804

To: Chief Ron Echols
Missouri City Police Department

From: Anil Sharma
The Gun Shack

I am writing this letter in regards to an incident involving Officer D'oench and Cpl. Smith at my store, The Gun Shack on Friday June 18, 2004.

On Friday June 18th, 2004 in the early afternoon I was in The Gun Shack's showroom talking with various customers when I observed two Missouri City police cars park in front of the store. Officer D'oench stood outside the front doors and with his finger motioned for me to come outside. I immediately left my customers and went to the door and met the Officer along with Cpl. Smith who had positioned himself outside the store's window nearer to the Shipley Donuts side. Officer D'Oench then proceeded to tell me that he heard I was buying a hundred or hundreds of guns from someone in the showroom and asked where the guns had come from. I told him that it was NOT the case and that there was a lady in the store whose husband had recently passed away and she was having me appraise 9 guns with the possibility of my purchasing them from her and that furthermore, the guns had just been released from Fort Bend County Sheriff's Office just prior to her coming to the store. He seemed very suspicious and not willing to accept my explanation as to what was going on in MY STORE. I then also told him that the lady's husband had recently committed suicide and that was why the Sheriff's Office had the Guns and had already checked all of them for being stolen prior to releasing them to her. My customer has told me that she had kids and was not interested in the least about guns and also wanted to sell them to a legitimate firearms store rather than to individuals unknown to her. She needed the cash to support her kids since her husband had committed suicide and that she had very little financial means to care for her kids.

Officer D'oench and Cpl. Smith then, without asking me or saying anything to me, entered the store at which time had customers in it, and proceeded to ask my customer, Mrs. Williams, not only repeatedly but with voices raised where did she get the guns, who was the person who dropped her and the guns off, where is your husband - where is your husband. My customer looked at me in disbelief that she was being treated in this manner, in a business, with the owner standing right there and repeatedly being harassed for no reason other than the fact that she was trying to legitimately dispose of guns and had broken no laws. This interrogation continued for 5 to 10 minutes at which time both officers departed the store with not as much as a "ok, we are leaving we are done".

I was very upset, furious and in disbelief after the incident since I knew both Officer D'Oench and Cpl. Smith from the various times they had visited the store and the professional behavior they had exhibited in all of those times. I would like to know why this incident took place in the first place. I am a Licensed Firearms Dealer and have guns routinely coming or going through my business' front doors. I could see if this was a furniture store and there were guns coming or going out of it. I am in the firearms business, therefore, there was NO unusual activity taking place during normal business hours. I cannot emphasize enough to you the importance of this kind of incident not being repeated because it could affect my business in a very negative manner and cause a substantial loss in revenue. I should hope that we will not have a repeat of such incident again.

I tried to get hold of you immediately after the incident took place, however, I was informed that you were on a 2 week vacation and was asked to speak to Asst. Chief Worrell whom I did relay this incident to. I was told that he did not have sufficient information at the time and that if I wanted to file a formal complaint to do so, which I have thought over and after getting professional advice am doing so.

Chief, I met you when you were the assistant Chief and we chatted somewhat and I told you of my background as well as my full and complete support for law enforcement and your department in particular. I have in the past and will continue to support you and your Department, but having said that, I must ask you to assure me that this incident along with the way it was handled will not happen under your command. I am not asking you to single out both of the officers involved but to look at the entire incident and evaluate it in a fair manner which I have no doubt that you will do.

Please inform me if you have any questions regarding this incident. I wait to hear from you. Thank You.

Sincerely


(ANIL SHARMA)

MITCHELL & MITCHELL

Investigations



License# C10959

THE GUN SHACK

2440 Texas Parkway
Suite 213C
Missouri City, TX 77489

Phone 281-499-8300

Fax 281-499-8302

TO: JANET **FAX:** 281 208-5743

FROM: ANIL SHARMA **DATE:** 06/21/04

RE: Incident at store. **PAGES:** 2

Comments: Thank you Janet.

- Urgent
- For Review
- Please Comment
- Please Reply

Note: This message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law.

..... CONFIDENTIAL

To: Lt. Capp
= Tuesday

13187

To: Corporal Daryl Smith
From: L. E. Capps, Lieutenant
Reference: PSI#: 2004--0017
Allegation: Policy Type: Department Policy ; Policy Title: 20-02: Field
Policy Type: Department Policy ; Policy Title: 30-16: Mobile
Date of Occurrence: June 18, 2004
Date of Notification: June 28, 2004

Comments

A complaint has been received by the Missouri City Police Department regarding an incident in which you were alleged to have been involved. Specifically, the complaint is that you did not have a valid reason to conduct the investigation at The Gun Shack on June 18, 2004 regarding a person taking weapons into the store. A copy of the complainant's letter is attached for your review. The pertinent policy violation is noted above. Please provide me a written response to the complaint, detailing your justification for the investigation / detention at the business. Please respond to all listed "accusations" in the complaint, i.e. raised voices, 5-10 minute interrogation etc. Additionally, you are cited for failure to activate your MVR on the call as required by policy. You are hereby ordered not to discuss this case or its existence with anyone except your supervisor, the assigned professional standards investigator, a member of the Chief's staff, or your personal counsel or Association representative. Do not attempt to contact, coerce or manipulate any witnesses. Do not alter, destroy, or conceal any physical evidence related to this incident or attempt any such action. An officer assigned by the Chief will conduct this investigation.

You are hereby reminded that you are required by policy to be truthful in all matters related to this investigation. Failure to be truthful could subject you to additional policy violation charges.

To: Patrol Officer Russell D'Oench
From: L. E. Capps, Lieutenant
Reference: PSI#: 2004--0017
Allegation: Policy Type: Department Policy ; Policy Title: 20-02: Field
Date of Occurrence: June 18, 2004
Date of Notification: June 28, 2004

Comments

A complaint has been received by the Missouri City Police Department regarding an incident in which you were alleged to have been involved. Specifically, the complaint is that you did not have a valid reason to conduct the investigation at The Gun Shack on June 18, 2004 regarding a person taking weapons into the store. A copy of the complainant's letter is attached for your review. The pertinent policy violation is noted above. Please provide me a written response to the complaint, detailing your justification for the investigation / detention at the business. Please respond to all listed "accusations" in the complaint, i.e. raised voices, 5-10 minute interrogation etc.

You are hereby ordered not to discuss this case or its existence with anyone except your supervisor, the assigned professional standards investigator, a member of the Chief's staff, or your personal counsel or Association representative. Do not attempt to contact, coerce or manipulate any witnesses. Do not alter, destroy, or conceal any physical evidence related to this incident or attempt any such action. An officer assigned by the Chief will conduct this investigation.

You are hereby reminded that you are required by policy to be truthful in all matters related to this investigation. Failure to be truthful could subject you to additional policy violation charges.

Missouri City Police Department

Investigation Summary Report

Case Type: Class II
Case Number: 2004--0017
Incident Date: 06/18/2004
Date Reported: 06/21/2004
Origin: External
Report Number: 13187
Location: 2449 Murphy Rd. A
District: **Grid:** C2 **Assignment:** Uniform Patrol **Beat:** Beat 3
Status: Open **Date Closed:**

Complainant(s)

Sharma, Anil **Race:** White **Sex:** M
1127 Autumn Green Dr.
Missouri City, Tx 77459

Witness(es)

Weathers, Loyd **Employee ID:** 0148 **Race:** White **Sex:** M
Williams, Venita **Race:** Black **Sex:** F
5426 Heatherbrook Dr.
Houston, Tx 77045

Employee(s)

D'Oench, Russell **ID#:** 0481 **Race:** White **Sex:** M
Supervisor: Poulton, Paul **Assignment:** Patrol Officer
Allegation: 20-02: Field Interviews / Detentions
Violation: IV B: Improper Investigation Detention
Finding:

Smith, Daryl **ID#:** 0266 **Race:** Black **Sex:** M
Supervisor: Poulton, Paul **Assignment:** Patrol Corporal
Allegation: 20-02: Field Interviews / Detentions
Violation: IV B: Improper Investigation Detention
Finding:

Allegation: 30-16: Mobile Video Recording
Violation: III A-4: Fail to activate MVR
Finding:

Tracking:

Group: Administration **Assigned To:** Capps, Larry E. **Assign Type:** Investigator
Assign Date: 6/23/2004 **Due Date:** 8/5/2004 **Completion Date:**

Narrative:

Investigative Analysis / Disposition
L. E. Capps, Lieutenant
July 02, 2004

This complaint revolves around Corporal Smith's and Officer D'Oench's investigation of suspicious circumstances at The Gun Shack at 2449 Murphy Rd. on June 18, 2004. Corporal Weathers, while working at his desk in the police department (PD), received a phone call from a citizen (informant) advising him of suspicious circumstances at The Gun Shack. The citizen was dining at the Baytown Seafood restaurant (directly across the parking lot from The Gun Shack) and saw a Jeep Cherokee backed up to The Gun Shack and a black male coming and going from the gun store. The citizen said the black male was carrying numerous weapons into the store as well as buckets of unknown items. Weathers proceeded to investigate, believing the circumstances were suspicious, i.e. not normal for customers to take numerous weapons into a gun store, coupled with buckets of unknown items. Additionally, Weathers was aware of several gun store burglaries in the greater Houston area in the past year - thus leaving open the possibility the suspect/s may be going to area gun stores to try and sell a few stolen guns at each store.

Weathers left the PD to investigate, calling for a marked unit to meet him. As Weathers pulled into the business parking lot, he intended to sit back and personally observe before making contact with anyone. At about the same time the black male entered the Jeep and left the scene. Weathers called for additional units and he followed the vehicle, ultimately making contact with the driver on a street off of 5th Street. Responding officers D'Oench and Smith went to the gun store to investigate. D'Oench activated his mobile video camera, including the audio. His camera had a clear view of the front door of The Gun Shack, as well as approximately 20 feet east and 10 feet west of the front door. The audio, however, only recorded conversations heard via the police radio. Subsequent to this call D'Oench learned the in-car microphone was recording but the body pack microphone was inoperative. D'Oench had the body pack microphone replaced immediately. Corporal Smith arrived to assist D'Oench and both officers went inside the store within a few seconds. Corporal Smith did not activate his video / audio recorder, thus there is no recording of the discussion inside the store between the officers and others. D'Oench's car video clock display reveals the total time on the call was five minutes. I calculated the total time D'Oench and Smith were inside the store at two minutes.

The owner of the store, Anil Sharma, complains that the officers should not have conducted the investigation, that nothing was wrong, and there was no justification for their actions. Although the business is a "gun store", that does not mean that there can not be circumstances deemed suspicious related to a citizen unloading numerous guns and taking them inside the store. The facts at hand are clear and straightforward. A citizen saw the activity and thought it suspicious based on the "number" of weapons being taken inside the store, along with other unknown items. Detective Weathers also thought such conduct suspicious and possibly related to criminal activity, i.e. stolen weapons, especially in light of several gun store burglaries in the past year in the greater Houston area. As a result, the investigation was initiated. The evidence, in my view, is sufficient to justify an investigation.

Sharma additionally asserts that if the investigation was justified in its inception, that once he told D'Oench the story related to the guns, and once D'Oench conversed with Weathers

and received the same story from his related investigation, that they should have left and not entered the store. Although the officers could have chosen to leave at that point, it is not unreasonable to desire to talk directly to the party bringing the guns in to sale, thus allowing the officers the opportunity to evaluate the credibility of her statements via powers of observation, e.g. body language, voice stressors etc.

Related to Sharma's complaint he claims the officers used "raised" voices when questioning the customer selling the weapons and kept asking her where her husband was. Both officers deny using "raised" voices. I did not detect and body language from the video tape that suggested the officers might be tensed, stressed, or adrenalin pumped, thus possibly leading to a more forceful, authoritative, or raised voice. To the contrary, both officers appeared calm and relaxed when entering the store, and were inside for a mere two minutes. Although we don't have audio to listen to regarding the officers statements inside the store, I do not believe the available evidence supports Sharma's claim. Additionally, Sharma's perception of the investigation was negative from the beginning, thus potentially distorting his view of events, e.g. he claims officers were inside the store 5-10 minutes interrogating the customer; the tape reveals total time inside the store was 2 minutes.

I also talked to the customer, Venita Williams, and although she did state she felt like the officers were accusing her of something, she did not claim they did anything wrong per se. She even acknowledged the officers "thanked her" when they left.

Based on all available evidence, I recommend the complaint be "unfounded." The purpose of such an investigation is to confirm or negate the suspicions - either result is acceptable and a negation of original suspicion does not negate the original justification for action.

During the investigation I discovered that Corporal Smith had failed to activate his mobile video / audio recorder when he arrived on the scene and cited him for the policy violation. Assuming it was working properly, it probably would have captured the conversation inside the store between the officers and the customer, Williams. In that sense, his failure to activate the recorder hindered the investigation; thus I recommend the allegation of failing to activate MVR be sustained.

Investigative Notes
L. E. Capps, Lieutenant

06-22-2004

At approximately 0815 hours Assistant Chief Worrell gave me a faxed written and signed complaint he received on June 21, 2004 from Anil Sharma. Worrell said the complaint revolved around Corporal Smith's and Officer D'Oench's behavior in an investigation at "The Gun Shack" on June 18, 2004. Worrell said a female apparently took a lot of weapons to the store to sell them and was seen by an officer going into the store with all of the weapons. Apparently the officer felt something amiss and initiated an investigation. Worrell said he talked to the complainant, Anil Sharma, and could not resolve the issue. Worrell said he told Sharma if he wanted to file a formal complaint to go ahead, resulting in the faxed complaint letter.

At approximately 1600 hours I read Sharma's letter and discerned that he is upset

because Corporal Smith and Officer D'Oench conducted the investigation. He points out he operates a firearms store, has a license for such, and it is not uncommon for people to bring weapons in and out of his business. He states that D'Oench and Smith seemed very suspicious and unwilling to accept his explanation for the lady bringing in nine rifles (husband just died, doesn't want weapons around house, wants to dispose of them with a reputable person, and needs the money) and then went inside the store and confronted the woman using raised voices. Sharma states the officers questioned the woman for 5-10 minutes before leaving, failing to verbally explain anything to him or the woman. Sharma continues in his letter about how upset this made him, how he runs a legitimate business, and how such conduct, if unchecked, could ruin his business. He concludes that Assistant Chief Worrell told him he didn't have sufficient information and if he wanted to file a formal complaint to go ahead. Sharma states in his letter he received professional advice and is filing a formal complaint (see file for Sharma's complaint).

06-23-2004

I located the call for service slip and printed a copy for this investigation. The call slip contains the following pertinent information:

1. It shows six officers involved in the call: Weathers, D'Oench, Griffith, Brenda Tippit, Maxheimer, and Smith. It notes Weathers as the primary officer.
2. Dispatch information is listed as a suspicious B/M with numerous weapons, faded Jeep Cherokee N/B on Fifth, [REDACTED], unloaded numerous weapons. 130
3. Numerous dispatch narratives are listed, which, in essence, show Griffith, Maxheimer, and Weathers out on the vehicle at 2720 Picketts. A probable driver's license number, 130 [REDACTED] is listed, and the final narrative entry is "completed no report."

There is no information in the call slip showing any officer contact or activity at The Gun Shack on Murphy Rd. There is no information detailing anything about the call other than the short generic dispatch statement noted in #2 above. Lacking any information on the officers' actions, I will check for any car video/audio recordings of the incident as well as police radio recordings of officer communications. I will also check the MDT log for messages regarding this call.

I submitted a request for a copy of all radio traffic to Girndt (see file). I also checked the MDT log and between 1230 hours and 1330 hours and did not see any messages related to the call at The Gun Shack. At approximately 1500 hours Girndt brought me a cassette copy of the radio traffic.

06-24-2004

I listened to the audio tape of the radio traffic. In summary, Weathers called for a unit to check out a vehicle that just dropped off numerous weapons at The Gun Shack. He provided descriptive information on the vehicle leaving the scene and asked for a unit to help stop it. Within a minute he advised that he was told they dropped off hundreds of weapons and he needed additional units to go to the store and check it out. Weathers and a marked unit then stopped the suspect vehicle on Pickett St. off of Fifth. They learned the story of the lady selling the weapons after her husband committed suicide and officers at the store, D'Oench and Smith, were told the same story. Weathers and D'Oench compared information and it matched. Weathers identified the subject driving the vehicle and checked back in service. D'Oench and

Smith also checked back in service.

I did not detect any tension, stress, anger, or other significant emotions in the voices of any of the officers. Their conversation sounded normal and routine.

06-25-2004

I located D'Oench's car video tape for the date of the call and located the recording of the incident. The only time the audio picked up conversation was from the car police radio. The on screen markings showed the audio was activated, but for whatever reason it only picked up radio traffic from the squad car police radio. The on screen markings actually showed two audio recording activations, i.e. M1 and M2. This might indicate the audio recorder was left inside the car, but in watching the video it appears D'Oench had it on his belt. I will explore this with D'Oench.

The video shows D'Oench approaching the front door of The Gun Shack in a cautious manner, stopping to peer inside at the far edge of the business. He then goes to the front door, opens it partially, and hand motions for someone to come to him. Within a few seconds a dark skinned male appears at the door, steps outside on the sidewalk, and apparently talks with D'Oench. Via police radio the recorder captures D'Oench and Weathers comparing stories and determining they match. Corporal Smith arrives and he, D'Oench and the male, probably Sharmar, go inside the business. Within about a minute D'Oench and Smith exit the business and leave. The body language of all on screen parties appears normal.

06-28-2004

At approximately 0745 hours I talked to Corporal Smith and asked him if he had his video / audio activated on this call. He said he did not activate it, adding he only checked by and was there for about two minutes. Failure to activate the mobile video recorder on contacts is a policy violation, thus Corporal Smith will be cited for the violation in addition to the allegation by Sharma.

I drafted the notice of allegation to Smith and D'Oench. Smith was put on notice for Sharma's complaint as well as not activating his MVR. D'Oench was put on notice for Sharma's complaint.

At approximately 1245 hours I found Smith's written response in my office mailbox. In it he states Warrant Officer Weathers initiated the call and Officer D'Oench was the first officer on the scene at the business. Smith said he checked by and D'Oench told him the story about the guns as relayed to him by Sharma. Smith said the owner of the guns told him everything was okay and that the guns belonged to her late husband. Smith said he told her "then everything is okay." Smith said neither he or D'Oench spoke with a raised voice to the gun owner or Sharma. He said he went back in service and was on the scene no more than two minutes. He said the recording wasn't activated because he had not turned on his emergency lights or activated the body pack.

At approximately 1510 hours Officer D'Oench came by my office and gave me his written response and I interviewed him. In summary, he said he responded to the business based on Corporal Weathers' report of suspicious circumstances involving "hundreds" of guns being taken into the business, and a related vehicle leaving the scene. D'Oench said when he arrived

he talked to Sharma outside the front door and was told the story about the woman and her deceased husband. He said Weathers radioed that his subject had the same story and then he, D'Oench, and Smith went inside the store where the owner of the weapons was located. D'Oench said the woman immediately asked them what was going on and he told her why they were there. D'Oench said she told them the same story. D'Oench said he thanked her and he and Smith left. D'Oench said Sharma had wandered off away from him and Smith and he did not have any more contact with him. D'Oench said at no time did he or Smith raise their voices to anyone. He also said that as far as he knew none of the other customers were even aware of anything going on as they never turned toward them.

I asked D'Oench about the audio on his recording and he said he discovered a day or two later that it was only recording from the microphone in the car, not the one on his person - it wasn't working. He has since changed it out and all is now working correctly. D'Oench said he discovered the malfunction when reviewing some of his contacts. D'Oench said when he normally checks the camera he is in the car, thus he wasn't aware his body pack recorder wasn't working. I do not see a policy violation regarding the camera operation on D'Oench.

06-29-2004

I interviewed Corporal Weathers in my office regarding this incident. In summary, he told me he was working at his desk at the PD when he received a phone call from a concerned citizen who was dining at Baytown Seafood, directly across the parking lot from The Gun Shack. The citizen told him there was a Jeep backed up to The Gun Shack and a male subject was unloading a lot of weapons, taking them into the store. He told Weathers it didn't look right.

Weathers left the office and went to the shopping center. He saw the Jeep in front of the store and a black male unloading items. Weathers said he parked at the far end of the parking lot to observe and about that time the subject got into the Jeep and left. Weathers said he thought the circumstances were suspicious in that the subject reportedly was taking a lot of weapons into the store, not one or two. Weathers said he also is aware of several gun store burglaries in the Houston area within the past year, thus creating a potential supply of weapons to sale. Weathers said he thought the incident merited investigation, thus he called for additional units. Weathers said he called for other units to check the store and he followed the Jeep, ultimately contacting the driver off of 5th Street. Weathers said he identified the driver and the driver's story matched up with what D'Oench and Smith were told at the business. He said he then checked back in service. I told Weathers to submit a statement to me detailing his involvement in the incident.

06-30-2004

Weathers turned in his statement to me today. It is consistent with his verbal remarks regarding the incident.

At approximately 1300 hours I went to The Gun Shack and interviewed the complainant, Anil Sharma. His verbal statements to me were consistent with his written complaint. In our discussion, he said the officers were inside the store between 5-7 minutes. Sharma stated Officer D'Oench called him to the front door and talked to him about the incident. Sharma admits that D'Oench told him they had a call. Sharma asserts that when he told the officers the story about the guns and the male subject stopped by Weathers told the

same story -- that should have satisfied the officers and resolved the call. I explained to Sharma that as a general rule it is not unusual for officers to desire to talk directly to the party involved - in this case the lady bringing the weapons in to sale. I commented to him that as a former police officer I'm sure he understands the logic of such a practice. He agreed in principle, but still claims they should not have come inside his store, adding they could have called the woman outside. He said he doesn't want it to happen again. I told Sharma I could not assure him our officers would not come inside his store in the future on a legitimate call for service. I told him barring exigent circumstances he could tell the officers not to enter, but our officers will continue to conduct thorough and legitimate investigations (Sharma said when the officers came inside he went to the other corner of the business with other customers and was not next to the officers anymore - this is consistent with Smith's statement).

I explained to Sharma that the officers received a call from a citizen reporting the male subject unloading a lot of guns and buckets of stuff into the store. Sharma said that wasn't unusual, but in response to my questioning did not disagree that it doesn't happen every week. I tried to explain to Sharma that to the average person, possibly even a police officer, it might not be unusual to see someone taking one or two weapons into a gun store, but when you get up to 9, 10, 15 or so weapons the circumstances take on a degree of suspicion - especially in light of known gun store burglaries in the Houston area within the past year. I explained to Sharma he wasn't the focus of the investigation and the officers had no suspicions on him or his business. I asked Sharma for the name and phone number of the customer who brought the weapons in to the store. He said her name was Venita Williams and her home number was 713-433-0374.

At approximately 1323 hours I called Williams and talked to her regarding the incident. She said the officers came in the store and started asking her about the guns, and also asked her where her husband was. She said she felt like they were accusing her of doing something wrong. She said she told them the story and the officers looked at some of the weapons and then told her thank you and left. I explained to Williams why the officers were there and she seemed to understand. She said Sharma was really upset because the officers came inside his store. Williams said everything was fine now and engaged me in a conversation about a civil issue, i.e. car title and possession dispute with her ex-boyfriend's sister. I directed Williams to seek legal assistance.

Lt. L.E. Capps

June 29, 2004

RE: The Gun Shack

Per your request, the following is a synopsis of what occurred that led to my conducting an investigation at the above stated business on June 18, 2004:

On June 18, 2004, I was working at my desk and received a call from a concerned citizen at approximately 12:30 p.m. The citizen stated he was patronizing the Baytown Seafood Restaurant for lunch and had observed an older model green Jeep Cherokee, back up to the front door of The Gun Shack. The Jeep was driven by a black male who he estimated was in his late 30's or early 40's. He stated that while he was eating, he kept noticing this person carrying a large amount of rifles, shotguns and 5 gallon buckets of items he suspected to be either handguns or ammunition into the store. He stated the person had made numerous trips back to the vehicle and had been unloading guns and the other items for about 10 minutes. He felt that it was suspicious and that it needed to be checked out. I asked him if the man was still unloading guns and I was informed that he was. He asked me if I could have someone go to that location and check to make sure something illegal was not occurring. I advised him I was just across the street and at the police department and that I would drive over and check it out. I then got into my vehicle and got on the police radio and advised the officers on patrol of what had been reported and requested that someone check by with me at the store.

I then drove to the center where Gun Shack is located and observed the Jeep backed up near the front door of the business. I also observed the black male subject described above walk out of the store and reach inside the Jeep. He retrieved a five gallon bucket and went back into the store. I parked in front of the barber shop which is located a few doors down from The Gun Shack.

As I was exiting my vehicle to walk up to The Gun Shack to confront the man and ask him about the numerous guns he had been seen unloading from the vehicle, I observed the man walk out of the store and get into the Jeep and drive off. I notified dispatch that the vehicle was leaving and driving northbound on F.M. 1092. There was no one in the immediate area that could make a traffic stop on the vehicle at the time so I decided to follow it

until the vehicle could be stopped and the driver identified. I asked for a responding unit to go ahead and stop by The Gun Shack to try and determine what was going on. I also asked that another unit try to catch up with me and assist me with stopping the Jeep.

As I was following the Jeep, it turned eastbound on Fifth Street and then turned onto a street located in the county. At this time, the name of the street escapes me, but I did advise dispatch of the street name and the address where the man drove up to and got out of the vehicle. I still did not have any patrol officers behind me at the time but decided to confront the man about the guns.

I approached the man and asked him for his D.L. or I.D. and informed him why I was following him. I told him there had been several gun stores and pawn shops burglarized in and around the Houston area over the past several months where a large amount of guns had been taken on each occasion. Since he had been seen removing a large amount of weapons from his vehicle, I felt it was warranted to try and find out where the guns came from. He was a very pleasant man and laughed and said something to the effect, "I don't blame you, I did unload a lot of guns at that store." He went on to explain that he had been asked by a friend to transport the guns from the Fort Bend Sheriff's office to The Gun Shack.

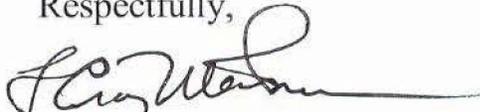
He stated that a woman's husband had killed himself and that the sheriff's office had confiscated and held the guns at their department. He stated they had called the widow and told her she needed to come and pick them up. The woman did not want anything to do with the guns and had decided to sell them instead of taking them back to her house. She then made arrangements with the man to transport them to The Gun Shack for her, presumably to be sold. He stated that after he unloaded the guns and ammo, he left because he had a pending dental appointment, at which time he showed me the appointment card. The man stated the woman was still at The Gun Shack and should have a receipt for the guns because she was given one at the sheriff's office. I had dispatch run and log the man's D.L. number. (I do not recall his name at this time.)

While interviewing the man, I heard officer D'Oench and Corporal Smith check out at The Gun Shack. I advised D'Oench of what the man had stated and he stated that it was the same information he had obtained at the store. I thanked the man for his cooperation and got back into my vehicle and left.

Shortly before I left, other patrol officers arrived at my location but did not make contact with the man. I heard Corporal Smith and officer D'Oench check back into service shortly thereafter.

As you are well aware, the times, locations and the D.L. number of the man and the license registration of the vehicle involved can be obtained from dispatch records. Let me know if you need anything further.

Respectfully,

A handwritten signature in black ink, appearing to read 'Craig Weathers', with a long horizontal flourish extending to the right.

Craig Weathers
Warrant Division

To: Lieutenant Capps
From: Officer D'Oench
Reference: PSI# 2004-0017

I received the written complaint upon coming into work this afternoon (06-28-04). I have not pulled up the call slip to see the amount of time I spent inside of the Gun Shack, but it could not have been over five minutes. I was advised by Warrant Officer Weathers, who observed a male unload a lot of weapons and ammunition from a vehicle to inside of the store. The male left location and W.O. Weathers followed the vehicle until a marked patrol unit could stop the vehicle for investigation. I pulled up to the store, about four spots to the east of the Gun Shack's front door to investigate. I observed several people inside of the store and quite a bit of long guns on the counter, and several boxes, what appeared to be metal ammunition boxes. I observed the owner of the store talking to a female; I motioned for him to come outside. At this point I did not know what was going on inside of the store so I did not want to step inside of the store for obvious officer safety issues. I spoke with the owner you advised me what was going on with the guns, and the female. I then advised W.O. Weathers via radio, by this time had the vehicle had been stopped. Weathers advised he was still trying to gather information. So Corporal Smith and I entered the store, and immediately the female asked us what was going on. We advised her everything appeared to be fine; we just had a call about a large amount of weapons being moved from a vehicle to inside of the store.

The female then told us about her husband, who had committed suicide and the guns were just released from the Sheriff's department, and she wanted them out of the house. To the best of my recollection, I did not start any conversation with her and when she stated the same story as the owner, I advised her thank you, or something to that effect, and we then left the store.

At no time did myself or Corporal Smith, raise our voice and at no time did any of the other customers turn and face us or even knew anything out of the ordinary was going on.

Officer R. D'Oench



TO: LIEUTENANT CAPPS

FROM: CORPORAL D.L.SMITH #266 

REFERENCE: PSI#: 2004—0017

RESPONSE TO ALLEGATION: POLICY TYPE: DEPARTMENT POLICY; POLICY TITLE: 20-02: FIELD INTERVIEWS/ DETENTIONS, IV B: IMPROPER INVESTIGATIVE DETENTION.

POLICY TYPE: DEPARTMENT POLICY; POLICY TITLE: 30-16: MOBILE VIDEO RECORDING, III A-4: FAIL TO ACTIVATE MVR.

DATE OF OCCURRENCE: JUNE 18, 2004

DATE OF RESPONSE: JUNE 28, 2004

ON JUNE 18, 2004 DISPATCH RECEIVED A CALL FROM WARRANT OFFICER WEATHERS IN REFERENCE TO SUSPICIOUS ACTIVITY AT THE GUN SHACK (2449 MURPHY ROAD). SEVERAL OFFICERS CHECKED ENROUTE TO ASSIST HIM. I HEARD OFFICER D'OENCH CHECK OUT AT THE GUN SHACK. I RESPONDED TO THE GUN SHACK TO CHECK BY. WHEN I ARRIVED, I SPOKE WITH OFFICER D'OENCH AND HE STATED THAT HE HAD TALKED TO THE OWNER OF THE GUN SHACK MR. ANIL SHARMA. HE STATED A LADY BROUGHT SEVERAL GUNS FOR HIM TO LOOK AT. THE STORE OWNER SAID THE FEMALE'S HUSBAND HAD COMMITTED SUICIDE. OFFICER D'OENCH THEN RELAYED THAT MESSAGE TO WARRANT OFFICER WEATHERS, BECAUSE THEY HAD A VEHICLE STOPPED THAT WAS INVOLVED. OFFICER D'OENCH DID STATE THE GUNS HAD BEEN RELEASED TO HER FROM FORT BEND COUNTY SHERIFF'S DEPARTMENT.

IN THE COMPLAINT, IT IS ALLEGED THAT I INTERROGATED THE OWNER OF THE GUNS. THIS WAS NOT THE CASE. THE OWNER OF THE GUNS, STATED TO ME, "EVERYTHING IS OKAY," THEN SHE STATED, "THE GUNS BELONGED TO HER LATE HUSBAND, WHO HAD COMMITTED SUICIDE." I RESPONDED TO HER " THEN EVERYTHING IS OKAY". I, NOR OFFICER D'OENCH TALKED IN A RAISED VOICE TO THE LADY, NOR MR. SHARMA.

AFTER OFFICER D'OENCH RELAYED THE INFORMATION TO WARRANT OFFICER WEATHERS, OFFICER D'OENCH AND I WENT BACK IN SERVICE. I WAS ON THAT SCENE FOR NOT MORE THAN TWO MINUTES.

THE AUDIO RECORDING HAD NOT ACTIVATED AUTOMATICALLY AS I HAD NOT USED MY EMERGENCY LIGHTS TO RESPOND THE THIS CALL. I STEPPED OUT OF MY VEHICLE AND DID NOT TURN THE BODY PACK ON.

CPL D.L. Smith #266

CPL.D.L.SMITH #266

Date: 6/23/04
Time: 7:54:19

MISSOURI CITY POLICE DEPARTMENT
Missouri City Offense Report

Page: 1
Program: CMS301L

Case No. . . . : 1-04-012786
Case Number . . : 1-04-012786
Occur To Date . : 6/18/04 12:39
Dept Class . . : SUSPICIOUS PERSON
Case Status Dt . : 6/18/04
Drug Related? . :
Common Name . . : THE GUN SHACK, 2449 MURPHY RD A
City : MISSOURI CITY, TX 77459
County : FORT BEND COUNTY
Location Type . : DEPARTMENT/DISCOUNT STORE
Beat Assignment: . :
District :
Report Date . . : 6/18/04 12:39
Supervisory Emp: 0/00/00
Offenses? . . . :
Names? :
Narrative? . . . :
Case Management: . :
Addtnl Times? . :
Payments? . . . :
Occur From Date: 6/18/04 12:39
Day Of Week . . : FRIDAY
Case Status . . : NO RPT
Alcohol Related: . :
Microfilm/roll#: . :
Map Reference . : C2
Zone/division . :
Report Officer : FANTICH, KELLY
Verif. Employee: 0/00/00
Entry Date . . : 0/00/00
Property? . . . :
Vehicles? . . . :
Relationships? . :
Related Cases? . :
Additional UCR?: . :
Additional UCR?: . :

***** C A S E M A N A G E M E N T I N F O R M A T I O N *****

Case Number . . : 1-04-012786
Location :
Date/Off :
Case Status . . : NO RPT
Forwarded To . . :
Actions? :
Common Name . . :
Occur Date/Time: . :
Dept Class . . : SUSPICIOUS PERSON
Case Status Dt . : 6/18/04
Investigator . . :
Ticklers? . . . :
Common Name . . :
Occur Date/Time: . :
Dept Class . . : SUSPICIOUS PERSON
Case Status Dt . : 6/18/04
Investigator . . :
Ticklers? . . . :

ASSIGNMENT HISTORY

Case Number . . : 1-04-012786
Dept Priority . . :
Inv Priority . . :
Assignment Date: 0/00/00
Addtl Officer . :
Notify Investig: . :
Dept Unit . . . : PATROL DIVISION
Investigator . . :
Supervisor . . . :
Addtl Officer . :
Addtl Officer . :

***** N A R R A T I V E # 1 *****

CAD: DISPATCH INFORMATION Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04

SUSP PERSON B/M W/ NUMEROUS WEAPONS FADED JEEP CHEROKEE N/B RIGHT ON
5TH [REDACTED] UNLOADED NUMEROUS WEAPONS

130

***** N A R R A T I V E # 2 *****

CAD: CM FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04

TURNING ON PICKET LANE

***** N A R R A T I V E # 3 *****

CAD: CM FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04

Date: 6/23/04
Time: 7:54:19

MISSOURI CITY POLICE DEPARTMENT
Missouri City Offense Report

Page: 2
Program: CMS301L

Case No. . . . : 1-04-012786

(Continued)

OUT ON HIM ON PICKETT

***** N A R R A T I V E # 4 *****
CAD: CM FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04
Beiflith *maxheimer*
511 AND 530 OUT W/ 148 *WEATHERS*

***** N A R R A T I V E # 5 *****
CAD: CM FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04
150 *SL#?*
[REDACTED]

***** N A R R A T I V E # 6 *****
CAD: CM FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04

WAS OUT AT 2720 PICKETTS

***** N A R R A T I V E # 7 *****
CAD: DS FANTICH Reported By: FANTICH, KELLY J. 6/18/04
Entered By.: FANTICH, KELLY J. 6/18/04

COMPLETED NO REPORT

***** END OF REPORT *****

* 148 - 481 - 511 - 159 - 530 - 266

Date: 6/23/04
Time: 9:10:18

MISSOURI CITY POLICE DEPARTMENT
Missouri City Offense Report

Page: 1
Program: CMS301L

Case No. . . . : 1-04-013187
Case Number . . : 1-04-013187
Occur To Date . : 6/23/04 9:11
Dept Class . . : INFORMATION
Case Status Dt . : 6/23/04
Drug Related? . :
Common Name . . : MISSOURI CITY PD, 3849 CARTWRIGHT RD
City : MISSOURI CITY, TX 77459
County : FORT BEND COUNTY
Location Type . : GOVERNMENT/PUBLIC BUILDING
Beat Assignment: BEAT 3
District :
Report Date . . : 6/23/04 9:11
Supervisory Emp: 0/00/00
Offenses? . . . :
Names? :
Narrative? . . . :
Case Management:
Addtnl Times? . :
Payments? . . . :
Occur From Date: 6/23/04 9:11
Day Of Week . . : WEDNESDAY
Case Status . . : INTERNAL AFFAIRS RPT
Alcohol Related:
Microfilm/roll#:
Map Reference . : C4
Zone/division . :
Report Officer : CAPPS, LARRY
Verif. Employee: 0/00/00
Entry Date . . : 0/00/00
Property? . . . :
Vehicles? . . . :
Relationships? . :
Related Cases? . :
Additional UCR?:

***** C A S E M A N A G E M E N T I N F O R M A T I O N *****

Case Number . . : 1-04-013187
Location :
Date/Off :
Case Status . . : INTERNAL AFFAIRS RPT
Forwarded To . . :
Actions? :
Common Name . . :
Occur Date/Time:
Dept Class . . . : INFORMATION
Case Status Dt . : 6/23/04
Investigator . . :
Ticklers? . . . :

ASSIGNMENT HISTORY

Case Number . . : 1-04-013187
Dept Priority . . :
Inv Priority . . . :
Assignment Date: 0/00/00
Addtl Officer . . :
Notify Investig:
Dept Unit : CRIMINAL INVESTIGATION
Investigator . . :
Supervisor . . . : BROUSSARD, GERALD
Addtl Officer . . :
Addtl Officer . . :

***** P E R S O N R E P O R T I N G I N F O - # 1 *****

Case Number . . : 1-04-013187
Street Number . : 3849 CARTWRIGHT RD
City : MISSOURI CITY, TX 77459
County :
Home Phone No. . : 281/000-0000
Extension :
Birth Date . . . : 0/00/0000 0
Birth Country . . :
Oper Lic No. . . . :
Race :
Ethnic Origin . . :
Weight : 0
Alt / Juvenil:
Other ID :
Hair Color :
Name : SHARMA, ANIL
Map Reference . . :
Business Phone . . :
Other Phone Nbr:
Birth City . . . :
Social Security: 0
OL Expires . . . : 0/00/00
Sex :
Height : 0
Occupation . . . :
Misc. ID# :
E-mail Address . . :
Hair Length . . . :

Date: 6/23/04
Time: 9:10:18

MISSOURI CITY POLICE DEPARTMENT
Missouri City Offense Report

Page: 2
Program: CMS301L

Case No. . . . : 1-04-013187

(Continued)

| | |
|--------------------------|--------------------------|
| Hair Style . . . : | Eye Color . . . : |
| Glasses . . . : | Complexion . . . : |
| Facial Hair . . . : | Teeth : |
| Build : | Speech : |
| Citizenship . . . : | Weapon Held . . : |
| Hand Use : | Caution : |
| Residency Type : | Residency Sts . : |
| Religion : | Marital Status . : |
| Status : | Grade : |
| Body Marks #1 . : | Body Marks #2 . : |
| Body Marks #3 . : | Body Marks #4 . : |
| NCIC Number . . . : | NCIC Entry Date: 0/00/00 |
| NCIC Cancel Dt : 0/00/00 | FBI Number . . . : |
| State Number . . : | ID Number . . . : |
| Photo Number . . : | Arrest Case No.: |
| Hat : | Coat : |
| Shirt : | Pants : |
| Shoes : | Employer? : |
| MO/Crime Spec? : | Be On Look Out?: |
| Photos? : | Aliases? : |
| Additional UCR? : | |

***** N A R R A T I V E # 1 *****

C : DISPATCH INFORMATION Reported By: CAPPS, LARRY E. 6/23/04
Entered By.: FANTICH, KELLY J. 6/23/04

INFO

***** END OF REPORT *****

Audio / Video Request Form

Person Making Request: L. E. CAPPIS
Agency: MCPD
Phone Number: 261-3145
Date of Request: 6-23-04

Missouri City Incident No.: 04-12786
Date and Time of Incident: 6-18-04 12:39 p.m.
(If the exact time is unknown, indicate a time as close to the originating time as possible)

Radio Console Position and Talk Group: (if not known, please indicate by UNK) _____

Police _____
PD Primary PD-2 _____ PD-3 PD-Secure _____

Fire _____
FD Primary _____ FD-Tac 1 _____ FD-Tac 2 _____ FD-Tac 3 _____

Telephone Line: (if not known, please indicate by UNK) _____
9-1-1 _____ Direct Line _____ Extension _____

Call Taker: (Use name or employee number of call taker, if known. If not, indicate by UNK.)
Name / Employee No.: _____

Dispatcher: (Use name or employee number of call taker, if known. If not, Indicate by UNK.)
Name / Employee No.: Unknown

Reason for Request: Investigation

Synopsis of What is of Interest: All radio traffic related to call

Is the original tape to be retained as evidence? (circle one) YES / NO

All requests for audio or video tapes may be subjected to review by the Chief of Police.

Forward the Request to:
Mike Berezin, Identification Division
(281) 261.3125 Office
(281) 261.4238 Fax

For MCPD use only
Completed by: _____
Date Completed: _____



**MISSOURI CITY
POLICE DEPARTMENT**



Ron R. Echols
Chief of Police

July 09, 2004

Mr. Anil Sharma
1127 Autumn Green
Missouri City, Texas 77459

Reference: PSI Control #: 2004--0017

Dear Anil Sharma:

Your complaint has been received and investigated by a professional standards investigator. Your complaint has been assigned the control number indicated above and a permanent record has been made of the complaint.

A complete investigation has been conducted and your complaint has been "Unfounded."

If the Missouri City Police Department can be of assistance to you please do not hesitate to contact us.

Sincerely,

Larry E. Capps
Lieutenant



MISSOURI CITY POLICE DEPARTMENT



Ron R. Echols
Chief of Police

To: Corporal Daryl Smith

From: L. E. Capps, Lieutenant

Reference: PSI#: 2004--0017

Allegation: Policy Title: 20-02: Field Interviews / Detentions - IV B: Improper Investigation / Detention

Date of Occurrence: June 18, 2004

Date of Clearance: July 08, 2004

Comments

This complaint has been investigated by a professional standards officer and the charge as listed above has not been sustained. Specifically, the complaint was ruled "Unfounded." The results of this investigation were presented to the Chief of Police who, upon review, concurs with the ruling.

This investigation is officially closed and no adverse action against you is pending as a result of this investigation. The department does reserve the right, however, to take appropriate action as deemed necessary to improve the operations of the department, i.e. in service school, policy and procedure changes et al.

Your cooperation in this investigation is appreciated and no part of this PSI record will be placed in your personnel file.



MISSOURI CITY POLICE DEPARTMENT



Ron R. Echols
Chief of Police

To: Patrol Officer Russell D'Oench

From: L. E. Capps, Lieutenant

Reference: PSI#: 2004--0017

Allegation: Policy Title: 20-02: Field Interviews / Detentions IV B: Improper Investigation Detention

Date of Occurrence: June 18, 2004

Date of Clearance: July 08, 2004

Comments

This complaint has been investigated by a professional standards officer and the charge as listed above has not been sustained. Specifically, the complaint was ruled "Unfounded." The results of this investigation were presented to the Chief of Police who, upon review, concurs with the ruling.

This investigation is officially closed and no adverse action against you is pending as a result of this investigation. The department does reserve the right, however, to take appropriate action as deemed necessary to improve the operations of the department, i.e. in service school, policy and procedure changes et al.

Your cooperation in this investigation is appreciated and no part of this PSI record will be placed in your personnel file.

Missouri City Police Department

Investigation Report

Case Type: Class III **Case #:** 2012-0008

Call Type: **Incident Date:** 08/24/2012 **Time:**

Origin: **Date Reported:** 08/24/2012 **Time:**

Report #:

Location:

Address:

District: **Grid:** **Assignment:** **Beat:**

Status: Closed **Date Closed:**

Employee(s)

Employee: Smith, Daryl **ID:** 0266

Supervisor: Burleson, Kevin **ID:** 0333

Notes:

Assignments

Group: Administration **Assigned To:** Bothell, Lance

Role: Reviewer **Assigned By:** Bothell, Lance

Assign Date: 9/5/2012 **Due Date:**

Completion Date: **Recommendation:**

Notes:

Notifications

Exhibits

Type: Letter / Document **Description:** Letter from Ruben Davis

Date: 9/19/2012 **Number:**

Location:

Link: W:\Police\PSI\Bothell PSI\Smith, Daryl\Smith, Dary 2012-0008\Letter from Ruben Davis.pdf

Notes:

Type: Letter / Document
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\Letter from Broussard to Davis.DOC
Description: Response from Broussard
Number:

Notes:

Type: Letter / Document
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\Response from Chief Fitzgerald.doc
Description: Memo from Fitzgerald to Broussard
Number:

Notes:

Type: Letter / Document
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\Facebook article and pic.pdf
Description: Fraudulent Facebook Post
Number:

Notes:

Type: Letter / Document
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\Misc Emails.pdf
Description: Misc Emails
Number:

Notes:

Type: Video **Description:** You Tube Video #1
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary 2012-0008\20120512
085736(1).mp4

Notes:

Type: Video **Description:** You Tube Video #2
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\20120512_074623.AVI.mp4

Notes:

Type: Video **Description:** You Tube Video #3
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary 2012-0008\Missouri
City Texas Krasey Cops 2012.mp4

Notes:

Type: Audio Recording **Description:** Phone Recording #1
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\04-20-2012 davis.wav

Notes:

Type: Audio Recording **Description:** Phone Recording #2
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\04-20-2012a davis.wav

Notes:

Type: Audio Recording **Description:** Phone Recording #3
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\04-25-2012 1405 hrs Davis
message on Burleson.wav

Notes:

Type: Audio Recording **Description:** Phone Recording #4
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\04-26-2012 0851 hrs
Burleson conversation with Davis.wav

Notes:

Type: Audio Recording **Description:** Phone Recording #5
Date: 9/19/2012 **Number:**
Location:
Link: W:\Police\PSI\Bothell PSI\Smith,
Dary\Smith, Dary
2012-0008\05-03-2012 1409hrs
Burleson to Pct 2.wav

Notes:

Type: Audio Recording
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\05-03-2012 1500hrs voicemail from PCT Chief Deputy.wav
Description: Phone Recording #6
Number:

Notes:

Type: Audio Recording
Date: 9/19/2012
Location:
Link: W:\Police\PSI\Bothell PSI\Smith, Dary\Smith, Dary 2012-0008\Ruben Davis to Chief Berezin 05-02-2012 1334hrs.wav
Description: Phone Recording #7
Number:

Notes:

Narrative:



CONSTABLE DEPARTMENT - PRECINCT TWO

Fort Bend County, Texas

RUBEN DAVIS
Constable

(281) 403-8010
Fax (281) 403-8027

August 23, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

RE: Police Complaint against Daryl Smith and the Missouri City Police Department

Dear Mr. Broussard:

The Missouri City Police Department contacted my office in April and requested documents for a police investigation. I received a call from Missouri City Assistant Police Chief Berisen to inform of the nature of this police investigation. The Assistant Police Chief went on to say that his department would turn this police investigation over to the Texas Rangers, because of my re-election campaign and Sergeant Daryl Smith. Texas Ranger, Bradley Freeman contacted me and he advised me that he was conducting this criminal investigation.

I was contact in April and May of this year by citizens of Missouri City regarding Sergeant Daryl Smith walking city neighborhoods showing documents relating to the criminal investigation. I have the names of three (3) citizens that were approached and shown police investigation documents by Sergeant Daryl Smith. The documents described to me appeared to be this same information that I turned over to the Missouri City Police Department. The neighborhoods that were involved in this incident are Creekmont and Hunters Glen Sections I, II, III, IV, and V subdivisions. Any activity such as this should be considered a violation of the law.

I am filing a formal complaint and I want the following questions answered:

1. What are the names of the Missouri City investigators that received documents from my office in regards to this criminal case?
2. Who turned over documents in this police investigation to Sergeant Daryl Smith?
3. Who authorized Sergeant Daryl Smith to show police documents in an active police investigation to citizens in this community?

/Edward Broussard

Page --2-

4. Is Sergeant Daryl Smith involved in this criminal investigation of a Precinct Two volunteer?
5. What involvement if any did Missouri City Police Chief Joel Fitzgerald or Assistant Police Chief Berisen have with Sergeant Daryl Smith going door to door showing evidence in an active police investigation to citizens?
6. I want to know if your department has a police ethics policy.

Should you have any questions or desire further information, do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Ruben Davis".

Ruben Davis
Constable

cc: Mayor
City Council Members



CONSTABLE DEPARTMENT - PRECINCT TWO

Fort Bend County, Texas

RUBEN DAVIS
Constable

(281) 403-8010
Fax (281) 403-8027

August 22, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

RE: Police Complaint against Daryl Smith and the Missouri City Police Department

Dear Mr. Broussard:

This letter shall serve as a formal written complaint from Constable Ruben Davis and against Sergeant Daryl Smith of the Missouri City Police Department. This original complaint was filed on October 3, 2011.

On Tuesday, September 20, 2011, at approximately 1655 hours, Sergeant Daryl Smith of the Missouri City Police Department entered the Fort Bend County Precinct 2 Constables' Office located at 303 Texas Parkway, Missouri City, Texas 77459. Sergeant Smith identified himself as a Missouri City police officer.

Sergeant Smith appeared to be very agitated, visibly angry, and emotional unstable. He demanded to my Administrative Assistant, Debra Davis that he wanted to see Constable Ruben Davis. Sergeant Smith was asked to sign in as a visitor and refused. Ms. Davis contacted her boss and then escorted Sergeant Smith to the Constable's office. Constable Ruben Davis and Chief Deputy Rodney Pentecost met with Sergeant Smith in the Constable's office.

Ms. Davis after escorting Sergeant Smith to her boss's office attempted to leave as Sergeant Smith demanded in a loud voice "you stay here, you need to hear what I have to say." Ms. Davis replied to Sergeant Smith, "I do not work for you", and returned to her office.

Sergeant Smith appeared to be emotionally unstable, incoherent, and unprofessional. Sergeant Smith explained that someone had taken some of his campaign business cards out of its holder and replaced them with a Constable Ruben Davis business card at a business establishment. Sergeant Smith stated that he would arrest any Fort Bend County Precinct 2 deputy or employee that touched any of his campaign business cards.

I asked Sergeant Daryl Smith if his business cards were free, what law would have been broken? Sergeant Daryl Smith replied that he would arrest any Fort Bend County Precinct 2 Constable employee that touches any of his cards and put them in the Missouri City jail.

Constable Ruben Davis
/Edward Broussard
Page -2-

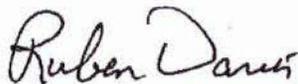
I asked Sergeant Smith if he could place a large sign at all locations where his signs are located, asking all Fort Bend County Precinct 2 Constable employees and citizens not to take any of his free business cards.

Sergeant Smith again appeared to be emotionally unstable and rambled for about 5 to 10 minutes repeatedly saying he did not want any Fort Bend County Precinct 2 Constable employees touching or taking any of his free business cards. Sergeant Smith then had an exchange of words with my Chief Deputy, Rodney Pentecost. I asked Sergeant Smith to leave my office as his behavior became unstable. Sergeant Smith left my office exchanging words with other employees in my office.

I filed a report with the Missouri City Police Department on October 2, 2011 but that complaint was not accepted. My employees were advised of Sergeant Daryl Smith's unprofessionalism and the failure of the City of Missouri City and Police Chief Joel Fitzgerald to take any actions regarding this incident and Smith's behavior.

Should you have any questions or need further information regarding this formal complaint do not hesitate to contact me.

Sincerely,



Ruben Davis
Constable

cc: Mayor
Council Members

Ruben [REDACTED] Davis

[REDACTED]
[REDACTED]

August 22, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

Dear Broussard:

On May 11, 2012, the Missouri City Police Department raided my campaign Office. The event started with a member of the Missouri City Police Department interfering with a Fort Bend County Precinct 2 Toll Road Deputy.

The Missouri City Police Department Officers pulled the Fort Bend County Toll Road Deputy away from his duties to investigate a complaint at 1250 Texas Parkway in Stafford, Texas.

A member of the Missouri City Police Department walked into my campaign office located at 1308 Turtle Creek and demanded that I join a police investigation at 1250 Texas Parkway in Stafford, Texas 77477. My response to the Missouri City Police Officer was that I did not know what he wanted and that I would not follow him to some unknown location. The unknown Police Officer immediately left my campaign office.

Approximately 15 minutes later several Missouri City Police cars showed up at 1308 Texas Parkway. Sergeant Daryl Smith and **two on-duty Police Officers** showed up at my campaign office and approached me with a threatening demeanor. Sergeant Smith began to mumble something about one of my campaign signs touching his campaign sign. I refrained from using deadly force on these three Missouri City Police Officers. I did make a request to the Missouri City Police Chief Joel Fitzgerald, but I got no response.

These Missouri City Police officers violated the laws and the civil rights of both [REDACTED] and myself. These officers were asked numerous times to leave my campaign office but refused and appeared out of control. The incident at my campaign office was videoed and placed on YouTube with the help of the Missouri City Police Department.

Constable Ruben Davis
/Edward Broussard
Page -2-

I would like to file charges on these police officers who were told to leave my campaign office **several times** and refused.

I would also like a written response to the following:

1. What are the names of all of the police officers involved in this incident?
2. How can I receive reimbursement for my Fort Bend County toll road deputy who was removed from his assignment?
3. Why did a police supervisor not talk to me at the location although I requested to speak to a supervisor?
4. Why did Sergeant Smith and the two on-duty police officers have [REDACTED] and me under restraint with their hands on their gun belts?
5. What was the total number of police officers at this incident?
6. Why did Sergeant Smith come into my campaign office walking towards [REDACTED] and me with his gun visible?
7. Why did the Missouri City Police Department shut down my campaign office with several on duty police cars?
8. Why did the Missouri City Police Department harass the dance school business owner in my shopping center and frighten the children and parents of the school?
9. What is the name of the police captain that arrived on this crime scene and left and took no action?
10. Why did the City of Missouri City allow their employees to use City equipment on political campaigns?

[REDACTED] and I were terrified and thought we could have been shot and killed. I want to know what involvement or advise did the Missouri City Police Chief Joel Fitzgerald have in this crime scene.



CONSTABLE DEPARTMENT - PRECINCT TWO

Fort Bend County, Texas

RUBEN DAVIS
Constable

(281) 403-8010
Fax (281) 403-8027

August 22, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

RE: Police Complaint against Daryl Smith and the Missouri City Police Department

Dear Mr. Broussard:

The Quail Glen HOA, Fort Bend County Juvenile Probation Department, and the Fort Bend County Precinct Two Constable's Office conducted a neighborhood clean up in the Quail Glen Subdivision on March 31, 2012. The Quail Glen HOA had volunteers from the neighborhood to participate in the clean up. The Fort Bend County Juvenile Probation Department had approximately 19 Juveniles and 4 Juvenile Probation Detention Officers to participate in the clean up. The Fort Bend County Precinct Two Constable's Office supplied a police car and two deputies for the clean up.

Towards the end of the clean up, I, Constable Ruben Davis gathered the young men who ranged in age from approximately 14 to 15 years old and thanked them for their participation in the clean up. I also handed out some good citizen cards and encouraged them to be productive citizens. Sergeant Daryl Smith, although he does not live in that Subdivision, had also participated in the clean up. He walked over to me while I was speaking with the young men. As I was explaining to the young men that I was the one responsible for them being allowed to participate in the clean up, Sergeant Daryl Smith yelled out, "Stop lying to these young men, you had nothing to do with this clean up".

I continued to address the young men when Sergeant Daryl Smith yelled out again, "Stop lying to these young men, you had nothing to do with this clean up. I then stated to the young men that, "I am a College Professor and you young men are still in school. I will let this man talk to you (motioning to Sergeant Daryl Smith) since he will not let me talk to you young people".

Sergeant Daryl Smith identified himself as a Missouri City Police Sergeant. He stated that he was running for Constable and that I (Ruben Davis) was lying about this clean up. He also said to the young men that I had nothing to do with the clean up.

Constable Ruben Davis
/Edward Broussard
Page -3-

I want Sgt. Daryl Smith fired for this incident. [REDACTED] and I do not feel safe with police officers like this on your department. I want to know if Sgt. Daryl Smith has any mental or emotional problems. The Police Chief is aware of Sgt. Daryl Smith's behavior towards Ruben and [REDACTED]. I have reached out to your Police Department, and the Police Chief has not contacted me regarding all of the police calls that [REDACTED] has made regarding Sgt. Daryl Smith.

I have been in law enforcement for over 36 years and the Head of a Police Agency in Fort Bend County for 16 years. I hold a Bachelors Degree from the University of Houston and a Master's degree from Prairie View A & M University. I would like a written response to this formal complaint.

Sincerely,



Ruben Davis
Constable

cc: Mayor
City Council Members

/Edward Broussard

Page -2-

I walked away because of Sergeant Daryl Smith's embarrassing behavior and poor representation of the Missouri City Police Department. His actions were both embarrassing and unprofessional. I suddenly thought that this isn't the time or the place, especially in the presence of such fine, hard working young men. I continued to lead by example.

I am filing a complaint based upon the following:

1. Unprofessional Police Conduct
2. Causing a disturbance
3. Bringing shame and dishonor to the men and women of the Missouri City Police Department and the citizens of Missouri City
4. Being a bad role model and setting a bad example to so many young people on juvenile probation.

I want Sergeant Daryl Smith fired for this incident. [redacted] and I do not feel safe with police officers like this on your department. I want to know if Sergeant Smith has any mental or emotional problems. The Police Chief is aware of Sergeant Smith's behavior towards [redacted], [redacted] and me. I have reached out to your Police Department, and the Police Chief has not contacted me regarding all of the police calls that [redacted] has made regarding Sergeant Smith.

I have been in law enforcement for over 36 years and the Head of a Police Agency in Fort Bend County for 16 years. I hold a Bachelors Degree from the University of Houston and a Master's degree from Prairie View A & M University. I would like a written response to this formal complaint.

Sincerely,



Ruben Davis
Constable

cc: Mayor
City Council Members



Council & Management

1522 Texas Parkway
Missouri City, Texas 77489

Phone: 281.403.8500
www.missouricitytx.gov

August 13, 2012

Constable Ruben Davis
Constable Department – Precinct Two
303 Texas Parkway
Missouri City, TX 77459

Dear Constable Davis,

Thank you for your letter dated August 9, 2012. Sergeant Smith is allowed to conduct personal business while on his personal time during his shift, such as lunch or other activities. The preference of the City is to have our officers use their marked vehicles while conducting their personal business during their personal time while on a shift while within the city limits. This allows them to be able to respond to a call if needed, and keeps our vehicles visible on the city streets.

I apologize for not returning your call on this concern. After discussing the issue with Chief Fitzgerald, we agreed that he would call you and discuss the issue. It was my understanding that this discussion satisfied your question, and thus I did not directly call you back. If there are other issues that may arise, please feel free to let me know and we will address them accordingly.

Sincerely,

Edward A. Broussard
City Manager



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



.1175

POLICE MEMORANDUM

Date: August 24, 2012

TO: Edward Broussard, City Manager

FROM: Joel Fitzgerald, Chief of Police

SUBJECT: ADMINISTRATIVE INQUIRY: SGT. DARYL SMITH (2012-0008)

1. On August 23, 2012 at 1:57pm, I received two letters from you via email from Fort Bend County Precinct #2 Constable Ruben Davis regarding a Missouri City Police Department employee, Sgt. Daryl Smith. Pursuant to your email request, we had a conversation regarding multiple letters that we received during the election for Fort Bend County Precinct #2 Constable in which Sgt. Daryl Smith is accused of misconduct while campaigning as the sole challenger to Ruben Davis for his position as Constable in the Democratic Primary on May 29, 2012.

The inquiry precipitating this response specifically includes allegations of misconduct by Sgt. Smith on the following two dates: May 9, 2012 and May 11, 2012.

In the letter dated August 21, 2012 that references events on May 9, 2012, Ruben Davis accused Sgt. Smith of several traffic offenses, unbecoming conduct, and physical abuse. The allegations in the August 21, 2012 letter contradict his 9-1-1 call that day and subsequent statements made to the MCPD supervisor that responded to the scene, Sgt. Phillip Englishbee. Davis specifically stated during his 9-1-1 call to Telecommunications Officer (TCO) Epps that he was *threatened*, and a person inside of a vehicle was *making faces and videotaping* he and [REDACTED]. Davis' August 21st letter states that he observed Sgt. Smith upon his approach to the location on Texas Parkway, but his original 9-1-1 call never mentions the erratic driving and attempted assault described in detail within the letter. The allegations Davis made on May 9, 2012 via 9-1-1 and on-scene statements to Sgt. Englishbee are inconsistent with those alleged in the subsequent letter. Sgt. Englishbee was advised upon his arrival that Sgt. Smith was driving erratically, but determined the driving related accusations did not occur. In the presence of Sgt. Russell Terry, he attempted to interview the male (Brandon Hamilton) who was allegedly assaulted by Sgt. Smith but Davis intervened and refused to allow Hamilton to speak with MCPD. The most troubling portion of Davis' accusation is that he purports that Sgt. Smith assaulted a criminal suspect and we could not



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



.117

record the allegation due to his active interference. The MCPD has not been contacted by any of the various agencies to which Davis should have referred the incident, allowing them to independently investigate the alleged assault. If an assault occurred, a senior law enforcement officer should have allowed the complainant to make a statement and facilitate the investigation of such an offense. The MCPD properly recorded the incident on police report #12-9073, and Davis' allegations are Not Sustained for purposes of our own internal inquiry.

2. In a second letter, also dated August 21, 2012, referring to an incident on May 11, 2012, Davis accused Sgt. Smith of making a call to 9-1-1 to report a black male (Ruben Davis) with a gun at 7622 Chasewood, at an early voting location. Davis accused Sgt. Smith of making a false report to the Houston Police Department, but I personally reviewed the You Tube video of the incident and it appeared his 9-1-1 call was founded (You Tube, 2012). On August 24, 2012, I spoke with Inv. E. Castaneda HPD-Homicide, who informed me the investigation is still an open and active criminal case.

Davis alleges that Sgt. Smith spoke with me during the incident, and he did. He acted upon previous direction from me to call me whenever he became involved in an incident with Davis, and in this case, he called to inform me that Davis threatened Sgt. Smith and [REDACTED] with a firearm. Davis exercised the same freedom by calling me during previous incidents. Smith stated that he called HPD to report the incident at the polling location as an aggravated assault HPD-622902126). In this case, the facts during this encounter would justify the classification of Unfounded.

3. Davis also alleges that I have not personally responded to him regarding *all* of his calls on the behavior of Sgt. Smith. As the head of a law enforcement agency, I am certain that Davis understands any internal affairs complaints, if filed, come to my attention. It is his responsibility to sign the Perjury & Written Statement form and submit it with his written complaint as per state law. I can confirm that is aware of this process, because he submitted a complaint as recently as November 3, 2011, in regards to complaints initiated on September 20 and September 24 respectively, and I have spoken with him on the telephone on several occasions since advising him of the same. On October 20, 2011, Assistant Chief Jemison responded to those complaints, provided him complaint documentation as well as informing Davis of the MCPD policy and process of investigating and submitting complaints (via certified mail):



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



It is the policy of the Missouri City Police Department to accept all complaints against its police officers. The department will conduct an objective, thorough, competent, and professional investigation of all allegations of misconduct by employees and complaints bearing on the department's response to community needs. (Jemison, 2011)

Davis responded to Assistant Chief Jemison's letter and returned endorsed, yet incomplete paperwork, with the following benign statement:

My letter of complaint was generated to ensure that the Office of Fort Bend County, Constable Pct. 2 and the Missouri City Police Department continues our excellent working relationship. I do not want an incident of this nature to occur again. In the event that it does, our office will take the appropriate action. (Davis, 2011)

4. Reference: <http://www.youtube.com/watch?v=xIfWrXBqbls>

Joel Fitzgerald, Sr.
Chief of Police

Fort Bend Constable Precinct 2 Democratic Primary features erroneous arrest claim

From Staff Reports | Posted: Tuesday, May 22, 2012 9:56 pm

With less than a week remaining in the Fort Bend Constable Precinct 2 Democratic Primary, the election is becoming heated between incumbent Constable Ruben Davis, and his opponent, Missouri City Police Sgt. Daryl Smith.

The election will be decided on Tuesday, May 29, and early voting is ongoing.

The winner of the primary is very likely to be elected with the winner either running unopposed or facing an overmatched opponent in the general election in November.

On Monday, Constable Davis -- a retired Houston Police Department officer who's been in office since 1996 -- had a photo on his Facebook page of Sgt. Smith in a campaign t-shirt (next to two uniformed Missouri City Police officers) with the caption, "Missouri City Police Arrest Daryl at my Campaign office!!"

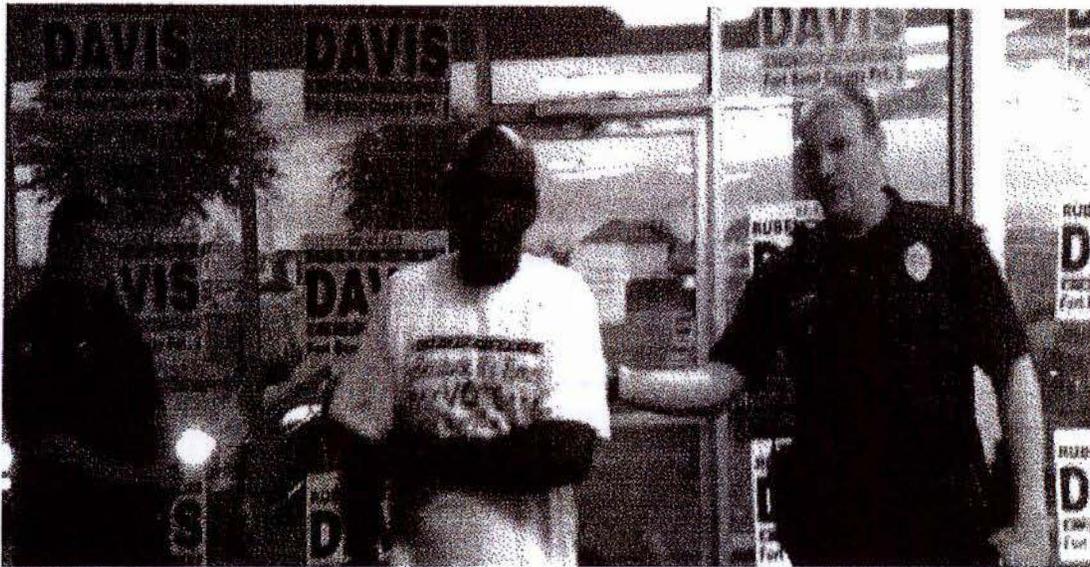
The post had 21 "likes" and 19 posts, mostly in support of Constable Davis.

Missouri City Police Chief Joel Fitzgerald said that Sgt. Smith had not been arrested, thus the posting was not true.

Despite that, the post was still on Constable Davis' Facebook page as of 11:50 p.m. Tuesday evening.

On Sgt. Smith's YouTube page, www.youtube.com/darylsmith4constable, there are six videos, mostly of Sgt. Smith confronting Constable Davis and his volunteers regarding campaign signs.

Sgt. Smith uses the videos to support his claims that Constable Davis is posting campaign signs over his own.



R
M.

Missouri City
office!!

Share

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:54 AM
To: Keith Jemison; Lance Bothell
Subject: FW: Church

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Monday, April 09, 2012 10:18 AM
To: Ruben Davis
Subject: Re: Church

Ruben,

The MCPD is ahead of the curve regarding crimes in the Indian-American Community. As a matter of fact, I met with a group of citizens on this to develop a positive rapport and facilitate the information sharing process. Although most of the crimes you are referring to occurred outside of this jurisdiction, I also offered P/O Flagg to help them form a crime watch program.

Please share any crime information you have, and attend the Regional CID Meetings (every third Wed.) as most agencies in the area have staff members present. We think that hearing from your agency and having them participate in our gang operations would benefit our end of the county. Most agree that since I started this program we've had a better collective gauge on crime.

I had officers meet with the pastor regarding the damaged basketball goals as well. The last report we received was in October 2011, but we told him that we would initiate "close patrols" in his area and always be available to address his, and all members of the community's concerns.

Take care (and I'll see you at the Fish Fry),

Joel

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:51 AM
To: Keith Jemison; Lance Bothell
Subject: Response to an emailed issue from Davis

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Monday, April 09, 2012 10:18 AM
To: Ruben Davis
Subject: Re: Church

Ruben,

The MCPD is ahead of the curve regarding crimes in the Indian-American Community. As a matter of fact, I met with a group of citizens on this to develop a positive rapport and facilitate the information sharing process. Although most of the crimes you are referring to occurred outside of this jurisdiction, I also offered P/O Flagg to help them form a crime watch program.

Please share any crime information you have, and attend the Regional CID Meetings (every third Wed.) as most agencies in the area have staff members present. We think that hearing from your agency and having them participate in our gang operations would benefit our end of the county. Most agree that since I started this program we've had a better collective gauge on crime.

I had officers meet with the pastor regarding the damaged basketball goals as well. The last report we received was in October 2011, but we told him that we would initiate "close patrols" in his area and always be available to address his, and all members of the community's concerns.

Take care (and I'll see you at the Fish Fry),

Joel

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:51 AM
To: Mike Berezin; Keith Jemison; Lance Bothell
Subject: Pct. 2 notification on impersonating arrest

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Thursday, April 19, 2012 10:28 AM
To: Ruben Davis
Subject:

How you're doing better. I'm sure you received the message on Troy Mcallister representing himself as working for you. He was arrested for warrants yesterday. If you need more info, you can call me or our CID Captain John Bailey 2814038713.

Get well soon.

Chief Joel Fitzgerald
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 office-direct

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:59 AM
To: Keith Jemison; Mike Berezin; Lance Bothell
Subject: FW: FYI on response to Constable Davis' letter
Attachments: Davis 120813.DOC

Joel Fitzgerald, Ph.D. (ABD), MBA

Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

x:

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

From: Edward Broussard
Sent: Monday, August 13, 2012 9:21 AM
To: Joel Fitzgerald
Subject: FYI on response to Constable Davis' letter

Edward A. Broussard
City Manager
City of Missouri City, Texas
(281) 403-8692

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:14 AM
To: Keith Jemison; Lance Bothell
Subject: 2012-0008 JFF2
Attachments: 2012-0008 JFF2.doc

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:38 AM
To: Mike Berezin; Keith Jemison; Lance Bothell
Subject: You Tube video links

Ruben Davis' version of the campaign office civil standby: <http://youtu.be/JFjU3bXV7BQ>

Ruben Davis' misleading Facebook post alleging the arrest of a Daryl Smith:
<https://docs.google.com/viewer?a=v&pid=gmail&attid=0.2&thid=13774ac6ea60b2d0&mt=application/pdf&url=https://mail.google.com/ui%3D2%26ik%3D49a5036ef8%26view%3Datt%26th%3D13774ac6ea60b2d0%26attid%3D0.2%26disp%3Dsafe%26zw&sig=AHIEtbS78gpdhQsdT4xIJfNfkN3UdXNk8Q>

Daryl Smith's video that details the events precipitating the Ruben Davis campaign office civil stand by:
<http://www.youtube.com/watch?v=1aVOIReO9o0&feature=youtu.be>

Daryl Smith's version of the campaign office civil standby: <http://www.youtube.com/watch?v=1rHnfbr-xuA&feature=relmfu>

Ruben Davis did call me on that date on my cell phone, but I was unavailable. Davis made subsequent written allegations which, absent a MCPD complaint, we handled internally.

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

x

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

Lance Bothell

From: Joel Fitzgerald (Adobe SendNow Invitations) [sendnow-invitations@acrobat.com]
Sent: Tuesday, August 28, 2012 11:49 AM
To: Lance Bothell
Subject: 5/22/12 Davis letter



 [Download](#)

File sent to you by Joel Fitzgerald:

mayor owen22Mar2012 (Revised).pdf

912 KB  Virus Checked

File will be available for download for 7 days.

To download the file, click on the Download button above or copy and paste this URL into your browser:

https://sendnow.acrobat.com/?i=flwJhRM--iH*quoTWkcVWLw

Note: Adobe SendNow may notify the sender when you download these files.

Send files online and easily track the status of your files. [Try Adobe SendNow Today >](#)

To ensure that you continue receiving these emails, please add sendnow-invitations@acrobat.com to your address book or safe list.

"Adobe, and the Adobe logo are either registered trademarks or trademarks of Adobe Systems Incorporated in the United States and/or other countries. All other trademarks are property of their respective owners."

[Terms of Use](#) | [Privacy Policy](#) | [Report Abuse](#)

Send and track large files online with confidence using [Adobe SendNow \(http://sendnow.adobe.com\)](http://sendnow.adobe.com)
© 2012 Adobe Systems Incorporated. All rights reserved. 345 Park Avenue, San Jose, CA 95110 USA

Radio System Administrator
Missouri City/Sugar Land Radio System
3849 Cartwright
Missouri City, TX 77459

281-403-8725 office

[REDACTED] cell . 117 - Withhold Same Throughout

This email contains proprietary information and may be confidential. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you received this message in error, please delete it immediately.

From: Keith Jemison
Sent: Thursday, May 03, 2012 5:58 PM
To: Robert Girndt
Cc: Keith Jemison
Subject: Internal Investigation (Confidential)

Robert,

Please pull "looking glass" for Sgt. Daryl Smith utilizing unit #2539 and Officer Evette Kelly for May 2, 2012 and forward me the printout first thing in the morning. I have received a complaint that two uniformed officers were in the Quail Glenn subdivision in Houston, Texas on May 2nd 2012. I need to confirm whether this is accurate or not. I need this request maintained in confidence and fulfilled first thing in the morning. No one is to see the results of this unless they hold the rank of Assistant Chief of Police or above.

Keith Jemison, MA
Assistant Chief of Police
Internal Affairs & Administration
3849 Cartwright Road
Missouri City, TX 77459
281-403-8702

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:55 AM
To: Keith Jemison; Lance Bothell; Mike Berezin
Subject: FW: Internal Investigation (Confidential)
Attachments: Ruben Davis to Chief Berezin 05-02-2012 1334hrs.wav; 04-20-2012 davis.wav; 04-20-2012a davis.wav; 04-25-2012 1405 hrs Davis message on Burleson.wav; 04-26-2012 0851 hrs Burleson conversation with Davis.wav; 05-03-2012 1409hrs Burleson to Pct 2.wav; 05-03-2012 1500hrs voicemail from PCT Chief Deputy.wav

Joel Fitzgerald, Ph.D. (ABD), MBA

Chief of Police

Missouri City Police Department

3849 Cartwright Rd.

Missouri City, TX 77459

(281) 403-8701 - Office

X

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

From: Keith Jemison
Sent: Friday, May 04, 2012 9:18 AM
To: Mike Berezin; Joel Fitzgerald
Subject: Fwd: Internal Investigation (Confidential)

Sent from my HTC on the Now Network from Sprint!

----- Forwarded message -----

From: "Robert Girndt" <GIRNDT@missouricitytx.gov>
Date: Fri, May 4, 2012 9:13 am
Subject: Internal Investigation (Confidential)
To: "Keith Jemison" <KJemison@missouricitytx.gov>

There are no AVL "points" for either of the two officers for the date that you requested. Attached to this email are several phone conversations that you have asked for.

Thank you,

Robert M. Girndt

9/19/2012

Lance Bothell

From: Joel Fitzgerald [joelism71@gmail.com]
Sent: Tuesday, August 28, 2012 12:08 PM
To: Keith Jemison; Lance Bothell
Subject: Fwd: Meeting?

Ditto...

----- Forwarded message ----- 137
From: **Joel Fitzgerald Sr** <joelism71@gmail.com>] - Release Throughout
Date: Fri, Apr 13, 2012 at 2:52 PM
Subject: Meeting?
To: Ruben Davis <rubendavis2012@gmail.com>] 137 - Release Throughout
Cc: "Stephen K. Brown II" <[REDACTED]>] - Withhold .137 Throughout

Ruben,

We need to set up a meeting to talk about the negative comments raised about the City and MCPD at the meeting you attended last night. I can meet you either at my office or your office on Tuesday. If you can do it earlier, I can meet you at Pearson's tomorrow morning.

Joel F. Fitzgerald, Sr., PhD (ABD), MBA

Sent from my iPad

Lance Bothell

From: Joel Fitzgerald [joelism71@gmail.com]
Sent: Tuesday, August 28, 2012 12:07 PM
To: Keith Jemison; Lance Bothell
Subject: Fwd: Constable Ruben Davis Fundraiser
Attachments: April 7, 2012 Step Side One.jpg

[] = 137

It appears he wasn't too upset with me, as he kept in touch throughout the entire year.

----- Forwarded message -----

From: Ruben Davis <rubendavis2012@gmail.com>
Date: Mon, Apr 9, 2012 at 1:44 AM
Subject: Fwd: Constable Ruben Davis Fundraiser
To: Raymond Dockum <[redacted]>, Richard Raymond
[redacted], herman burroughs <[redacted]>, John
burroughs <[redacted]>, O Burroughs <[redacted]>, Allen Owen
[redacted], "Dr. Jonita Reynolds" <[redacted]>, Ron
Reynolds <[redacted]>, Carroll & Stephanie Oliver <[redacted]>,
Ernest Redmond <[redacted]>, Mary Redmond
[redacted], "Cynthia Ginyard (FBC Dem Party)"
[redacted], Joel Clouser <clouserjoe@co.fort-bend.tx.us>, Grady Prestage
<prestjam@co.fort-bend.tx.us>, "Dr. Sheldon Morris" <[redacted]>, Richard
Morrison <richard.morrison@co.fort-bend.tx.us>, Joel Fitzgerald <joelism71@gmail.com>,
Norman Nelson <[redacted]>, DARYL CARTER
[redacted], Michael Harris <[redacted]>, Michael
Perdue Law Firm <[redacted]>

----- Forwarded message -----

From: Carl Whitmarsh <[redacted]>
Date: Sat, Apr 7, 2012 at 7:57 PM
Subject: Constable Ruben Davis Fundraiser
To: Chmn Patti Radillo - Wood Co <[redacted]>, Chmn Lane Lewis - Harris
[redacted], "Chmn George Dillingham - Washington Co."
[redacted], Chmn Choco Gonzalez Meza - Bexar Co
[redacted], Chmn Sue Funkhouser - Brazoria <[redacted]>, Chmn
Darlene Ewing - Dallas Co <[redacted]>, Chmn Lloyd Criss - Galveston
[redacted], Chmn Sam Eng - Waller Co
[redacted], Chmn Steve Brown - Ft Bend <[redacted]>, Chmn
Harold Huff - Austin Co <[redacted]>, Chmn Duane Olney - Washington Co
[redacted], Chmn Mary Bell Lockhart - Brewster Co <[redacted]>

----- Original Message -----

From: Ruben Davis
To: Carl Whitmarsh
Sent: Saturday, April 07, 2012 2:41 PM
Subject: Constable Ruben Davis Fundraiser

Constable Ruben Davis Fundraiser

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:00 AM
To: Keith Jemison; Mike Berezin; Lance Bothell
Subject: Fwd: Letter Received from Constable Ruben Davis
Attachments: 201208281040.pdf; ATT00001..htm

Please respond via memo to each of the alleged complaints. The PSI inquiry number will still be 12-0008.

Chief Joel Fitzgerald
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 office-direct

Sent from my iPhone

Begin forwarded message:

From: Edward Broussard <ebroussard@missouricitytx.gov>
Date: August 28, 2012 10:43:41 CDT
To: Joel Fitzgerald <Fitzgerald@missouricitytx.gov>
Subject: Fwd: Letter Received from Constable Ruben Davis

Sent from my iPhone

Begin forwarded message:

From: Sonia Webb <swebb@missouricitytx.gov>
Date: August 28, 2012 10:43:07 AM CDT
To: Edward Broussard <ebroussard@missouricitytx.gov>
Subject: Letter Received from Constable Ruben Davis

Please see the attached four letters received from Constable Ruben Davis. I have placed the hard copies in your inbox.

Thank you

Sonia Webb
Deputy City Secretary
City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

Email: swebb@missouricitytx.gov
Phone: 281-403-8685
Fax: 281-208-5591

City website: www.missouricitytx.gov

-----Original Message-----

From: Ricohc3002@missouricitytx.gov

[<mailto:Ricohc3002@missouricitytx.gov>]

Sent: Tuesday, August 28, 2012 9:40 AM

To: Sonia Webb

Subject: Message from "RNP00267345BDE3"

This E-mail was sent from "RNP00267345BDE3" (Aficio MP C3002).

Scan Date: 08.28.2012 10:40:27 (-0400)

Queries to: Ricohc3002@missouricitytx.gov

Missouri City Police Department

Investigation Summary Report

Case Type: Class IV **Case Number:** 2012-0010
Incident Date: 09/12/2012 **Date Reported:** 09/12/2012
Origin: Internal **Report Number:**
Location: 3849 Cartwright Road, Missouri City
Address:
District: **Grid:** **Assignment:** **Beat:**
Status: Closed **Date Closed:** 09/19/2012

Witness(es)

Wyatt, Jerry **Race:** Black **Sex:** M
Smith, Don **Race:** Black **Sex:** M

Employee(s)

Smith, Daryl **ID#:** 0266 **Race:** Black **Sex:** M
Supervisor: Burleson, Kevin **Assignment:** Patrol Sergeant

Tracking:

Group: Administration **Assigned To:** Bothell, Lance **Role:** Reviewer
Assign Date: 9/5/2012 **Due Date:** 10/3/2012 **Completion Date:** 9/19/2012

Narrative:

Investigator Notes
Captain Lance Bothell

September 5, 2012

On September 5th, 2012, I met with Chief Fitzgerald in reference to an incident that occurred between Sergeant Daryl Smith and Councilmembers Jerry Wyatt and Don Smith. The incident in question occurred at the new recreation center.

The incident, as reported, was a verbal interaction between the three parties, initiated by Sergeant Smith. Sergeant Smith was reportedly asking both councilman about an upcoming city council agenda item concerning city employees running for political office while still employed with the city. Chief Fitzgerald was informed that Sergeant Smith had pushed the issue and refused to drop the issue when the city councilman informed him that they were not going to talk about it. It was decided that contact should be made with both councilman to determine if any policy violations occurred.

I emailed both Councilman and asked the following questions;

Councilman Smith and Wyatt,

I was made aware of the incident involving you, and Sergeant Smith. I am looking into it for any wrongdoing on Sgt. Smith's part. Can you tell me what happened, what was said and what you felt at that time? Was Sergeant Smith in uniform, what day was it and what time of the day was it? Please respond by email so that I have record of it in the event we file a formal complaint against Sergeant Smith. Thank you in advance for your time.

I received a response from Councilman Wyatt almost immediately.

There is no formal complaint to be made. Darrel did not anything different than what others employees have in asking me a question. Call me at [REDACTED]

I did contact Councilman Wyatt and he informed me the interaction was nothing more than one with any otehr city employee. He informed me there was no wrongdoing on Sergeant Smith's part and no complaint to file.

I have not heard from or spoken with Councilman Smith.

September 6, 2012

I later spoke with Cheif Fitzgerald and we decided to document this incident as a Class IV review only.

RUBEN [REDACTED] DAVIS

.1175 - Withhold same
marked information
throughout

May 7, 2013

Major Freeman Martin, Texas Ranger Division
Texas Department of Public Safety
12230 West Road
Houston, Texas 77065

Dear Mr. Martin:

Please allow this letter to act as a formal criminal complaint against Sergeant Daryl Smith, Police Chief Joel Fitzgerald, Jr., and other unnamed police officers and employees of the Missouri City, Texas Police Department.

The criminal complaints were filed in writing and though the Police Dispatcher with the Missouri City Police Department. The Missouri City Police Department has taken no actions on these criminal complaints against [REDACTED] and me.

[REDACTED] and I were installing campaign signs at 1700 Texas Parkway when Sgt. Smith was spotted driving erratically on Texas Parkway. Sgt. Smith drove his personal vehicle at a high rate of speed towards me, [REDACTED], and a campaign worker. I had my service weapon in my truck but opted not to neutralize Sgt. Smith. We immediately got out of the way of his moving vehicle. I immediately called the Missouri City Police Department. I could hear Sgt. Smith also calling the Missouri City Police Department.

Two Missouri City Police Department officers arrived at the scene and began talking to Sgt. Smith. After they talked to him, I tried to explain that I had called the police department. I was told by the police sergeants that Sgt. Smith was my opponent in my re-election campaign and to, "Stay away from him." [REDACTED] was very upset, and I again tried to explain what happened. The police officers issued a verbal command to me and [REDACTED] to stay away from Sgt. Smith.

I attempted to tell the Missouri City Police officers that all three of us were at this location for 30 minutes before Sgt. Smith committed these acts. I was told by the police officer that no report would be made. I also explained to the police officers that the young man that I hired to install campaign signs was afraid to Sgt. Smith, because of a previous altercation.

Major Freeman Martin, Texas Ranger Division
Texas Department of Public Safety
12230 West Road
Houston, Texas 77065

Page -2

That altercation was a robbery that occurred at the same location of this incident, (Shipley Donut Shop). Mr. Hamilton was afraid of Sgt. Smith because Sgt. Smith busted his lip on a police car, after mistaking him for a robbery suspect. Mr. Hamilton stated that he is fearful of Officer Smith and the Missouri City Police Department.

The two police officers talked to Mr. Hamilton and told him not to repeat to anyone the story of Officer Smith busting his lip. I was shocked at that statement. The very next day, Sgt. Smith visited the Shipley Donut Shop and remarked to an employee, "I got to find that Nigger that lied on me yesterday."

There are two business complaints that I also want investigated. The first involves the Texas Pride Car Wash located at 3360 Cartwright Road. I have been a customer at the business for over 20 years and the owner told me that I could not have any of my campaign materials at his business because the Missouri City Police Department and Officer Smith. The owner went on to say that the Missouri City Police Department had used \$10,000.00 in free car washes at his business. The owner advised me that Officer Smith did not want him to have my campaign signs in his business. He stated that Officer Smith drives to his business everyday while on duty to check for compliance. I told the owner that [REDACTED] and I are paying customer.

There are several criminal allegations that include official oppression, tampering with police evidence, use of deadly force, criminal trespass, use of city funds in a political campaign, use of police vehicles and equipment for political purpose, and use of city funding by allowing Sgt. Smith to campaign in a government city council meeting that was broadcast live to the citizens of Missouri City Texas. I have enclosed some to the letters of complaint that I filed with the police department regarding other incidents.

The second business complaint involves the Century Glass Company located at 2007 South Main Street, Missouri City. [REDACTED] and I purchased a glass door for \$500.00. The owner told me that the next year when I ran for re-election I could put up re-election signs. [REDACTED] and I put up signs during this re-election. The signs were removed a few days later. I stopped by to speak to the owner. I observed that he was very frighten and scared. The owner told me that Officer Daryl Smith of the Missouri City Police Department came by while on duty and was very stern while talking to him. The owner was advised to remove my re-election signs. The owner stated he did not want to have any problems with the Missouri City Police Department. He also stated that Officer Smith drives by his business every day in his police vehicle so he did not want any problems. I advised the owner that a police department should not use coercion towards it citizens.

Major Freeman Martin, Texas Ranger Division
Texas Department of Public Safety
12230 West Road
Houston, Texas 77065

Page -3-

Sergeant Daryl Smith and approximately ten (10) police officers ordered [REDACTED] and me off Missouri City, City Hall. Sergeant Smith harassed [REDACTED]. I contacted the Missouri City Police Department to report Smith's harassment. The police department responded with approximately 10 police officers. Sergeant Daryl Smith ordered [REDACTED] and me off of City Hall property.

There are more criminal allegations that include coming to our constable office and requesting evidence in a criminal investigation. The evidence was turned over to the Missouri City Police CID investigator officials. Our office was contacted by a Texas Ranger and an Assistant Police Chief with the Missouri City Police Department who advised me of a police investigation regarding a volunteer that had worked with my office. I was contact by a citizen of Missouri City Texas and told that the Missouri City Police Officer Daryl Smith was going door to door with criminal evidence regarding that case.

In September 2011, Sgt. Daryl Smith threatened to arrest all employees of the Fort Bend County Precinct 2 Constable's Office in an incident at 303 Texas Parkway, Missouri City, Texas. Sgt. Smith appeared to be mentally unstable and possibly bipolar.

Sergeant Daryl Smith and members of the Missouri City Police Department conducted an illegal police raid at my campaign office located at 1308 Turtle Creek, Missouri City, Texas and committed other criminal acts against [REDACTED] and me. This incident involved a police action by the Missouri City Police Department and other unnamed on duty police personal, the Stafford Police Department, and the Fort Bend Toll Road Authority. There were children and other citizens that were terrified by the actions of all the police officers and red lights and sirens. There was a business owner of an all-girl dance school, parents and students scared by the Missouri City Police Department. The Missouri City Police Department videotaped several on-duty police officers on the inside of my campaign office. [REDACTED] and I were repeatedly told by the Missouri City Police Department officers that they were in charge as more and more police officers arrived at the scene. My campaign office parking lot was full of on-duty Missouri City Police cars, officers and supervisors.

[REDACTED] and I were subject to being held at gun point by members of the Missouri City Police department. We were in fear of our lives due to this illegal activity by the Missouri City Police Department. I did apologize to the citizens for the actions of Chief Joel C. Fitzgerald and his police department. The children and citizens at this location were frightened by the Missouri City Police Department and Sgt. Daryl Smith. I do not know why the Missouri City Police Department would violate civil rights in this manner.

Major Freeman Martin, Texas Ranger Division
Texas Department of Public Safety
12230 West Road
Houston, Texas 77065

.1175

Page -4-

The Missouri City Police Department left my campaign office after about 20 to 30 minutes. We were not allowed to speak to any police supervisors. The police officers harassed [REDACTED] and I then drove off.

I was harassed and followed by Sergeant Daryl Smith. I called the police dispatcher and did file a complaint with my attorney. I attended a Missouri City council meeting after I received an unsigned letter from Police Chief Joel Fitzgerald. Chief Joel Fitzgerald insulted me at the City Council Meeting and some citizen contacted the City Manager. The City Manager called me the next day to apologize for his police chief. I was concerned at that council meeting that Sgt. Smith was allowed to campaign during an official city council meeting. The council meeting was broadcasted live to all citizens of Missouri City. I want this investigated to see if any federal laws were violated.

I am a resident of the City of Houston and I have never witnessed any elected member of council campaign during an official city council section. I was not allowed to campaign and several citizens were upset with the City of Missouri City using taxpayers dollars for political campaigns.

Police Chief Joel C. Fitzgerald allowed Daryl Smith to use city equipment to campaign outside the city of Missouri City. Sgt. Daryl Smith and an unknown black female officer were allowed to campaign in my subdivision in uniforms and in a Missouri City Police car in Houston, Texas. Sgt. Smith was also allowed to campaign in Richmond, Texas in a Missouri City Police Car and in uniform.

I have advised all members of my law enforcement agency of the actions of Missouri City Police Chief Joel Fitzgerald and his police agency. I had to hire an off duty police officer for protection from the Missouri City Police Chief Joel Fitzgerald and his police department.

Please have someone contact me for any additional information on this complaint. This complaint did not list all of the criminal actions regarding the Missouri City Police Department and Sergeant Daryl Smith

Sincerely,



Ruben Davis



Sharon Davis

Keith Jemison

From: John Bailey
Sent: Tuesday, April 09, 2013 9:31 AM
To: Keith Jemison
Cc: John Bailey
Subject: Complaint / Sergeant Daryl Smith

On April 04, 2013 it was brought to my attention by Assistant Chief of Police Keith Jemison that Sergeant Daryl Smith may have violated department policy. It was alleged that while Sergeant Smith was acting as a bailiff for the court he may a statement to a defendant that, "if an officer came onto your property for no reason they violated your Fourth Amendment rights." If that statement was in fact articulated to a defendant, Sergeant Smith may in fact be in violation of departmental policy.

Once this potential violation was brought to my attention I contacted Cathy Haney, Director of Municipal Court and Marisela Navarro, Deputy Director. I asked if they were aware of any such commentary made by Sergeant Smith. Neither individual was aware of any statements made Sergeant Smith that were contrary to the integrity of the courts. They advised me to contact Ryan Stults, the city prosecutor since he was possibly in the courtroom at the time of the alleged violation.

I made contact with Ryan Stults by phone while in the presence of Cathy Haney and Marisela Navarro. I specifically questioned if he, Stults, had heard any statements such as I described. Stults hesitated and indicated he may have heard such commentary, but not directly. Stults indicated he heard it forth or fifth hand. Stults could not provide me with any names of the individuals he may have heard it from. I asked him to think on it and if he remember to give me a call.

On April 08, 2013 I made a follow-up call to Ryan Stults to inquire if he was able to recall who passed on the information to him. Stults could not say, however, he stated he would call me back in a few minutes. Moments later he did call me back and advised I would have to call Caroline Kelly for further information. I reported my discussions to Assistant Chief of Police Keith Jemison.

John A. Bailey, Captain
Administrative Division
Missouri City Police Department
(281) 403-8713

Keith Jemison

From: Joel Fitzgerald
Sent: Monday, April 09, 2012 10:18 AM
To: Ruben Davis
Subject: Re: Church

Ruben,

The MCPD is ahead of the curve regarding crimes in the Indian-American Community. As a matter of fact, I met with a group of citizens on this to develop a positive rapport and facilitate the information sharing process. Although most of the crimes you are referring to occurred outside of this jurisdiction, I also offered P/O Flagg to help them form a crime watch program.

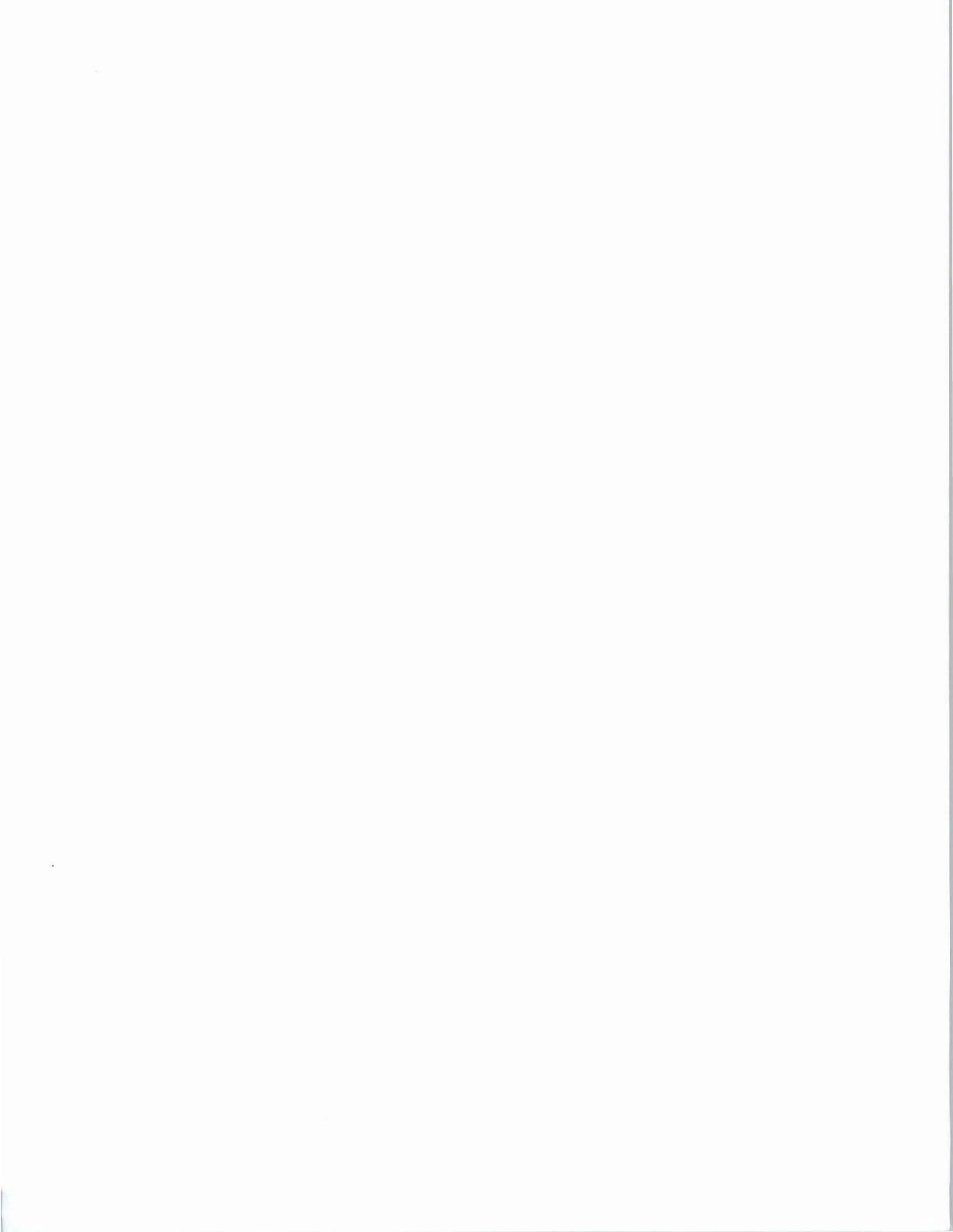
Please share any crime information you have, and attend the Regional CID Meetings (every third Wed.) as most agencies in the area have staff members present. We think that hearing from your agency and having them participate in our gang operations would benefit our end of the county. Most agree that since I started this program we've had a better collective gauge on crime.

I had officers meet with the pastor regarding the damaged basketball goals as well. The last report we received was in October 2011, but we told him that we would initiate "close patrols" in his area and always be available to address his, and all members of the community's concerns.

Take care (and I'll see you at the Fish Fry),

Joel

Sent from my iPhone



Ruben [REDACTED] Davis

August 22, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

Dear Broussard:

On May 11, 2012, the Missouri City Police Department raided my campaign Office. The event started with a member of the Missouri City Police Department interfering with a Fort Bend County Precinct 2 Toll Road Deputy.

The Missouri City Police Department Officers pulled the Fort Bend County Toll Road Deputy away from his duties to investigate a complaint at 1250 Texas Parkway in Stafford, Texas.

A member of the Missouri City Police Department walked into my campaign office located at 1308 Turtle Creek and demanded that I join a police investigation at 1250 Texas Parkway in Stafford, Texas 77477. My response to the Missouri City Police Officer was that I did not know what he wanted and that I would not follow him to some unknown location. The unknown Police Officer immediately left my campaign office.

Approximately 15 minutes later several Missouri City Police cars showed up at 1308 Texas Parkway. Sergeant Daryl Smith and **two on-duty Police Officers** showed up at my campaign office and approached me with a threatening demeanor. Sergeant Smith began to mumble something about one of my campaign signs touching his campaign sign. I refrained from using deadly force on these three Missouri City Police Officers. I did make a request to the Missouri City Police Chief Joel Fitzgerald, but I got no response.

These Missouri City Police officers violated the laws and the civil rights of both [REDACTED] and myself. These officers were asked numerous times to leave my campaign office but refused and appeared out of control. The incident at my campaign office was videoed and placed on YouTube with the help of the Missouri City Police Department.

Constable Ruben Davis
/Edward Broussard
Page -2-

I would like to file charges on these police officers who were told to leave my campaign office **several times** and refused.

I would also like a written response to the following:

1. What are the names of all of the police officers involved in this incident?
2. How can I receive reimbursement for my Fort Bend County toll road deputy who was removed from his assignment?
3. Why did a police supervisor not talk to me at the location although I requested to speak to a supervisor?
4. Why did Sergeant Smith and the two on-duty police officers have [REDACTED] and me under restraint with their hands on their gun belts?
5. What was the total number of police officers at this incident?
6. Why did Sergeant Smith come into my campaign office walking towards [REDACTED] and me with his gun visible?
7. Why did the Missouri City Police Department shut down my campaign office with several on duty police cars?
8. Why did the Missouri City Police Department harass the dance school business owner in my shopping center and frighten the children and parents of the school?
9. What is the name of the police captain that arrived on this crime scene and left and took no action?
10. Why did the City of Missouri City allow their employees to use City equipment on political campaigns?

[REDACTED] and I were terrified and thought we could have been shot and killed. I want to know what involvement or advise did the Missouri City Police Chief Joel Fitzgerald have in this crime scene.

Constable Ruben Davis
/Edward Broussard
Page -3-

I want Sgt. Daryl Smith fired for this incident. [REDACTED] and I do not feel safe with police officers like this on your department. I want to know if Sgt. Daryl Smith has any mental or emotional problems. The Police Chief is aware of Sgt. Daryl Smith's behavior towards Ruben and [REDACTED]. I have reached out to your Police Department, and the Police Chief has not contacted me regarding all of the police calls that [REDACTED] has made regarding Sgt. Daryl Smith.

I have been in law enforcement for over 36 years and the Head of a Police Agency in Fort Bend County for 16 years. I hold a Bachelors Degree from the University of Houston and a Master's degree from Prairie View A & M University. I would like a written response to this formal complaint.

Sincerely,



Ruben Davis
Constable

cc: Mayor
City Council Members



CONSTABLE DEPARTMENT - PRECINCT TWO

Fort Bend County, Texas

RUBEN DAVIS
Constable

(281) 403-8010
Fax (281) 403-8027

August 22, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

RE: Police Complaint against Daryl Smith and the Missouri City Police Department

Dear Mr. Broussard:

This letter shall serve as a formal written complaint from Constable Ruben Davis and against Sergeant Daryl Smith of the Missouri City Police Department. This original complaint was filed on October 3, 2011.

On Tuesday, September 20, 2011, at approximately 1655 hours, Sergeant Daryl Smith of the Missouri City Police Department entered the Fort Bend County Precinct 2 Constables' Office located at 303 Texas Parkway, Missouri City, Texas 77459. Sergeant Smith identified himself as a Missouri City police officer.

Sergeant Smith appeared to be very agitated, visibly angry, and emotional unstable. He demanded to my Administrative Assistant, Debra Davis that he wanted to see Constable Ruben Davis. Sergeant Smith was asked to sign in as a visitor and refused. Ms. Davis contacted her boss and then escorted Sergeant Smith to the Constable's office. Constable Ruben Davis and Chief Deputy Rodney Pentecost met with Sergeant Smith in the Constable's office.

Ms. Davis after escorting Sergeant Smith to her boss's office attempted to leave as Sergeant Smith demanded in a loud voice "you stay here, you need to hear what I have to say." Ms. Davis replied to Sergeant Smith, "I do not work for you", and returned to her office.

Sergeant Smith appeared to be emotionally unstable, incoherent, and unprofessional. Sergeant Smith explained that someone had taken some of his campaign business cards out of its holder and replaced them with a Constable Ruben Davis business card at a business establishment. Sergeant Smith stated that he would arrest any Fort Bend County Precinct 2 deputy or employee that touched any of his campaign business cards.

I asked Sergeant Daryl Smith if his business cards were free, what law would have been broken? Sergeant Daryl Smith replied that he would arrest any Fort Bend County Precinct 2 Constable employee that touches any of his cards and put them in the Missouri City jail.

Constable Ruben Davis
/Edward Broussard
Page -2-

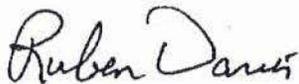
I asked Sergeant Smith if he could place a large sign at all locations where his signs are located, asking all Fort Bend County Precinct 2 Constable employees and citizens not to take any of his free business cards.

Sergeant Smith again appeared to be emotionally unstable and rambled for about 5 to 10 minutes repeatedly saying he did not want any Fort Bend County Precinct 2 Constable employees touching or taking any of his free business cards. Sergeant Smith then had an exchange of words with my Chief Deputy, Rodney Pentecost. I asked Sergeant Smith to leave my office as his behavior became unstable. Sergeant Smith left my office exchanging words with other employees in my office.

I filed a report with the Missouri City Police Department on October 2, 2011 but that complaint was not accepted. My employees were advised of Sergeant Daryl Smith's unprofessionalism and the failure of the City of Missouri City and Police Chief Joel Fitzgerald to take any actions regarding this incident and Smith's behavior.

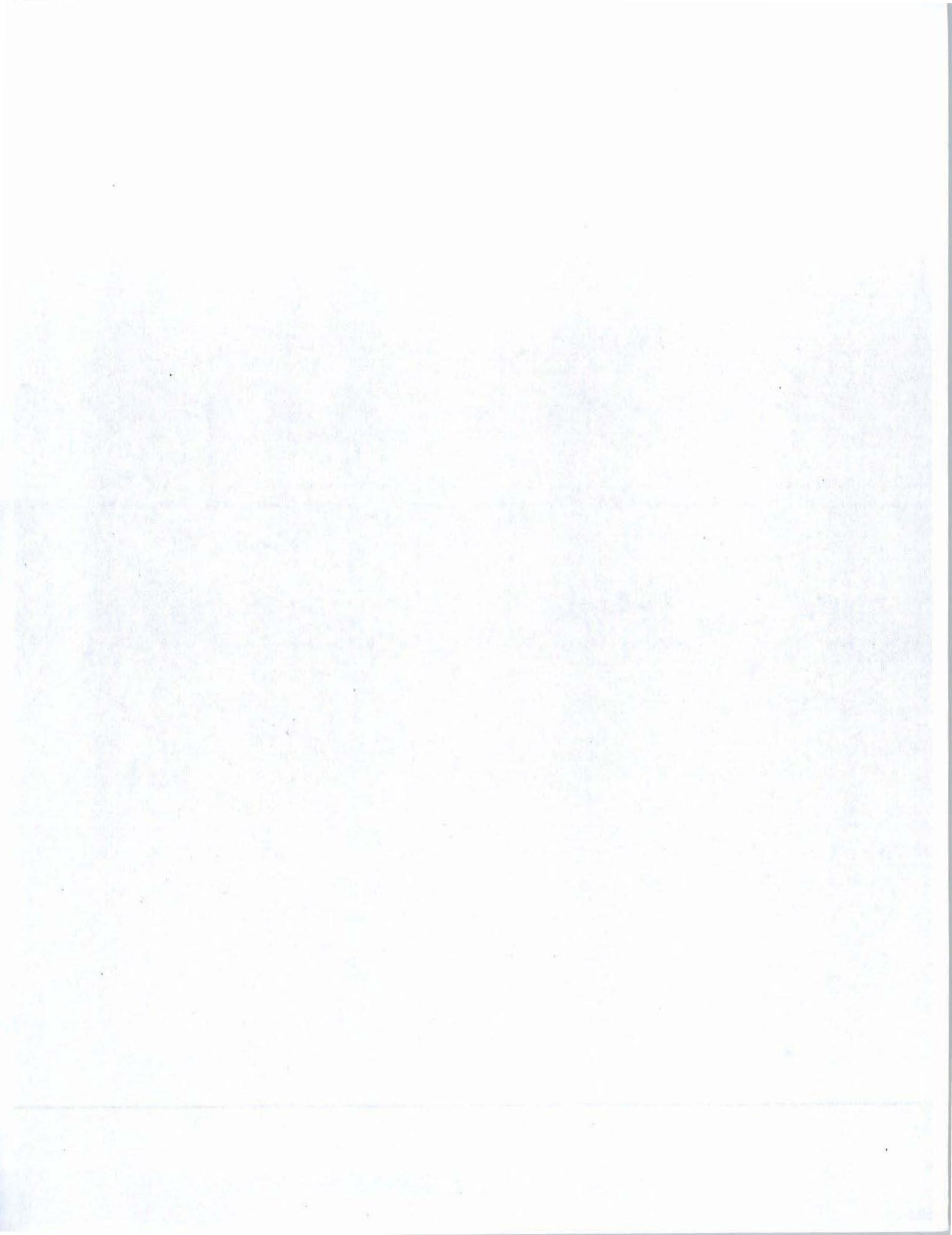
Should you have any questions or need further information regarding this formal complaint do not hesitate to contact me.

Sincerely,



Ruben Davis
Constable

cc: Mayor
Council Members





CONSTABLE DEPARTMENT - PRECINCT TWO

Fort Bend County, Texas

RUBEN DAVIS
Constable

(281) 403-8010
Fax (281) 403-8027

August 23, 2012

Edward Broussard
Missouri City Manager
1522 Texas Parkway
Missouri City, Texas 77489

RE: Police Complaint against Daryl Smith and the Missouri City Police Department

Dear Mr. Broussard:

The Missouri City Police Department contacted my office in April and requested documents for a police investigation. I received a call from Missouri City Assistant Police Chief Berisen to inform of the nature of this police investigation. The Assistant Police Chief went on to say that his department would turn this police investigation over to the Texas Rangers, because of my re-election campaign and Sergeant Daryl Smith. Texas Ranger, Bradley Freeman contacted me and he advised me that he was conducting this criminal investigation.

I was contact in April and May of this year by citizens of Missouri City regarding Sergeant Daryl Smith walking city neighborhoods showing documents relating to the criminal investigation. I have the names of three (3) citizens that were approached and shown police investigation documents by Sergeant Daryl Smith. The documents described to me appeared to be this same information that I turned over to the Missouri City Police Department. The neighborhoods that were involved in this incident are Creekmont and Hunters Glen Sections I, II, III, IV, and V subdivisions. Any activity such as this should be considered a violation of the law.

I am filing a formal complaint and I want the following questions answered:

1. What are the names of the Missouri City investigators that received documents from my office in regards to this criminal case?
2. Who turned over documents in this police investigation to Sergeant Daryl Smith?
3. Who authorized Sergeant Daryl Smith to show police documents in an active police investigation to citizens in this community?

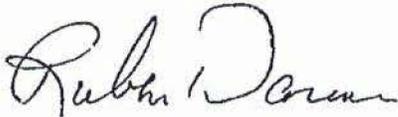
/Edward Broussard

Page --2-

4. Is Sergeant Daryl Smith involved in this criminal investigation of a Precinct Two volunteer?
5. What involvement if any did Missouri City Police Chief Joel Fitzgerald or Assistant Police Chief Berisen have with Sergeant Daryl Smith going door to door showing evidence in an active police investigation to citizens?
6. I want to know if your department has a police ethics policy.

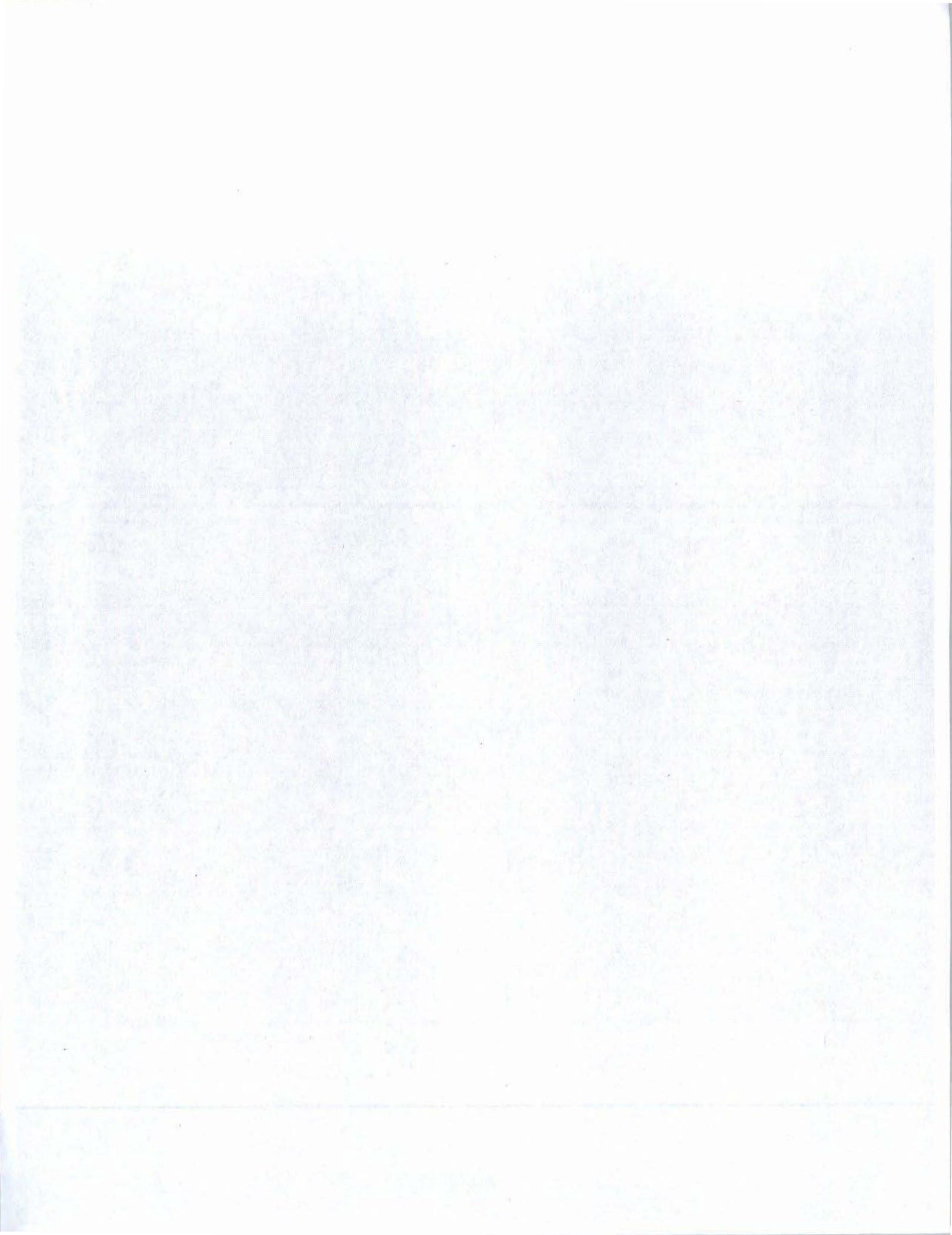
Should you have any questions or desire further information, do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Ruben Davis". The signature is written in dark ink and is positioned above the typed name.

Ruben Davis
Constable

cc: Mayor
City Council Members





Council & Management

1522 Texas Parkway
Missouri City, Texas 77489

Phone: 281.403.8500
www.missouricitytx.gov

August 13, 2012

Constable Ruben Davis
Constable Department – Precinct Two
303 Texas Parkway
Missouri City, TX 77459

Dear Constable Davis,

Thank you for your letter dated August 9, 2012. Sergeant Smith is allowed to conduct personal business while on his personal time during his shift, such as lunch or other activities. The preference of the City is to have our officers use their marked vehicles while conducting their personal business during their personal time while on a shift while within the city limits. This allows them to be able to respond to a call if needed, and keeps our vehicles visible on the city streets.

I apologize for not returning your call on this concern. After discussing the issue with Chief Fitzgerald, we agreed that he would call you and discuss the issue. It was my understanding that this discussion satisfied your question, and thus I did not directly call you back. If there are other issues that may arise, please feel free to let me know and we will address them accordingly.

Sincerely,

Edward A. Broussard
City Manager



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



POLICE MEMORANDUM

Date: August 24, 2012

TO: Edward Broussard, City Manager

FROM: Joel Fitzgerald, Chief of Police

SUBJECT: ADMINISTRATIVE INQUIRY: SGT. DARYL SMITH (2012-0008)

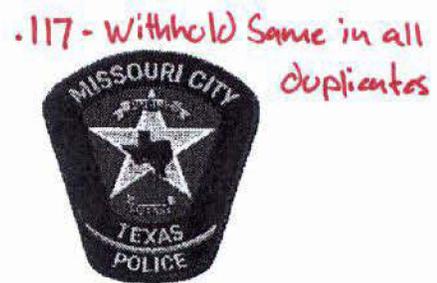
1. On August 23, 2012 at 1:57pm, I received two letters from you via email from Fort Bend County Precinct #2 Constable Ruben Davis regarding a Missouri City Police Department employee, Sgt. Daryl Smith. Pursuant to your email request, we had a conversation regarding multiple letters that we received during the election for Fort Bend County Precinct #2 Constable in which Sgt. Daryl Smith is accused of misconduct while campaigning as the sole challenger to Ruben Davis for his position as Constable in the Democratic Primary on May 29, 2012.

The inquiry precipitating this response specifically includes allegations of misconduct by Sgt. Smith on the following two dates: May 9, 2012 and May 11, 2012.

In the letter dated August 21, 2012 that references events on May 9, 2012, Ruben Davis accused Sgt. Smith of several traffic offenses, unbecoming conduct, and physical abuse. The allegations in the August 21, 2012 letter contradict his 9-1-1 call that day and subsequent statements made to the MCPD supervisor that responded to the scene, Sgt. Phillip Englishbee. Davis specifically stated during his 9-1-1 call to Telecommunications Officer (TCO) Epps that he was *threatened*, and a person inside of a vehicle was *making faces and videotaping* he and [REDACTED]. Davis' August 21st letter states that he observed Sgt. Smith upon his approach to the location on Texas Parkway, but his original 9-1-1 call never mentions the erratic driving and attempted assault described in detail within the letter. The allegations Davis made on May 9, 2012 via 9-1-1 and on-scene statements to Sgt. Englishbee are inconsistent with those alleged in the subsequent letter. Sgt. Englishbee was advised upon his arrival that Sgt. Smith was driving erratically, but determined the driving related accusations did not occur. In the presence of Sgt. Russell Terry, he attempted to interview the male (Brandon Hamilton) who was allegedly assaulted by Sgt. Smith but Davis intervened and refused to allow Hamilton to speak with MCPD. The most troubling portion of Davis' accusation is that he purports that Sgt. Smith assaulted a criminal suspect and we could not



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



record the allegation due to his active interference. The MCPD has not been contacted by any of the various agencies to which Davis should have referred the incident, allowing them to independently investigate the alleged assault. If an assault occurred, a senior law enforcement officer should have allowed the complainant to make a statement and facilitate the investigation of such an offense. The MCPD properly recorded the incident on police report #12-9073, and Davis' allegations are Not Sustained for purposes of our own internal inquiry.

2. In a second letter, also dated August 21, 2012, referring to an incident on May 11, 2012, Davis accused Sgt. Smith of making a call to 9-1-1 to report a black male (Ruben Davis) with a gun at 7622 Chasewood, at an early voting location. Davis accused Sgt. Smith of making a false report to the Houston Police Department, but I personally reviewed the You Tube video of the incident and it appeared his 9-1-1 call was founded (You Tube, 2012). On August 24, 2012, I spoke with Inv. E. Castaneda HPD-Homicide, who informed me the investigation is still an open and active criminal case.

Davis alleges that Sgt. Smith spoke with me during the incident, and he did. He acted upon previous direction from me to call me whenever he became involved in an incident with Davis, and in this case, he called to inform me that Davis threatened Sgt. Smith and [REDACTED] with a firearm. Davis exercised the same freedom by calling me during previous incidents. Smith stated that he called HPD to report the incident at the polling location as an aggravated assault HPD-622902126). In this case, the facts during this encounter would justify the classification of Unfounded.

3. Davis also alleges that I have not personally responded to him regarding *all* of his calls on the behavior of Sgt. Smith. As the head of a law enforcement agency, I am certain that Davis understands any internal affairs complaints, if filed, come to my attention. It is his responsibility to sign the Perjury & Written Statement form and submit it with his written complaint as per state law. I can confirm that is aware of this process, because he submitted a complaint as recently as November 3, 2011, in regards to complaints initiated on September 20 and September 24 respectively, and I have spoken with him on the telephone on several occasions since advising him of the same. On October 20, 2011, Assistant Chief Jemison responded to those complaints, provided him complaint documentation as well as informing Davis of the MCPD policy and process of investigating and submitting complaints (via certified mail):



MISSOURI CITY POLICE DEPARTMENT
Joel F Fitzgerald, Sr., Ph. D. (ABD), MBA
Chief of Police



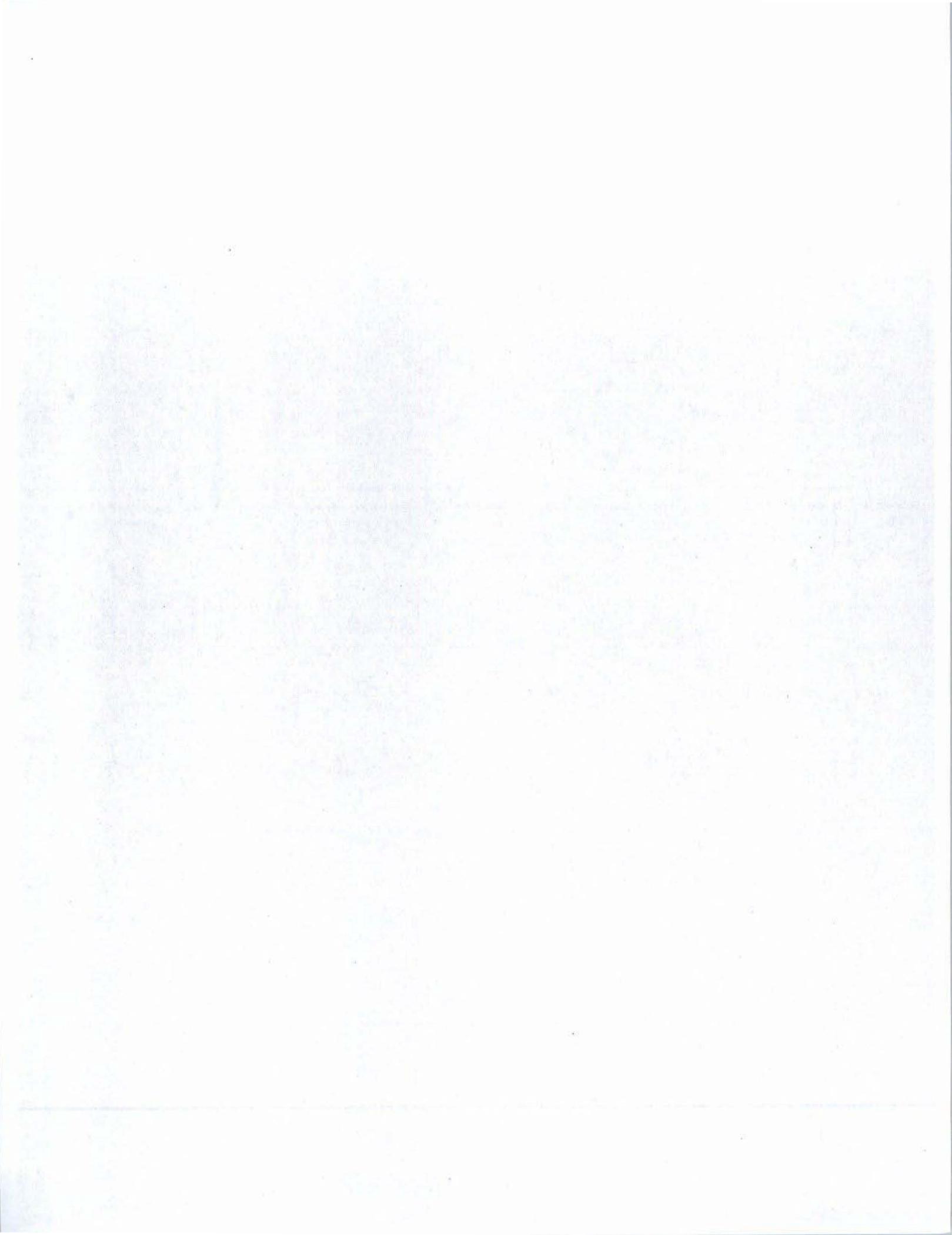
It is the policy of the Missouri City Police Department to accept all complaints against its police officers. The department will conduct an objective, thorough, competent, and professional investigation of all allegations of misconduct by employees and complaints bearing on the department's response to community needs. (Jemison, 2011)

Davis responded to Assistant Chief Jemison's letter and returned endorsed, yet incomplete paperwork, with the following benign statement:

My letter of complaint was generated to ensure that the Office of Fort Bend County, Constable Pct. 2 and the Missouri City Police Department continues our excellent working relationship. I do not want an incident of this nature to occur again. In the event that it does, our office will take the appropriate action. (Davis, 2011)

4. Reference: <http://www.youtube.com/watch?v=xIfWrXBqbls>

Joel Fitzgerald, Sr.
Chief of Police



Fort Bend Constable Precinct 2 Democratic Primary features erroneous arrest claim

From Staff Reports | Posted: Tuesday, May 22, 2012 9:56 pm

With less than a week remaining in the Fort Bend Constable Precinct 2 Democratic Primary, the election is becoming heated between incumbent Constable Ruben Davis, and his opponent, Missouri City Police Sgt. Daryl Smith.

The election will be decided on Tuesday, May 29, and early voting is ongoing.

The winner of the primary is very likely to be elected with the winner either running unopposed or facing an overmatched opponent in the general election in November.

On Monday, Constable Davis -- a retired Houston Police Department officer who's been in office since 1996 -- had a photo on his Facebook page of Sgt. Smith in a campaign t-shirt (next to two uniformed Missouri City Police officers) with the caption, "Missouri City Police Arrest Daryl at my Campaign office!!"

The post had 21 "likes" and 19 posts, mostly in support of Constable Davis.

Missouri City Police Chief Joel Fitzgerald said that Sgt. Smith had not been arrested, thus the posting was not true.

Despite that, the post was still on Constable Davis' Facebook page as of 11:50 p.m. Tuesday evening.

On Sgt. Smith's YouTube page, www.youtube.com/darylsmith4constable, there are six videos, mostly of Sgt. Smith confronting Constable Davis and his volunteers regarding campaign signs.

Sgt. Smith uses the videos to support his claims that Constable Davis is posting campaign signs over his own.



R
M.

Missouri City
office!!

Share

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:54 AM
To: Keith Jemison; Lance Bothell
Subject: FW: Church

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Monday, April 09, 2012 10:18 AM
To: Ruben Davis
Subject: Re: Church

Ruben,

The MCPD is ahead of the curve regarding crimes in the Indian-American Community. As a matter of fact, I met with a group of citizens on this to develop a positive rapport and facilitate the information sharing process. Although most of the crimes you are referring to occurred outside of this jurisdiction, I also offered P/O Flagg to help them form a crime watch program.

Please share any crime information you have, and attend the Regional CID Meetings (every third Wed.) as most agencies in the area have staff members present. We think that hearing from your agency and having them participate in our gang operations would benefit our end of the county. Most agree that since I started this program we've had a better collective gauge on crime.

I had officers meet with the pastor regarding the damaged basketball goals as well. The last report we received was in October 2011, but we told him that we would initiate "close patrols" in his area and always be available to address his, and all members of the community's concerns.

Take care (and I'll see you at the Fish Fry),

Joel

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:51 AM
To: Keith Jemison; Lance Bothell
Subject: Response to an emailed issue from Davis

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Monday, April 09, 2012 10:18 AM
To: Ruben Davis
Subject: Re: Church

Ruben,

The MCPD is ahead of the curve regarding crimes in the Indian-American Community. As a matter of fact, I met with a group of citizens on this to develop a positive rapport and facilitate the information sharing process. Although most of the crimes you are referring to occurred outside of this jurisdiction, I also offered P/O Flagg to help them form a crime watch program.

Please share any crime information you have, and attend the Regional CID Meetings (every third Wed.) as most agencies in the area have staff members present. We think that hearing from your agency and having them participate in our gang operations would benefit our end of the county. Most agree that since I started this program we've had a better collective gauge on crime.

I had officers meet with the pastor regarding the damaged basketball goals as well. The last report we received was in October 2011, but we told him that we would initiate "close patrols" in his area and always be available to address his, and all members of the community's concerns.

Take care (and I'll see you at the Fish Fry),

Joel

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:51 AM
To: Mike Berezin; Keith Jemison; Lance Bothell
Subject: Pct. 2 notification on impersonating arrest

Joel Fitzgerald, Ph.D. (ABD), MBA
Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

-----Original Message-----

From: Joel Fitzgerald
Sent: Thursday, April 19, 2012 10:28 AM
To: Ruben Davis
Subject:

How you're doing better. I'm sure you received the message on Troy Mcallister representing himself as working for you. He was arrested for warrants yesterday. If you need more info, you can call me or our CID Captain John Bailey 2814038713.

Get well soon.

Chief Joel Fitzgerald
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 office-direct

Sent from my iPhone

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:59 AM
To: Keith Jemison; Mike Berezin; Lance Bothell
Subject: FW: FYI on response to Constable Davis' letter
Attachments: Davis 120813.DOC

Joel Fitzgerald, Ph.D. (ABD), MBA

Chief of Police

Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

X

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

From: Edward Broussard
Sent: Monday, August 13, 2012 9:21 AM
To: Joel Fitzgerald
Subject: FYI on response to Constable Davis' letter

Edward A. Broussard
City Manager
City of Missouri City, Texas
(281) 403-8692

Lance Bothell

From: Joel Fitzgerald [joelism71@gmail.com]

Sent: Tuesday, August 28, 2012 12:08 PM

To: Keith Jemison; Lance Bothell

Subject: Fwd: Meeting?

Ditto...

----- Forwarded message -----

From: **Joel Fitzgerald Sr** <joelism71@gmail.com>

Date: Fri, Apr 13, 2012 at 2:52 PM

Subject: Meeting?

To: Ruben Davis <rubendavis2012@gmail.com>

Cc: "Stephen K. Brown II" <[REDACTED]>

Ruben,

We need to set up a meeting to talk about the negative comments raised about the City and MCPD at the meeting you attended last night. I can meet you either at my office or your office on Tuesday. If you can do it earlier, I can meet you at Pearson's tomorrow morning.

Joel F. Fitzgerald, Sr., PhD (ABD), MBA

Sent from my iPad

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:55 AM
To: Keith Jemison; Lance Bothell; Mike Berezin
Subject: FW: Internal Investigation (Confidential)
Attachments: Ruben Davis to Chief Berezin 05-02-2012 1334hrs.wav; 04-20-2012 davis.wav; 04-20-2012a davis.wav; 04-25-2012 1405 hrs Davis message on Burleson.wav; 04-26-2012 0851 hrs Burleson conversation with Davis.wav; 05-03-2012 1409hrs Burleson to Pct 2.wav; 05-03-2012 1500hrs voicemail from PCT Chief Deputy.wav

Joel Fitzgerald, Ph.D. (ABD), MBA

Chief of Police

Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

✕

"Education is not the filling of a bucket but the lighting of a fire."
---William Butler Yeats

From: Keith Jemison
Sent: Friday, May 04, 2012 9:18 AM
To: Mike Berezin; Joel Fitzgerald
Subject: Fwd: Internal Investigation (Confidential)

Sent from my HTC on the Now Network from Sprint!

----- Forwarded message -----

From: "Robert Girndt" <GIRNDT@missouricitytx.gov>
Date: Fri, May 4, 2012 9:13 am
Subject: Internal Investigation (Confidential)
To: "Keith Jemison" <KJemison@missouricitytx.gov>

There are no AVL "points" for either of the two officers for the date that you requested. Attached to this email are several phone conversations that you have asked for.

Thank you,

Robert M. Girndt

9/19/2012

Radio System Administrator
Missouri City/Sugar Land Radio System
3849 Cartwright
Missouri City, TX 77459

281-403-8725 office
[REDACTED] cell

This email contains proprietary information and may be confidential. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you received this message in error, please delete it immediately.

From: Keith Jemison
Sent: Thursday, May 03, 2012 5:58 PM
To: Robert Girndt
Cc: Keith Jemison
Subject: Internal Investigation (Confidential)

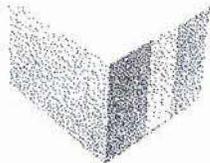
Robert,

Please pull "looking glass" for Sgt. Daryl Smith utilizing unit #2539 and Officer Evette Kelly for May 2, 2012 and forward me the printout first thing in the morning. I have received a complaint that two uniformed officers were in the Quail Glenn subdivision in Houston, Texas on May 2nd 2012. I need to confirm whether this is accurate or not. I need this request maintained in confidence and fulfilled first thing in the morning. No one is to see the results of this unless they hold the rank of Assistant Chief of Police or above.

Keith Jemison, MA
Assistant Chief of Police
Internal Affairs & Administration
3849 Cartwright Road
Missouri City, TX 77459
281-403-8702

Lance Bothell

From: Joel Fitzgerald (Adobe SendNow Invitations) [sendnow-invitations@acrobat.com]
Sent: Tuesday, August 28, 2012 11:49 AM
To: Lance Bothell
Subject: 5/22/12 Davis letter



[Download](#)

File sent to you by Joel Fitzgerald:

mayor owen22Mar2012 (Revised).pdf

912 KB Virus Checked

File will be available for download for 7 days.

To download the file, click on the Download button above or copy and paste this URL into your browser:

https://sendnow.acrobat.com/?i=flwJhRM--iH*quoTWkcWLw

Note: Adobe SendNow may notify the sender when you download these files.

Send files online and easily track the status of your files. [Try Adobe SendNow Today >](#)

To ensure that you continue receiving these emails, please add sendnow-invitations@acrobat.com to your address book or safe list.

"Adobe, and the Adobe logo are either registered trademarks or trademarks of Adobe Systems Incorporated in the United States and/or other countries. All other trademarks are property of their respective owners."

[Terms of Use](#) | [Privacy Policy](#) | [Report Abuse](#)

Send and track large files online with confidence using [Adobe SendNow \(http://sendnow.adobe.com\)](http://sendnow.adobe.com)
© 2012 Adobe Systems Incorporated. All rights reserved. 345 Park Avenue, San Jose, CA 95110 USA

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:38 AM
To: Mike Berezin; Keith Jemison; Lance Bothell
Subject: You Tube video links

Ruben Davis' version of the campaign office civil standby: <http://youtu.be/JFjU3bXV7BQ>

Ruben Davis' misleading Facebook post alleging the arrest of a Daryl Smith:
<https://docs.google.com/viewer?a=v&pid=gmail&attid=0.2&thid=13774ac6ea60b2d0&mt=application/pdf&url=https://mail.google.com/ui%3D2%26ik%3D49a5036ef8%26view%3Datt%26th%3D13774ac6ea60b2d0%26attid%3D0.2%26disp%3Dsafe%26zw&sig=AHIEtbS78gpdhQsdT4xIJfNfkN3UdXNk8Q>

Daryl Smith's video that details the events precipitating the Ruben Davis campaign office civil stand by:
<http://www.youtube.com/watch?v=1aVOIReO9o0&feature=youtu.be>

Daryl Smith's version of the campaign office civil standby: <http://www.youtube.com/watch?v=1rHnfbr-xuA&feature=relmfu>

Ruben Davis did call me on that date on my cell phone, but I was unavailable. Davis made subsequent written allegations which, absent a MCPD complaint, we handled internally.

Joel Fitzgerald, Ph.D. (ABD), MBA

Chief of Police
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 - Office

x

"Education is not the filling of a bucket but the lighting of a fire."
—William Butler Yeats

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:14 AM
To: Keith Jemison; Lance Bothell
Subject: 2012-0008 JFF2
Attachments: 2012-0008 JFF2.doc

Lance Bothell

From: Joel Fitzgerald
Sent: Tuesday, August 28, 2012 11:00 AM
To: Keith Jemison; Mike Berezin; Lance Bothell
Subject: Fwd: Letter Received from Constable Ruben Davis
Attachments: 201208281040.pdf; ATT00001..htm

Please respond via memo to each of the alleged complaints. The PSI inquiry number will still be 12-0008.

Chief Joel Fitzgerald
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, TX 77459
(281) 403-8701 office-direct

Sent from my iPhone

Begin forwarded message:

From: Edward Broussard <ebroussard@missouricitytx.gov>
Date: August 28, 2012 10:43:41 CDT
To: Joel Fitzgerald <Fitzgerald@missouricitytx.gov>
Subject: **Fwd: Letter Received from Constable Ruben Davis**

Sent from my iPhone

Begin forwarded message:

From: Sonia Webb <swebb@missouricitytx.gov>
Date: August 28, 2012 10:43:07 AM CDT
To: Edward Broussard <ebroussard@missouricitytx.gov>
Subject: **Letter Received from Constable Ruben Davis**

Please see the attached four letters received from Constable Ruben Davis. I have placed the hard copies in your inbox.

Thank you

Sonia Webb
Deputy City Secretary
City of Missouri City
1522 Texas Parkway
Missouri City, TX 77489

Email: swebb@missouricitytx.gov
Phone: 281-403-8685
Fax: 281-208-5591

City website: www.missouricitytx.gov

-----Original Message-----

From: Ricohc3002@missouricitytx.gov
[mailto:Ricohc3002@missouricitytx.gov]
Sent: Tuesday, August 28, 2012 9:40 AM
To: Sonia Webb
Subject: Message from "RNP00267345BDE3"

This E-mail was sent from "RNP00267345BDE3" (Aficio MP C3002).

Scan Date: 08.28.2012 10:40:27 (-0400)
Queries to: Ricohc3002@missouricitytx.gov