



Police

Michael A. Berezin
Interim Chief of Police



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she was going to call the police to have him removed or escorted off property. She stated Sergeant Smith wanted to know where Mrs. Kuenzel was, and was told she was in another room taking care of business, and not to go into the room. She stated Sergeant Smith and [] proceeded into the room anyway and tried to start something with Mrs. Kuenzel while shaking his finger at her. Mrs. Orloff said Mrs. Kuenzel told Sergeant Smith to leave because she was handling other business, but that he did not leave. Instead, she said Sergeant Smith paced up and down and [] began yelling at Mrs. Kuenzel to hurry up. She stated Mrs. Kuenzel then asked Sergeant Smith again to wait outside, at which time Mrs. Orloff stated she stepped outside until after Sergeant Smith left. Mrs. Orloff did make reference as well to the discussion between Sergeant Smith and her husband, stating Sergeant Smith got "nasty" with her husband, telling him to step outside and stand in front of the police car so everything could be recorded. When I asked her to explain what she meant by the word nasty, Mrs. Orloff said she meant it pertained to Sergeant Smith ordering her husband around, and that he thinks he can order people around without cause. She did state Sergeant Smith, as a police officer, told her husband to sit down during the altercation between her husband and Sergeant Smith's []

Mrs. Orloff stated Sergeant Smith's behavior as a police officer was unacceptable and she wasn't going to tolerate it. She stated, as did Mrs. Burks, she feels Sergeant Smith will try to retaliate against her and her husband, as well as against Mrs. Burks. I asked Mrs. Orloff what type of punishment Sergeant Smith should receive for his actions, and she stated "whatever Administration feels is appropriate", she would be comfortable with.

In response to Mrs. Orloff's statement, Sergeant Smith stated he did not speed into the parking lot, nor did he park illegally as already mentioned. He stated the comment made about him being demanding and very hostile is a lie. Sergeant Smith stated he was not rude, arrogant, hateful or obnoxious, but was "direct to the point" in asking about the issuance of the pool tags. He said he did not rant and rave as stated by Mrs. Orloff, and does not recall her stating she was going to call the police to have him escorted from the property. Sergeant Smith stated he did take his body mic out of his shirt pocket to turn it on to record, but only because Mr. Orloff made a comment pertaining to "official police business" about officers not responding to a certain unidentified call that Mr. Orloff was asking him about.

Sergeant Smith said Mrs. Orloff's statement about him shaking his finger at Mrs. Kuenzel is a total lie, and further stated Mrs. Orloff was not even in the room where he was when speaking to Mrs. Kuenzel. He stated [] never yelled at Mrs.



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Kuenzel, nor did he tell her to hurry up, as stated by Mrs. Orloff. Sergeant Smith said Mrs. Kuenzel at one point did ask him to step into the other room, but that it would have been impossible for Mrs. Orloff and others to hear their conversation since they were not in the same room at the time. Sergeant Smith believes the reason Mrs. Orloff made that statement is because he feels she and Mrs. Kuenzel probably talked after the incident. In his closing response to Mrs. Orloff's statement which he described as grossly inaccurate as well, Sergeant Smith stated he has no cause or desire to retaliate, and that he knows the consequences of retaliation.

On May 12, 2014, having interviewed the three complainants mentioned above in reference to the Fondren Park pool tag incident on May 03, 2014, identified Mrs. Valerie Kuenzel who resides at 11734 N. Little John in Missouri City, Texas as a potential witness. Mrs. Kuenzel is the active Vice President of the Fondren Park Home Owners Association, and was at the Fondren Park club house conducting rental agreements in a separate room, and was not associated with the pool tag distribution, which is the cause of the complaint against Sergeant Smith.

Mrs. Kuenzel was not identified as a complainant by either of the other complainants, but due to her apparent interaction with Sergeant Smith on May 03, 2014, it was necessary to contact her and attempt to obtain a statement. I contacted Mrs. Kuenzel by phone, at which time I identified myself and informed her why I was calling, and she in-turn was willing to answer questions and provide a statement over the phone in regard to her encounter with Sergeant Smith.

I asked Mrs. Kuenzel if she knew whether or not Sergeant Smith owned property or resided in Fondren Park, at which time she stated he owned a home on [REDACTED] but neither he nor [REDACTED] lived at the residence. She stated she believes Sergeant Smith's [REDACTED] resides at the residence as a renter. Mrs. Kuenzel said, on May 03, 2014, the HOA conducted their annual pool tag distribution to residents of Fondren Park for the upcoming summer period. Mrs. Kuenzel said she was on location at the club house, when Sergeant Smith stood at the door to the room where she was with other residents and said in a loud tone "I need to see you right now". She stated she asked Sergeant Smith if there was an emergency and he said there wasn't. Mrs. Kuenzel said Sergeant Smith continued to poke his head in the room where she was, at which time she exited the room and entered the main room in the club house and approached Sergeant Smith. Mrs. Kuenzel stated she advised Sergeant Smith he would have to wait his turn, at which time he stated "I want my pool tags, how long are you going to be"? Sergeant Smith insisted Mrs. Kuenzel intervene with the issuance of the pool tags, at which time she told him he

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would have to wait because she was dealing with one client, and another client waiting. Mrs. Kuenzel described Sergeant Smith's demeanor as "very agitated" at that point and did speak to the other representatives in an attempt to resolve the matter.

Mrs. Kuenzel stated, Sergeant Smith's [REDACTED] filled out a pool tag application form, but was not permitted to do so due to [REDACTED] conflicts, thus requiring Sergeant Smith to complete a new form, which he did, ensuring proper documentation of [REDACTED]. Previously however, Sergeant Smith's [REDACTED] filled the form out but was denied issuance of pool tags due to the fact the other HOA representatives informed her [REDACTED] was not an active resident of Fondren Park, prompting her to call [REDACTED] (Sergeant Smith). When Sergeant Smith arrived at the club house, he too was denied issuance of pool tags by the other HOA representatives, due to not being an active resident. According to Mrs. Kuenzel, the representatives were basing their information on the pool tag application form which states an individual must be an active resident of Fondren Park in order to qualify for pool tags.

Mrs. Kuenzel stated she was not aware the form had that requirement, and that it conflicted with the Deed Restriction Covenant, that allows Sergeant Smith and [REDACTED] to be issued pool tags. She stated Sergeant Smith however commented he and [REDACTED] were entitled to have the pool tags since they co-owned the residence in question. Mrs. Kuenzel said she approached the other HOA representatives and suggested the eight (8) pool tags being requested, be issued in order to avoid a possible lawsuit. I asked Mrs. Kuenzel if Sergeant Smith threatened a lawsuit and she advised she does not recall if he or if anyone mentioned a possible lawsuit, and that she made the statement due to the conflicting information between the two documents. Mrs. Kuenzel stated however, regardless of the conflicting information between the two documents, Sergeant Smith acted unprofessionally, was upset and "fit to be tied". She stated in her opinion, Sergeant Smith used his position as a police officer to intimidate, and that his temper and attitude shown on May 3rd, is what usually comes out when dealing with [REDACTED] members and matters they encounter.

Mrs. Kuenzel concluded by stating she believes Sergeant Smith is a good officer overall and does not necessarily want to see him get in trouble with the agency, but feels it would be best if he was not the police liaison for the Fondren Park HOA.

After the initial phone interview with Mrs. Kuenzel, I spoke with her again by phone several days later, at which time she expressed to me she was having a difficult time with the entire incident, due to the fact she honestly feels Sergeant Smith is a good person, and



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an officer she would call upon to handle any police related issues she would have, but that his actions on the date in question needed to be reported. Mrs. Kuenzel was concerned about Sergeant Smith losing his job, and did not want to see that happen. During the conversation with her, I asked Mrs. Kuenzel if she was aware of the Fondren Park newsletter March edition that mentions the issuance of pool tags at the designated "Splash Days" would be available to "resident in good standing". The newsletter goes on to mention "residents" must supply proper identification and that if the person applying for pool tags was a renter of property, the renter, after obtaining permission from the property owner, would have to supply proper documentation and identification in order to obtain pool tags. I advised Mrs. Kuenzel the newsletter in essence, stated the same information found on the pool tag application form, requiring those applying for the tags to be residents of Fondren Park. I brought the information to Mrs. Kuenzel's attention, to aid her in settling their civil dispute and known discrepancy between their deed by-laws, the application form and newsletter. Furthermore, I asked Mrs. Kuenzel if I could obtain a copy of the application that was filled out on May 03, 2014, by either Sergeant Smith or [REDACTED]. After submitting to her my request in writing, she emailed me a copy of the application which I printed and have included in this file. I also printed a copy of the March newsletter and have included it in the file as well. The purpose for obtaining a copy of the application is because there was dispute as to whether or not the blank copy I received from Mr. Orloff that was attached to his statement, was the same as the one dated and signed on May 03, 2014. The two forms, with the exception of the heading at the top of the form, were identical in nature.

In response to Mrs. Kuenzel's statement, Sergeant Smith stated he was on duty when he received a call from [REDACTED] at approximately 1000 hours, advising him [REDACTED] she was being denied pool tags. Sergeant Smith said [REDACTED] did not ask him to respond, but said he told her he would come to get them. Sergeant Smith stated when he arrived, he checked out on a premise check, however as previously mentioned, his recollection was not correct, and instead he was placed on a field investigation by TCO A. Duran. He stated after arriving, he did not activate his camera to record conversation because it wasn't "official police business". Sergeant Smith stated the point at which he began recording, was official police business, when Mr. Orloff approached him and wanted to discuss a past incident, but then refused to speak to Sergeant Smith, at which time he turned the recorder off. He then said Mr. Orloff told him Mrs. Kuenzel was inside the club house if he wanted to speak with her.

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Sergeant Smith confirmed the location of the property he and [REDACTED] own and said his ex-[REDACTED] resides at the residence. Sergeant Smith further confirmed

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neither he nor [redacted] live at the [redacted] residence. He stated after Mr. Orloff told him Mrs. Kuenzel was on location, he observed an open door to the room where Mrs. Kuenzel was located. Sergeant Smith said Mrs. Kuenzel's statement that he told her in a loud voice he needed to see her right at that point, was false. He stated he asked to speak with her in a nice, polite and regular tone of voice, at which time she replied "give me 15 minutes". He said Mrs. Kuenzel never asked him if he had an emergency and he did not continue to poke his head in the room where she was at, as stated by Mrs. Kuenzel. Sergeant Smith stated Mrs. Kuenzel at one point did approach him in the main room of the club house and told him he would have to wait his turn. He said he did not state "I want my pool tags, how long are you going to be?" as she claims, but said he told her he was entitled to the pool tags, at which time he states Mrs. Kuenzel told him he was.

Sergeant Smith stated he did not insist Mrs. Kuenzel help him immediately, but that he cooperated and waited for her to complete her business with the other residents. Sergeant Smith said he was not agitated as described by Mrs. Kuenzel, but that his demeanor was "straight to the point", asking her what the problem was about the pool tags. He stated the pool tag application form was filled out by [redacted], not him, but both he and [redacted] signed it. The only signature on the form however is [redacted]. Sergeant Smith stated he did not read the contents or wording of the document because there was no reason to, stating the deed restrictions allow him to be issued pool tags because he is a property owner in Fondren Park. He stated he has been issued pool tags in the past without being a resident, even though the pool tag application states a person must be a full time resident of Fondren Park.

Sergeant Smith stated Mrs. Kuenzel never mentioned anything about a lawsuit, as she states she did. He said he was not unprofessional as stated by Mrs. Kuenzel, but was persistent on what he was entitled to, and was not going to walk out without getting his pool tags. Sergeant Smith stated he was not upset or "fit to be tied" as stated by Mrs. Kuenzel, but was frustrated because he has constant problems with the Orloff's. He said he could not even respond to the statement Mrs. Kuenzel made about him using his position to intimidate because it isn't true. Sergeant Smith said there are no issues involving [redacted] that would give claim to Mrs. Kuenzel's statement, that he has attitude and temper problems when addressing [redacted] matters with other people.

On May 21, 2014 I met with Sergeant Smith's [redacted] [redacted] Prior to the meeting, I instructed each of them to type a written statement and supply it the day of their meeting, which they did. I first interviewed [redacted], read his statement and then confirmed it to be truthful, at which time [redacted] printed and



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signed a Perjury & Written Statement Notification. I then met with [redacted] and did the same. In their statements incident that led to the cc provided was virtually cc no mention of any wrong [redacted] made referenc in an unfavorable way ag

entire civil matter surrounding the th. The information they both ded by all others, except there was thermore, neither [redacted] nor r attitude issues that would reflect



[redacted] said Sergeant [redacted] stood against a wall and didn't even interact with Mr. Orloff, although Sergeant Smith's own statement and brief video and audio recording contradicts [redacted] statement. [redacted] described Sergeant Smith's demeanor and attitude as calm, cool and relaxed. He stated twice, Sergeant Smith did not raise his voice at any time, and as his statements indicates, Sergeant Smith had nothing to do with any of the confrontation that happened that day, it was between [redacted] and the Pool Board. [redacted] said Sergeant Smith's behavior was "responsible". He stated at one point, Mrs. Kuenzel said "let me be Lucy Lu. I know the reason why they are doing this is because Orloff got voted off the Water Board". [redacted] concluded by stating there's no bias on his part and he's not protecting Sergeant Smith, which is why he admitted in his statement, the things he personally did or said.

and that he did not say much, but

[redacted] stated [redacted] Sergeant Smith was not out of line or rude, and that he did not use his position as an officer to gain anything. She stated he did not get aggravated as stated by other people, but that he was upset due to the fact the incident was occurring. When asked to explain what she meant by the word upset, [redacted] stated [redacted] was never vocal or rude but did have a "huff and puff" demeanor, making reference to how he was breathing [redacted] she stated he had a "waste of time" type attitude as a result of what was happening [redacted] stated the accusations by the complainants against [redacted] were false claims.

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After interviewing [redacted] I called Mrs. Kuenzel to question her about the verbal comment made by [redacted] and the written comment made by [redacted] in her statement, referring to Mrs. Kuenzel as "Lucy Lu". I advised Mrs. Kuenzel what was said and read her [redacted] statement, whereas she wrote, "Mrs. Kuenzel stated multiple times that Lucy Lu knows what's happening, Lucy Lu plays dumb but Lucy Lu knows". I advised Mrs. Kuenzel, [redacted] was referring to her knowing the issues pertaining to why the Orloff's were upset. Mrs. Kuenzel said she did make the comment and that she



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did in fact refer to herself as Lucy Lu, stating she does know what's going on, describing it as total animosity between them.

Before hanging up, I asked Mrs. Kuenzel to describe Sergeant Smith's overall behavior on May 3rd as she recalled it to be. She stated he was so aggravated and used the word "buzzing" to explain that nothing could happen quickly enough for him. Mrs. Kuenzel stated she honestly felt Sergeant Smith stepped over the line, due to the fact she was handling other people and he didn't consider her other activity. She said she hated to use the term, but feels Sergeant Smith "bullied" her. Even though Mrs. Kuenzel harbors those feelings, she again stated she does not want Sergeant Smith to lose his job.

When I asked Sergeant Smith why he felt he was complained on, he stated Mr. Orloff is upset because [REDACTED] beat him in the election and took his spot on the Water Board. He said Mrs. Orloff is also upset with the election results, which is the basis for her complaint against him. Sergeant Smith stated Mrs. Burks and Mr. Morris' complaint is simply based on the fact they are all friends and they are all in it together.

As a result of this investigation, as well as past reported history, I do believe there to be on-going animosity between Sergeant Smith [REDACTED] and the complainants. One might say, the complaints from Mr. Morris, Mrs. Burks and Mr. and Mrs. Orloff are derived from what could possibly be defined as a "feud" between all parties involved, therefore rendering the complaints against Sergeant Smith as non credible. However, the statement and information provided by Mrs. Kuenzel cannot be discredited, due to the fact she has nothing to lose or gain. When considering her statement alone, aside from all others, Mrs. Kuenzel said, as much as she respects Sergeant Smith and would call on him to handle any police related incident and does not want to see him severely punished, knew reporting his actions on the day in question, was the right thing to do. Therefore, belief is, Sergeant Smith did in fact behave in the manner as described, but I do not believe he was using his position as a police officer for personal gain. I do believe the evidence obtained in this investigation has revealed violations of the following policies, to which Sergeant Smith must be held accountable;

- 1) Policy 10-01 Code of Conduct V.D.2
- 2) Policy 10-01 Code of Conduct V.D.28
- 3) Policy 30-16 Mobile Video Recording III.A.4

His actions and conduct, having been deemed in violation of policy, along with the failure to record the incident, are not consistent to the departments Core Values, Vision or Mission statement and should be subject to disciplinary action. In terms of recommended



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disciplinary action, I encourage Administration to take into effect, the recent discipline taken against Sergeant Smith as well as the recent supervisory challenges he's encountered, and then consider the full range of discipline regarding each of the three policies listed above. Considerations for the first policy range from counseling to demotion or dismissal. The second policy range of discipline is counseling to termination and the third ranges from counseling to dismissal.

My faith is Administration will make the right decision and render the appropriate discipline for each policy violated.



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On May 12, 2014, I Sgt. P. Englishbee the assigned investigator of the Professional Standards Investigation (PSI) against Sgt. Daryl Smith, after interviewing the four complainants who submitted typed statements, identified a witness as a result of my interviews with each complainant. The witness was identified as Mrs. Valerie Kuenzel who resides at 11734 N. Little John in Missouri City, Texas. Mrs. Kuenzel is the active Vice President of the Fondren Park Home Owners Association, and was at the Fondren Park club house conducting rental agreements in a separate room, and was not associated with the pool tag distribution, which is the cause of the complaint against Sgt. Smith.

Mrs. Kuenzel was not identified as a complainant by either of the other complainants, but due to her apparent interaction with Sgt. Smith on May 03, 2014, it was necessary to contact her and attempt to obtain a statement. I contacted Mrs. Kuenzel by phone, at which time I identified myself and informed her why I was calling, and she in-turn was willing to answer questions and provide a statement in regard to her encounter with Sgt. Smith.

I asked Mrs. Kuenzel if she knew whether or not Sgt. Smith owned property or resided in Fondren Park, at which time she stated he owned a home on [REDACTED] but neither he nor [REDACTED] lived at the residence. She stated she believes Sgt. Smith's [REDACTED] resides at the residence as a renter. Mrs. Kuenzel said, on May 03, 2014, the HOA conducted their annual pool tag distribution to residents of Fondren Park for the upcoming summer period. Mrs. Kuenzel said she was on location at the club house, when Sgt. Smith stood at the door to the room where she was with other residents and said in a loud tone "I need to see you right now". She stated she asked Sgt. Smith if there was an emergency and he said there wasn't. Mrs. Kuenzel said Sgt. Smith continued to poke his head in the room where she was, at which time she exited the room and entered the main room in the club house and approached Sgt. Smith. Mrs. Kuenzel stated she advised Sgt. Smith he would have to wait his turn, at which time he stated "I want my pool tags, how long are you going to be"? Sgt. Smith insisted Mrs. Kuenzel intervene with the issuance of the pool tags, at which time she told him he would have to wait because she was dealing with one client, and another client waiting. Mrs. Kuenzel described Sgt. Smith's demeanor as "very agitated" at that point and did speak to the other representatives in an attempt to resolve the matter.

Mrs. Kuenzel stated, Sgt. Smith's [REDACTED] filled out a pool tag application form, but was not permitted to do so due to [REDACTED] conflicts, thus requiring Sgt. Smith to complete a new form, which he did, ensuring proper documentation of [REDACTED]. Previously however, Sgt. Smith's [REDACTED] filled the form out but was denied issuance of pool tags due to the fact the other HOA representatives informed her she was



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Sgt. Smith

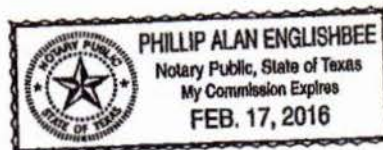
not an active resident of Fondren Park, prompting her to call [redacted] - Release
When Sgt. Smith arrived at the club house, he too was denied issuance of pool tags by the other HOA representatives, due to not being an active resident. According to Mrs. Kuenzel, the representatives were basing their information on the pool tag application form which states an individual must be an active resident of Fondren Park in order to qualify for pool tags.

Mrs. Kuenzel stated she was not aware the form had that requirement, and that it conflicted with the Deed Restriction Covenant, that allows Sgt. Smith and [redacted] to be issued pool tags. She stated Sgt. Smith however commented he and [redacted] were entitled to have the pool tags since they co-owned the residence in question. Mrs. Kuenzel said she approached the other HOA representatives and suggested the eight (8) pool tags being requested, be issued in order to avoid a possible lawsuit. I asked Mrs. Kuenzel if Sgt. Smith threatened a lawsuit and she advised she does not recall if he or if anyone mentioned a possible lawsuit, and that she made the statement due to the conflicting information between the two documents. Mrs. Kuenzel stated however, regardless of the conflicting information between the two documents, Sgt. Smith acted unprofessionally, was upset and "fit to be tied". She stated in her opinion, Sgt. Smith used his position as a police officer to intimidate, and that his temper and attitude shown on May 3rd, is what usually comes out when dealing with [redacted] and matters they encounter.

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Mrs. Kuenzel concluded by stating she believes Sgt. Smith is a good officer overall and does not necessarily want to see him get in trouble with the agency, but feels it would be best if he was not the police liaison for the Fondren Park HOA.

After reviewing the statement, Mrs. Kuenzel confirmed the information to be correct and authorized its use in the investigation.



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On Saturday May 3, 2014 my [redacted] contacted me and stated Mr. Orloff didn't want to give them the pool tags for the summer. I informed her that I will stop by and pick them up. When I arrived at the club house I met [redacted]. We went inside and walked to the table where Mr. Orloff and his wife were sitting passing out pool tags. I stated to Mr. Orloff that I was there to pick up the pool tags for my property; His wife rudely stated "you can't get them, you don't live out here". Then Mr. Orloff rudely stated the same. I told them we have never had a problem in the past getting pool tags. I then asked him who else was there that I could talk too. I asked if Val was there? Mr. Orloff stated "no" so I told him I would call her. I went outside to use my phone to call her. Mr. Orloff came outside and stated something about he called the police and they never came out. At that time I told Mr. Orloff if he wanted to talk about police business I needed to turn on my car camera. Mr. Orloff stated "I'm not talking if front of your camera". I responded to him "all police business needed to be recorded. He then said I'm not talking to you, I was in the process of calling Val when he stated she was in the other room. I responded to him by saying "I thought you said she wasn't here". I then walked inside to talk to Val, she was helping a homeowner rent out the club house. She said to give her about fifteen minutes. I waited until she was done. Val asked what the problem was and I told her we were having a problem with Mr. Orloff giving us our pool tags. I told her we have never had a problem in the past. She asked me who lived in the house. I told her [redacted] my ex-sister -in -law. She then stated "you are entitled to get them. I stated to her, I pay the homeowners dues. Val said let me take care of it. She went in the room where Mr. Orloff and the others were. [redacted] and I stayed in the common area. Val came back out and brought the paper that [redacted] filled out. She told us the by-laws stated you can't have [redacted] as members, so [redacted] wrote down [redacted] and wrote down mine, since we are both on the deed.

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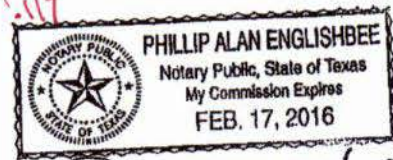
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Val looked at the paper and went over it. She then stated, sign it and it will be ok. Val then told us to follow her. We went back in the room where Mr. Orloff and the other were. Val then told Mr. Orloff "here, everything is in order now, give them their tags". Mr. Orloff was upset and still talking rude to [redacted]. Mr. Orloff made a comment about the rules and stated something to [redacted] that I did hear, but said it in a sarcastic way like [redacted] was dumb. [redacted] responded to him "I am very educated and understand".

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He then stated to Mr. Orloff "why do you always give [redacted] and me problems all the time"? My [redacted] told Mr. Orloff it was uncalled for and he was tired of it. At this time Mr. Orloff said something again and stood up. Before [redacted] responded, I told them the matter was now police business. I told Mr. Orloff to sit back down and told [redacted] to leave. We all left at that time.

Note: there has been on-going problems with Mr. Orloff, his wife and some of his close friends on the board. [redacted] took his position on the Water Board for HC WCID (Harris County Water Control Improvement District) Fondern Rd., and he and his wife are very upset about that.

Statement of Roger Morris is not correct. Please get with Councilwoman Ford and others that were at the meeting on my professionalism.

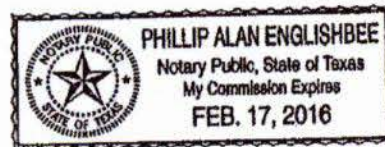
Nellie Burks statement is grossly inaccurate.

Mr. Orloff and his wife's statement are grossly inaccurate.

Mrs. Kuenzel's statement is inaccurate.

Witness that were there ([redacted])

Sgt. Daryl L. Smith



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While on duty

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Sgt. Smith: Received call from [redacted] about 10:00 AM - She told him she went to get tags, DeLoff wasn't going to issue them, stating she didn't live out there and couldn't get them. [redacted] did not ask Smith to come to the clubhouse. Smith stated he told [redacted] he would come to get them, and subsequently checked out on a premise check @ the Fonder Park Clubhouse. When he arrived he did not activate his camera. Does not believe ~~that~~ he had to record the conversation because ~~it~~ it wasn't official police business. Sgt Smith did not mention anything about a lawsuit, only Mrs. Kuegel made the statement. [redacted] first completed an application listed her [redacted], [Sgt Smith], [redacted] and [redacted]. When Sgt Smith arrived he stated, "I'm here to pick up my pool tags". DeLoffs said he didn't live there and couldn't get pool tags. Sgt Smith asked who else was there, then stepped outside to call Mrs. Kuegel because he wasn't told she was on property. Sgt Smith said Mr. DeLoff stepped outside and started to ^{begin} question about officers not responding to an unrelated call, at which time Sgt Smith told him he would need to turn his recorder on to discuss the matter, since it was official police business, but DeLoff did not want to talk, therefore the recorder was turned back off. Mr. DeLoff then told him Mrs. Kuegel was inside to speak with her.

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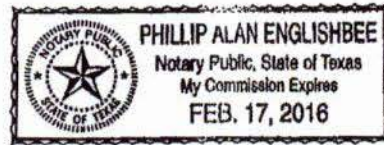
Kuezel cont. - Stated the lawsuit comment was never made by Mrs. Kuezel. Smith stated he was not imprisoned as stated by Mrs. Kuezel, but stated he did not just walk out without getting his pool frogs, but stated he was persistent on what he was entitled to. Smith said he was not upset or put to be tried, but was frustrated, because he has constant problems with the DeLofts. Smith said he can't ever respond to the statement of using his position to intimidate because it isn't true. Has not had other issues with [REDACTED] that would give claim to her statement that ~~he~~ he has an attitude and temper problems when addressing [REDACTED] matters.

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Statement of Roger Morris

May 6, 2012 2014



R 5/12/14

I am the President of the Fondren Park Civic Improvement Association. One of my responsibilities is to conduct monthly Association and Board of directors meetings; these meetings are held at the FPCIA building ("clubhouse") at the intersection of Gregory and McLain boulevards. On the evening in question, Tuesday, April 8, the Association, of which all homeowners are members, met for a regularly scheduled meeting. In addition to the regular agenda items, we scheduled a "Meet the Candidates" period to allow candidates for Mayor and Council positions at the May 10 city elections to address Fondren Park residents, explaining why they were running for office, and answer questions from the audience. In addition to residents, representatives of our management company, and candidates, Councilwoman Yolanda Ford and Sgt Darryl Smith of the Missouri City Police Department attended the meeting.

Following lengthy remarks, questions and discussion, the candidates left the meeting. I then extended Councilwoman Ford the usual courtesy of addressing the meeting. Afterwards, as usual, I asked Sgt Smith if he had a police report or other remarks. He started off normally, but then began to talk much longer than is usual. Due to the lateness of the hour, and the need to address pressing Board business, I tried to bring his remarks to a close. He not only brushed me off, he continued to talk and conduct what amounted to his own meeting. Because of my respect for police officers, and to avoid a confrontation, I stepped back before once again trying to regain control of the Association meeting. Sgt Smith did not apologize for monopolizing our time, or for stepping out of line. But that is what he had done. His conduct was arrogant, intimidating, and inexcusable: conduct unbecoming of an officer and representative of the Department and of the City.

I will not allow his disruptive behavior in the future, and request the following:

- 1) That he not be the face of the Department to Fondren Park, especially at Board and Association meetings;
- 2) That he not be allowed to wear his uniform to any Association meetings (he is a homeowner and thus is entitled to attend these meetings in a private capacity); and
- 3) That he not be allowed to interfere with Association business while on duty.

2) 236-1647-cel 15426 W. Ritter Cr. DOB [REDACTED]

Roger Morris 71729-5929-Am Mo City, 77071 [REDACTED] DL S/S [REDACTED]

President of the Fondren Park Civic Improvement Association, 2013-2014

Missouri City City Councilman, 1979-1985

Proud Parent of an Austin Police Officer

Sergeant Major, USA, Retired

Sgt. Smith would not allow Mr. Morris to conduct his meetings, would not stop talking when Mr. Morris asked him to.

Missouri City Police Department

Perjury & Written Statement Notification

Penal Code

Section 37.02 Perjury:

(a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:

1. he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or
2. he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.

(b) An offense under this section is a Class A misdemeanor.

Section 37.03 Aggravated Perjury

(a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:

1. is made during or in connection with an official proceeding; and
2. is material.

(b) An offense under this section is a felony of the third degree.

Government Code

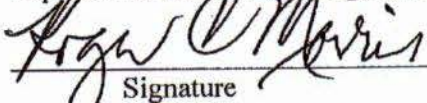
614.022. Complaint to be in Writing and Signed by Complainant

To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

You will be contacted by the officer assigned to conduct the investigation into your complaint to schedule an interview and obtain your sworn statement.

I hereby acknowledge that I have been informed of the perjury statute and of the requirement for a written, signed statement regarding my complaint.


Signature

ROGER C. MORRIS
Printed Name

Smith's response
Roger Morris -

April 8th - Smith attend HOA meeting -
Was on the agenda to speak, and stated he did speak for approximately 5-10 minutes, ~~which~~ which included Questions and answers from citizens. Smith does not recall Ford being present, but stated if she was there, she would have spoken first before him. Smith stated his presentation length is based on the amount of information needing to be presented, and any following discussion, comments or questions. Smith said Mr. Morris never asked him to bring his presentation to a close. Not correct about brushing him off and conducting his own meeting. Smith stated he was not out of line at the meeting; Statement is a lie about being arrogant, intimidating, unexcusable.

Question presented to Sgt Smith regarding the 4 complaints, ^{Mr.} Orloff is upset for [redacted] heart him and took his spot on the Water Board, and that the complaints from Mrs. Orloff is based on the fact she too is upset for the election results, Mrs. Burt for simply being their friend as well as Mr. Morris, stating they are all in this together.

Gloria Lucas: HOA Board members - 7) 721-4520 Hm
7) 818-6652 cell

[] - Release
[] - .117

Saturday, May 3, 2014
9:00 a.m.-12 noon

Fondren Park Clubhouse
11802 Gregory Blvd.
Houston, Tx. 77071

Subject: Distribution of Swimming Pool Tags for Fondren Park Pool and
Sgt. Daryl Smith, Missouri City Police Dept.

We were processing applications for pool tags for the residents of Fondren Park. Sgt. Daryl Smith's [redacted] came in, filled out a form and turned it in to me. I looked her up on the client sheet and found [redacted] she did not live in the park but elsewhere in Missouri City. She was told because [redacted] she did not reside in Fondren Park [redacted] she could not have pool tags. [redacted] She left and very shortly [redacted] Sgt. Daryl Smith of the Missouri City Police Dept. arrived. We were expecting him as we knew [redacted] she would call because [redacted] she had been refused tags. He came storming in with all his weapons and other paraphernalia as part of his uniform, leaving his patrol car in front of the door with the engine running and the door open, ranting he was a property owner and he could have pool tags or he would sue. We were dealing with other residents at the time but he butted right in ahead of them, being very intimidating to them and very obnoxious to me, in helping with the tag distribution. He moved to behind me and was continuing his ranting and I stood up to face him and he pointed his finger at me and said, you listen to me and I pointed my finger right back at him and said NO, you listen to me. You cannot have it both ways, if you get pool tags, then the people living in your house cannot get them. At some point he stormed into the hall area between the kitchen and the office and interrupted Valerie Kuenzel who was writing a contract for the club house rental. She in turn told him the same thing and he wanted his pool tags and he wanted them now. What went on in there is hearsay on my part.

117/1175 Valerie came in with a form, signed by Daryl, listing [redacted] [redacted] himself [redacted] and one other person, 8 tags in all, and none of them live in the park. On the form there is a paragraph that says, "I hereby certify that all members listed on the form are full time residents of Fondren Park," and he signed it.

117/1175 He told his [redacted] to pick up the pool tags. While [redacted] was standing in front of Mr. Orloff, [redacted] commented that Mr. Orloff was an old man and uneducated. Daryl didn't say a word about that, but when Mr. Orloff stood up to hand the paper work and tags to [redacted] Daryl, who was standing behind me, said, I'm acting as a police officer now, Bernard, you sit down. This was uncalled for. He

117/1175

was acting like a bully and we were to sit there and take it. All in all, his conduct was unbecoming an officer of the law and a poor representation of the Missouri City Police Department. While being an obnoxious property owner, he was also playing at being a police officer on duty. This is unacceptable behavior. He was using his status as a police officer to intimidate and get what he wanted and didn't deserve. On top of all this, I believe he was recording everything without telling us.

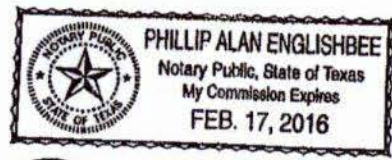
↳ hopefully he was! Pt #336

This is not the first run in I have had with him. Two years ago when [redacted] was running for a position on the WCID Board, I was an election clerk, hired by the Water Board. He accused me and the election judge (in front of a parking lot full of people) of telling people how to vote, because [redacted] lost the election. I am not a dishonest person.

When he comes to our board meetings as liaison between the park and the police department, he is arrogant and knows everything and it is our fault that the police and code enforcement do not answer our calls. After all, they have other subdivision to take care of besides ours, and they are spread thin and we are expecting too much. I thought we were just expecting them to do their job.

I fully expect retaliation from the Smith [redacted] because I am making this complaint and should that happen, the retaliation will be placed on the shoulders of the police department that he is part of.

Nellie J. Burks 7) 721-1060
Fondren Park Resident



PH 5/12/14

11822 S. Willowdale Cr.
77071

DOB [redacted]
AL. [redacted] Class [redacted]
5'00"
gray (green)

Missouri City Police Department

Perjury & Written Statement Notification

Penal Code

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Government Code

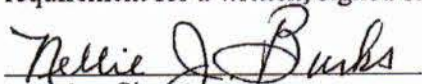
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- (1) in writing; and
- (2) signed by the person making the complaint.

You will be contacted by the officer assigned to conduct the investigation into your complaint to schedule an interview and obtain your sworn statement.

I hereby acknowledge that I have been informed of the perjury statute and of the requirement for a written, signed statement regarding my complaint.


Signature

Nellie J. Burks
Printed Name

() = 117/1175

Durles: Sgt. Smith can be very... defemini

Durles home on [redacted] she believes - possibly has (aunt) living there, nor does [redacted] - property is in his and [redacted] name, but does not live there.

- 1.) When she doesn't get her way, she calls [redacted] so they know it was coming.
- 2.) possibly 10 minutes, made the comment Sgt Smith would be there shortly, and he was.
- 3.) Thinks Sgt Smith was, but does not believe anyone else was.
- 4.) Can't recall exact name - but stated Sgt Smith cut in front of them to step to front of line. Bullying, intimidating presence.
- 5.) not residents, cannot give out ~~tags~~ tags.
- 6.) Yes she lives @ residence - possible cell phone.
- 7.) Initially denied issuance of tags [redacted] had been given form, but when turned in, realized she wasn't a resident.
- 8.) Unknown if its still available.
- 9.) Wasn't her choice, had it been, she wouldn't have issued, wasn't her decision, it was Ms. Kuenzel.

10.) On [redacted] but doesn't know address.

11.) Overstepping his authority -

12.) Mister important "Struts", reminds of a "Banty Rooster" -

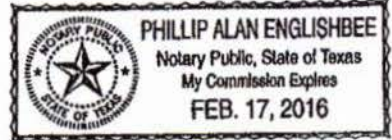
Asked why something hadn't been responded to and appear a Sgt Smith took it personal. Once started, Sgt Smith would not shut up. Couldn't get him to shut up.

13.) Fully expects it - just a feeling she has. Does not know what type, but anything wouldn't surprise her. Always a problem dealing w/ Sgt Smith - always. States he can do certain things just because he owns property, but can't because he doesn't live there.

14.) Would like to see Sgt Smith addressed - based on his manner as a police officer - manners to attitude - intimidates others, he's a bully! Written reprimand - uses his position to intimidate and get what he wants, has thought that for a very long time, not just since May.

Would hate to see Sgt Smith lose his job, but needs to clean up his act.

() = 117/1175



5/12/14

Saturday, May 3, 2014 the Fondren Park HOA issued pool tags for the summer swim. About 10:30am [redacted] entered the clubhouse to acquire swim tags for her family. She was told the tags were for for the residents of Fondren Park (see swim tag form for explanation) There was exchange for different of opinion between [redacted] Sheryl Orloff and Nell Burk. [redacted] story med out and moments later a Missouri City Police Car appeared with Sgt Daryl Smith of the Missouri City Police Dept. Sgt Smith is [redacted] Sgt Smith entered the Fondren Club House shouting at the pool tag committee that he was there to get is pool tags. Shouting and waving was very disruptive to the pool tag committee as well as other residents in the room who was filing out paper work to obtain there pool tags. He continued to be very loud and disruptive until he stepped outside to his cruiser to contact Valerie Kunzel, VP of HOA While he was outside I Bernard Orloff followed Sgt Smith to his vehicle I had gone outside to ask him about an incident that happened in the Fondren Park parking lot on Monday April 30. Sgt Smith For whatever reason asked me to step in front of his vehicle to video tape me. I declined to do so because I felt I had not done anything wrong and felt it was harassment. He insisted that I step in front of his car and at that point, I returned to the conference room to the other pool tag committee members. Sgt Smith asked me if I had a citation and we did not know what he was talking about. Sgt Smith continued to be loud and disruptive getting into Nell Burks face. Ms Burk intern told Sgt Smith he was loud and disruptive and had no reason to show this attitude. Sgt Smith after trying to reach realized that Ms Kunzel was in our clubhouse meeting room-taking applications for leasing the clubhouse. When he realized where Ms Kunzel was he interned and went to meeting, room to address Ms Kunzel Sgt Smith did not recognize anyone else in the room and continued to interrupt ms kunzel while talking to Fondren Presidents. [redacted] entered the meeting room also and was very disruptive so Ms Kunzel could not complete business with other residents. After finishing with the two individuals clients she had, she addressed Sgt Smith and [redacted] concerns again Sgt Smith was loud and very abusive. Ms Kunzel then entered the conference room where the pool tag committee was handing out pool tags. Her commits were that Daryl Smith was going to sue for not receiving his pool tags. After receiving the paper work from [redacted] Ms Kunzel noticed they put on the from a [redacted] (which we do not give tags to [redacted]) Darrell then changed to [redacted]. The application then approved and Mr. Orloff proceeded to assign pool tags. After assigning the pool tag numbers to the individual [redacted] I asked [redacted] to verify the 8 tags in consecutive numbers and as I stood to give the tags to the couple [redacted] call Bernard Orloff and old man and ignorant. Sgt Smith across the room announced he was a Missouri City police officer and that I needed to sit down. With most residents, that day I did stand to present them with there tags and pool rules so this was nothing out the ordinary. I again felt Sgt Smith was completely out of line in asking me to sit down. In my opinion, Sgt Smith has shown this attitude many time both running for Constable, and [redacted] running for Fondren Road water district and now at the pool tag registration. He again has misused my opinion his authority. Was Darrel Smith on duty at the time he interrupted? We did not call him. In my opinion, an officer representing Missouri City has used nothing but scare tactics to get what he wants when he wants it.

.117

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Bernard Orloff
 ID [redacted] DUB [redacted]

Bernard Orloff
 71729-6275

6'2" Gray Blue

POOL TAG REGISTRATION

TO _____

RESIDENT/HEAD OF HOUSEHOLD _____

ADDRESS _____ HOME # _____ WORK # _____

EMERGENCY, CONTACT _____ CELL # _____

	FULL NAME	AGE	RELATIONSHIP TO RESIDENT/H.O.H.	*MEDICAL INFORMATION	TAG #
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____

NOTE

***** PLEASE NOTE ANY SPECIAL ALLERGIES OR MEDICAL CONDITIONS THAT WE SHOULD BE AWARE OF IF, MEDICAL ATTENTION BECOMES NECESSARY. *****

Under penalty of forfeiture of all pool privileges, I certify that I am a full-time resident of Fondren Park and the parent or legal guardian of all minor children listed above and that all adults listed above are full-time residents at this address. I understand and agree that I am fully responsible for the actions and behavior of those listed above and of our guests, while at the pool.

As parent or guardian of the above minor child/children, I approve their use of the Fondren Park Pool in accordance with the published Pool Rules. I assume all risks and hazards incidental to such use including, but not limited to, swimming, diving and all other activities associated with aquatic recreation and do hereby waive, release, absolve, indemnify and agree to hold harmless and defend all officers, agents, directors, supervisors, the community of Fondren Park and the Fondren Park Community Improvement Association for any claims arising from any injury to the above named child/children or adults, including but not limited to any negligent act or omission of the individuals and entities listed above.

I also grant permission to the supervisors, managing personnel or other representatives to authorize and obtain medical care from any licensed physician, emergency medical technician hospital or medical clinic, should the child/children become ill or injured while a patron at the pool when neither parent nor guardian is available to grant permission for such emergency treatment.

I certify that I have received a copy of the Fondren Park Community Pool Rules.

SIGNATURE RESIDENT/HEAD OF HOUSEHOLD _____ DATE _____

MAINTENANCE FEES MUST BE PAID AND UP TO DATE. VERIFIED BY _____

NO OUTSTANDING DEED RESTRICTION VIOLATIONS. VERIFIED BY _____



Police

Michael A. Berezin
Interim Chief of Police



Mrs. Kuenzel,

In response to our conversation this morning, I am hereby requesting a copy of the pool tag application(s) submitted by Sgt. Smith and / or ^{117/1175} [REDACTED] on May 3rd. The purpose of the request is due to the on-going Internal Affairs Investigation against him that was filed last week. Feel free to email the forms at english@missouricitytx.gov

Respectfully,

Phillip Englishbee
Administrative Sergeant
Missouri City Police Department

FONDREN PARK C.I.A
POOL TAG REGISTRATION

TAGS FROM 1817
1820
TO 1824

RESIDENT/HEAD OF HOUSEHOLD [REDACTED]
ADDRESS [REDACTED] HOME # 0 WORK # _____
EMERGENCY, CONTACT 117/1175 CELL # [REDACTED] .117

	FULL NAME	AGE	RELATIONSHIP TO RESIDENT/H.O.H.	*MEDICAL INFORMATION	TAG #
1.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1817
2.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1818
3.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1819
4.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1820
5.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1821
6.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1822
7.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1823
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1824

.117

Release

*** PLEASE NOTE ANY SPECIAL ALLERGIES OR MEDICAL CONDITIONS THAT WE SHOULD BE AWARE OF IF, MEDICAL ATTENTION BECOMES NECESSARY. ***

Under penalty of forfeiture of all pool privileges, I certify that I am a full-time resident of Fondren Park and the parent or legal guardian of all minor children listed above and that all adults listed above are full-time residents at this address. I understand and agree that I am fully responsible for the actions and behavior of those listed above and of our guests, while at the pool.

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I also grant permission to the supervisors, managing personnel or other representatives to authorize and obtain medical care from any licensed physician, emergency medical technician hospital or medical clinic, should the child/children become ill or injured while a patron at the pool when neither parent nor guardian is available to grant permission for such emergency treatment.

I certify that I have received a copy of the Fondren Park Community Pool Rules.

SIGNATURE RESIDENT/HEAD OF HOUSEHOLD [REDACTED] .117 DATE 5-3-14

MAINTENANCE FEES MUST BE PAID AND UP TO DATE. VERIFIED BY _____

NO OUTSTANDING DEED RESTRICTION VIOLATIONS. VERIFIED BY _____



THE PARK BENCH

The Newsletter of the FONDREN PARK subdivision

A DEED-RESTRICTED COMMUNITY

Missouri City, Texas - Volume 50 - March 2014

Board Meeting March 11, at 7:00 pm - visit us at www.fondrenpark.com

FONDREN PARK POOL

OPENS

MAY 24, 2014

SPLASH DAY



Preparations are going on to open the Fondren Park Community Pool on Saturday May 24, 2014. Pool tags will be available to residents in GOOD STANDING. (please see schedule for applying for your family tags below.

To acquire your pool tags residents need to bring a copy of a monthly utility bill in your name, drivers license and if you are a renter and you have permission of the owner, you will need a copy of the rental agreement, drivers license and monthly utility bill in your name. Residents are to be given no more than 5 pool tags per family.

Thursday	April 3	6 p.m. to 8 p.m.	Saturday	April 26,	9 a.m. to 12 p.m.
Thursday	April 10	6 p.m. to 8 p.m.	Saturday	May 3,	9 a.m. to 12 p.m.
Thursday	April 17	6 p.m. to 8 p.m.	Saturday	May 15,	9 a.m. to 12 p.m.
Thursday	May 15,	6 p.m. to 8 p.m.			

COMING EVENTS

Meet the Candidate's Night – Homeowners Meeting – April 8, 2014 – 7:30 p.m.

Easter Bunny in Fondren Park and Egg Hunt – April 13, 2014 – 2 to 4 p.m.



DID YOU KNOW?????

If you don't bring your trash cans in the evening of trash pickup, you can, and will be fined \$275.00 by the City of Missouri City.

Yah!! They can do that, and do.

TRASH OUT Monday and Thursday nights AFTER 6 p.m.



Don't get caught, bring those TRASH CANS IN TUESDAY AND FRIDAY NIGHTS BY 11:59 P.M..

Garden Club Happenings

Hello, Again! The next meeting will be Tuesday, March 16th at 7:00 p.m. held at FP Community Center. Our program is *What's New on the Garden Shelf* presented by Bob Patterson of Southwest Fertilizer. They are our sponsors for the Yard of the Month. If you're interested in attending, please call me at 713-729-3806. Yard of the Month will be announced on April 1st. The cold winter pushed it forward.

Please plan on attending/participating in the Fondren Park Garden Club's *Community Yard Sale* Saturday, April 5th. **Until next time, keep the beauty!** Raquel Henderson

HOME & GARDEN COMMUNITY YARD & CRAFT

S A L E ! Saturday APRIL 5th 9:00 am to 3:00 pm

The Garden Club is sponsoring a Home & Garden Community Yard and Craft Sale at the Clubhouse grounds. Make some cash while you support your community.

Fill out the form below and send \$10.00 per space or per address to Raquel Henderson, 11726 N. Marcia Cr, Houston, TX 77071, 713-729-3806. Make checks payable to **Fondren Park Home and Garden Club**. **ALL PROCEEDS GO TO THE SCHOLARSHIP FUND and TOWARDS PLANTINGS AT THE DIFFERENT HABITATS.**

(1) Fondren Park Home & Garden Club Yard Sale on **The Clubhouse Grounds**

Saturday, April 5th 9:00 to 3:00 p.m. REMEMBER TO BRING YOUR OWN TABLES!

Name _____ Address _____ Phone # _____

Number of Spaces _____ Amount of Donation _____ Email address _____

(2) Fondren Park Home & Garden Club Community Yard Sale at **Your own home. Saturday, April 5th**

Name _____ Phone # _____

Address _____ Amount of Donation _____ Email address _____

IT WOULD BE MOST APPRECIATED, IF YOU HAVE A GARAGE SALE AT YOUR HOME THE SAME DAY AS THE GARDEN CLUB, THAT YOU DONATE \$10.00 PER HOUSE. You will get all the overflow from our advertising. The Garden Club will give you a sticker to put on your sign. This sticker allows you to place your sign on the esplanade. You'll make that \$10.00 back and then some. Signs without that sticker will be pulled.

*****ARCHITECTURAL CONTROL COMMITTEE*****

**COME VISIT WITH THE ARCHITECTURAL CONTROL COMMITTEE
BEFORE YOU PAINT / BEFORE YOU BUILD / BEFORE YOU ADD ON**

One of these days it will be SPRING and time to get out in the yard and clean things up, do some planting, trim the trees and bushes. Time to neaten up your property.

Don't forget, if you are going to paint the trim or do some repair work on the outside of your house, **GET YOUR APPROVAL FIRST** from the ACC Committee. You can call Nell Burks, 713-721-1060 for the form or you can get it on line, at www.fondrenpark.com. It saves a lot of time and effort and cost, if you get the APPROVAL FIRST.

Fondren Park's Website

This site contains a wealth of valuable information and options for Fondren Park Residents, including online copies of the Deed Restrictions, the Community Association Bylaws, and an ever-growing archive of past copies of the Fondren Park Bench newsletter.

Among the many services provided by the website, residents are able to contact the board by e-mail. Questions will be answered by return e-mail.

To register as a member, simply go to www.fondrenpark.com, click the "Register" button on the sidebar, and fill in the online registration form. Registration is free, and the information gathered is only used for verification purposes. There's even a checkbox allowing you to prevent your name and address from being listed on the resident directory on the site (if that is your preference). Member registrations are usually validated within a few hours.

Once registered, residents have access to a directory of their neighbors, the ability to make or comment on announcements and news items, and access to a message board for discussing issues and events of concern to Fondren Park residents.

ANYONE INTERESTED IN PLAYING BINGO WEEKLY OR B WEEKLY, PLEASE RESPOND TO THE WEBSITE.



HANDY MAN

FREE ESTIMATES ---- MINOR REPAIRS ON

SHEET ROCK -- CARPENTRY -- TILE

FENCE REPAIR -- CAULKING -- PRESSURE WASHING

PETE JIMENEZ

713-301-1006

FONDREN PARK RESIDENT FOR OVER 40 YEARS

IMPORTANT PHONE NUMBERS

<u>CITY OF MISSOURI CITY</u>	<u>FONDREN PARK CIA</u>
<u>EMERGENCY CALLS ONLY</u>	
Medical, Fire, Police	911
<u>BUSINESS CALLS</u>	
Police and Fire Depts.	281-403-8700
Animal Control	281-403-8700
Poison Control	800-764-7661
General Information	281-403-8500
Mayor Allen Owen	281-403-8500
City Council Member	281-403-8500
<u>UTILITIES</u>	
Allied Waste Services	713-937-9955
Water District	281-499-5539
CenterPoint (Street lights, Outages)	713-207-2222
CenterPoint Energy (Gas)	713-659-2111
	MASC Austin Properties Dania Marengo, 713-776-1771 MASC Austin Properties is open 9am to 5 pm Monday thru Friday with an answering service to handle calls after business hours. (Dmarengo@mascapl.com) will assist you with Deed Restrictions, Maintenance Fees, or any other questions or concerns you may have regarding Fondren Park or your rights or obligations as a resident of Fondren Park.
	Clubhouse and Pool rental Valerie Kuenzel 713-729-0197
	Deed Restrictions/Pool Mgr. Bernard Orloff
	Fondren Park Website Sheryl Orloff www.fondrenpark.com
	Newsletter Editor N. Burks 713-721-1060
	Garden Club Raquel Henderson 713-729-3806

MARCH HAPPENINGS

- Water Board Meeting
Tuesday, March 11, 5:00 PM Water Bldg.
- Fondren Park C.I.A. Board Meeting
Tuesday, March 11, 7:00 PM Clubhouse
- Garden Club
Tuesday, March 18, 7:00 PM Clubhouse
- City Council Meeting
Mondays, March 3, 17 7 PM City Hall
- Planning & Zoning Meeting
Wednesday March 12 7 PM City Hall
- Parks Board Meeting
Thursday, March 13 7 PM City Hall

BOARD OF DIRECTORS FOR 2014

- | | |
|-----------------------|----------------|
| Roger Morris, | President |
| Valerie Kuenzel | Vice-President |
| Dina Williams, | Secretary |
| Sheryl Orloff, | Treasurer |
| Greta Amparo-Mangalus | Position 1 |
| Gloria Lucas, | Position 2 |
| Bernard Orloff, | Position 3 |
| John Beier, | Position 4 |
| Nell Burks, | Position 5 |
| John Hivale, | Position 6 |
| Clara Fredson-Cole | Position 7 |



Missouri City Police Department

Perjury & Written Statement Notification

Penal Code

Section 37.02 Perjury:

(a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:

1. he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or
2. he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.

(b) An offense under this section is a Class A misdemeanor.

Section 37.03 Aggravated Perjury

(a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:

1. is made during or in connection with an official proceeding; and
2. is material.

(b) An offense under this section is a felony of the third degree.

Government Code

614.022. Complaint to be in Writing and Signed by Complainant

To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

You will be contacted by the officer assigned to conduct the investigation into your complaint to schedule an interview and obtain your sworn statement.

I hereby acknowledge that I have been informed of the perjury statute and of the requirement for a written, signed statement regarding my complaint.


Signature

IRVIN BERNARD ORLOFF
Printed Name

Wife typed statement as he provided the information.

117/1175

- 1) Yes
- 2) [redacted], neither him or [redacted] reside here. Rented to two other [redacted]. "Med" out - can't remember what he meant. possible "let" out.
- 3) Water he had but didn't
- 5) Tone of voice was disruptive, very loud, direct did not take it well - Sgt Smith "talks over people" "Sgt. Smith has a "mush mouth" rambles on and on

6/7) Valerie Kuenzel taking applications - she approved. [redacted] went into meet w/ Valerie - Valerie came out of the other room "we don't want a lawsuit" VP of HRA.

When they stepped back in, Sgt Smith threatened him, asking him if he got the citations, which he did not acknowledge after Mr. Orloff asked him to explain.

8) Feels Sgt Smith is a police officer 24/7 - always disruptive when dealing with [redacted] - pushing his weight around.

10) Scare tactics, threats, verbal commands. ^{unwarranted}
Does not want Sgt Smith cutting lawn, but can afford to pay someone else.

10:46
file it as Sgt Smith
said they would sue.

.117

[redacted]

.117

.117

Smith's response. [] = 117/1178

Bernard DeLoff: - Stated DeLoff (red when he said he entered the C/H shift) - said he walked in and said "Hi, I'm here to get my pool tags". Smith said he never shouted or raised his arms, as stated by Mr. DeLoff. Smith said he never raised his voice, but just asked if anyone else was there, but was told no by Mr. DeLoff, at which time Smith said he told DeLoff he was going to step outside to call Mrs. Kuegel. Smith stated he didn't think at any time he was disruptive, and that it's opinionated. Smith stated he did make the comment about a citation, telling Mr. DeLoff that he's received a citation before for similar situations of being aggressive and wanting to jump on someone. Smith stated he did not get into Nellie Bowles face, but that she got up telling Smith to just leave, or something to that effect, waving her finger at him, Smith said he told her she didn't need to do that, meaning waving her fingers in his face - they were approx. 2 feet apart. False statement, stated [redacted] were never out-of-line or disruptive and that Mr. DeLoff was not in the room when Mrs. Kuegel was. When the pool tags were issued after the Application was approved by Mrs. Kuegel, Smith said [redacted] did not call DeLoff an old man or ignorant, but that DeLoff was asked the [redacted] if he understood a procedure regarding the pool tags, and that the [redacted] replied "I'm ~~very~~ educated and understand". Smith stated his [redacted] asked DeLoff why they were always ~~re-~~ giving them a hard time, ^{and was tired of it} at which time DeLoff stood up, to which Sgt Smith said there is now official police business, instructed DeLoff to sit down, then told her [redacted] they needed to leave.

To whom it may concern:

[redacted] = 117/1177

Release -
Release -

On Saturday May 3, 2014 at around 10:45 to 11:00am [redacted] Daryl Smith Missouri City Police Officer came to get pool tags at our clubhouse. When we explained to [redacted] (her she) did not live in the subdivision and tags would be given to her renters, she stormed out and called [redacted] Darrell Smith.

Daryl being on duty at the time came speeding in our driveway parking in a no parking zone with his police car and proceeded to come in and demanded in front of other people for his tags and got very hostile with me and other people handling the pool tags.. He asked my husband did you get your citation. My husband asked him what? I think Daryl is just being rude, arrogant, hateful and obnoxious.

He proceeded to rant, rave then brought [redacted] in, and [redacted] back in and tried to start more. At that time, I told him if he kept it up, I would call the police dept to escort him off. He stated go ahead and call them. He then proceeded to hit his recorder in his shirt trying to record everything without our permission. Again explained to him he could not do this. He got nasty with my Husband Bernard and told him to come outside stand in front of his vehicle so he could record everything. My husband stated no. My husband stood up for a second and Daryl stated as a police officer I am asking you to sit down.

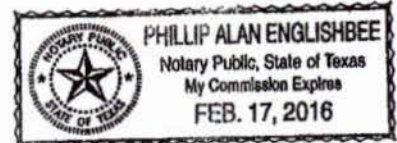
Again, he has no authority unless we call him. Then he wanted Valerie and wanted to know where she was. We explained she was taking care of business in another room and not to go in there. He proceeded in there with [redacted]. He tried to start something with her and shaking his finger at her. She explained to leave she was taking care of business and he would not leave pacing up and down and his [redacted].

.117 [redacted] yelling Valerie to hurry up hurry up. Valerie then asked them again to wait outside again. At that time, I went outside until he left. His behavior for a police officer is unacceptable and I will not tolerate it. I do feel he will try retaliation on my husband and me and on Nell Burks who he also got in her face shaking his finger and she stood up and shook her finger at him.

Sheryl Orloff

Sheryl Orloff

DOS [redacted] 101/CLP
11802 S. Perry Ave
77071



PZ - 5/12/14

.130 [redacted] DL [redacted] 130
5'8"

Brn / Grn.

7) 729-6275 (unlisted)

Missouri City Police Department

Perjury & Written Statement Notification

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- (1) in writing; and
- (2) signed by the person making the complaint.

You will be contacted by the officer assigned to conduct the investigation into your complaint to schedule an interview and obtain your sworn statement.

I hereby acknowledge that I have been informed of the perjury statute and of the requirement for a written, signed statement regarding my complaint.


Signature

SHERYL ORLOFF
Printed Name

Shery Dr. 117 -

1) Neither is a resident, house is being rented.
117 [REDACTED], but does not recall address.

2) "I'm a home owner, I want my tags now."

2) Continues to argue about the pool tags

3) Sgt Smith is arrogant, rude, mean -
tries to take the badge and push his authority.
Told him she was going to call police
and have him removed.

4) Explained to her, Sgt Smith does have a
right to record - policy states.

5) Nasty ~~meaning~~ ^{meaning} - ordering husband around, telling him
to sit down. Thinks he can order people around
without cause.

6) Husband already was out side before Sgt.
Smith =

Whatever Adair feels is appropriate for
punishment, she would be comfortable with

Smith's responses

Sheryl DeLoff. - Smith stated he did not commit speeding nor did he park illegally. He stated he simply parked legally in the curved area that is not designated as no parking. He about being demanding and very hostile. Smith said he was not rude, arrogant, helpful or obnoxious, but was direct to the point in asking about the issuance of pool tags. Smith said he did not react of rage as stated by Mrs DeLoff. Does not recall if Mrs. DeLoff said she was going to call the police to have him escorted off property if he continued acting in the ~~manner~~^{manner} as described. Does not recall stating "go ahead and call them". Stated he did take his body mic out of his shirt pocket to turn it on to record, but only because Mr. DeLoff made a comment pertaining to "offical police business" about officers not responding to a certain unidentified call. Smith said it's a total lie that he shook his finger at Mrs Keenel, stating Mrs DeLoff wasn't even in the room to be able to ever make a valid statement. Smith said ~~last~~^{11/7/19} never yelled at Mrs Keenel and did not tell her to hang up. Smith stated Mrs. Keenel did ask him to step into the other room, but that ~~it would~~^{it would} have been impossible for Mrs DeLoff and others in the other room to hear the conversation. Smith believes the reason Mrs. DeLoff made the statement is because ~~she~~^{she} and Mrs Keenel probably talked after the incident.

I know the reason why they are doing this is because DeLoe got voted off the Water Board, but did not use the usual ~~retaliatory~~ retaliation

Was out of line at all? NO!

Sgt Smith didn't say much, stood against a wall and didn't interact with Mr. DeLoe.

Describe Sgt. Smith's demeanor / attitude - calm & cool, did not raise his voice. Does not believe to use his position as an officer to gain anything

relaxed

Behavior was responsible, didn't raise his voice.

Kuenzel stated: Let me be Lucy Liu,

NO Bias, not protecting Sgt Smith which is why he admitted to what he did.

Sgt Smith [redacted] .117

Behavior: upset that it was occur -
not out of line though or rude, didn't
use his position, did not get aggravated.
waste of time type of attitude, but was
never vocal or rude - Huffy 'puff' type
demeanor.

Husband was the one who exchanged words

Does not know if Sgt Smith recorded
at the end.

false claims by complainant.

5/21/14 Kenezal knows what's going on - ^{total} animosity between
the

Behavior: ^{so} aggravated, "buzzing", nothing could happen
quick enough, should have been there to begin
with, eyes got big, tried hiding back but can't.

form has
been since
9/11/07
2/2/08

Honestly felt he stepped over the line due to the fact
she was handling other people and he didn't. Considers her
other activity - Hated to use term, but feels he bullied her. ^{does} ^{she} ^{want} ^{to} ^{not} ^{use} ^{it}

Date: May 3, 2014

Source: Missouri City Police 1 (Primary)

Fondren Park Clubhouse

10:36:22 - calls out for a "sec"

10:36:25 -

10:36:27 -

(14) 10:50:36 -

10:54:40 -

10:54:42 -

11:05:55 -

11:05:59 -

11:19:24 -

11:19:42 -

11:19:45 -

11:23:00 - checks back in

On Thursday May 22nd via a text message, Sgt. Smith advised
he had dispatch put him out on a premise check, which is incorrect.

COMMUNICATIONS

Unit Activity Report

Unit: S266, Date/Time range: 05/03/2014 00:00:00 - 05/03/2014 23:59:59

Nature	Date	Disp.	Enroute	Arrive	Clear	Total	Location	Report #	Event #	Disp.	Comments
PADM	05/03/2014	06:51			07:07	0:16	MISSOURI CITY PD				
PADM	05/03/2014	07:08			07:16	0:08	PD				
PADM	05/03/2014	09:16			10:37	1:21	PD				
INVEST	05/03/2014	10:37		10:37	11:22	0:45	11800 MCLAIN BLVD		20140000386	NRP	
PREM	05/03/2014	11:34		11:34	11:41	0:07	1340 INDEPENDENCE BLVD		20140000386	NRP	
PADM	05/03/2014	11:52			12:34	0:42	PD				
PREM	05/03/2014	12:57		12:57	13:26	0:29	1340 INDEPENDENCE BLVD		20140000386	NRP	
PREM	05/03/2014	13:31		13:31	14:28	0:56	1917 MOORE RD		20140000386	NRP	NRPT
INVEST	05/03/2014	14:05		14:05	14:08	0:03	2621 COURT RD		20140000386	NRP	
Total Time						4:51					

COMMUNICATIONS

Event Report

Event ID: 2014-000038622

Call Ref #: 702

Date/Time Received: 05/03/14 10:37:21

Rpt #: Call Source: SELF	Prime S266 Unit: SMITH, DARYL L SR	Services Involved					
		<table border="1" style="margin: auto;"> <tr> <td style="width: 15%;">LAW</td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> </table>	LAW				
LAW							
Location: 11800 MCLAIN BLVD							
X-ST:	Jur: MC St/Beat: A	Service: LAW District: A11D					
Business:	Phone:	Agency: MCPD RA: 570L GP: GPA					
Nature: FIELD INVESTIGATION	Alarm Lvl: 1 Priority: 3	Medical Priority: 0					
Reclassified Nature:							
Caller: Addr:	Phone:	Alarm: Alarm Type:					
Vehicle #:	St: TX	Report Only: No					
		Race: Sex: Age:					
Call Taker: AMD704	Console: PDCAD2						
Geo-Verified Addr.: Yes	Nature Summary Code:	Disposition: NRPT Close Comments:					
Notes: UDTs: {S266} CHECK CLEAR [05/03/14 11:19:49 AMD704] UDTs: {S266} CHECK CLEAR [05/03/14 11:06:02 AMD704] UDTs: {S266} CHECK CLEAR [05/03/14 10:50:45 RJM663]							

Times

	Time From Call Received	
Call Received: 05/03/14 10:37:21		Unit Reaction: (1st Dispatch to 1st Arrive)
Call Routed: 05/03/14 10:37:22	000:00:01	En-Route: (1st Dispatch to 1st En-Route)
Call Take Finished: 05/03/14 10:37:22	000:00:01	On-Scene: 000:45:34 (1st Arrive to Last Clear)
1st Dispatch: 05/03/14 10:37:21	(Time Held)	
1st En-Route:		
1st Arrive: 05/03/14 10:37:21	(Reaction Time)	
Last Clear: 05/03/14 11:22:55	000:45:34	

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
S266	266	DXY	DispatchXY	05/03/14 10:37:21	3073995.00,13794645.00		AMD704
S266	266	D	Dispatched	05/03/14 10:37:21	Out Srv: [PADM] at PD		AMD704
S266	266	A	Arrived	05/03/14 10:37:21	Out Srv: [PADM] at PD		AMD704
S266	266	CKCL	{S266} CHECK CLEAR	05/03/14 10:50:45			RJM663
S266	266	CKCL	{S266} CHECK CLEAR	05/03/14 11:06:02			AMD704
S266	266	CKCL	{S266} CHECK CLEAR	05/03/14 11:19:49			AMD704
S266	266	C	Cleared	05/03/14 11:22:55		NRPT	Unit:S266

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	05/03/14 10:37:21	By: SELF		AMD704
		FIN	Finished Call Taking	05/03/14 10:37:22			AMD704
		ARM	Added Remarks	05/03/14 10:50:45			RJM663
		RSW	Reset Watchdog Timer	05/03/14 10:50:46	Units: S266 >>> 5Min.		RJM663
		ARM	Added Remarks	05/03/14 11:06:02			AMD704
		RSW	Reset Watchdog Timer	05/03/14 11:06:02	Units: S266 >>> 5Min.		AMD704
		ARM	Added Remarks	05/03/14 11:19:49			AMD704
		RSW	Reset Watchdog Timer	05/03/14 11:19:49	Units: S266 >>> 5Min.		AMD704

Phillip Englishbee

From: Phillip Englishbee
Sent: Thursday, May 22, 2014 4:01 PM
To: Yolanda Ford
Subject: Question....

Councilwoman Ford,

I am currently conducting an Internal Affairs investigation against Sergeant Daryl Smith, whereas the substance of the complaint against him is "Unbecoming Conduct", with one alleged incident occurring at a Fondren Park HOA meeting on April 08, 2014. In his statement, Sergeant Smith identified you as being present at the meeting and a possible witness to his actions, and requested I speak with you in that regard. If you wish to provide insight, feel free to contact me at 713-837-6201, it shouldn't take more than a couple of minutes. If you do not wish to be involved, simply reply to this email, stating so, if you don't mind.

Respectfully,

Phillip Englishbee

Administrative Sergeant
Missouri City Police Department
3849 Cartwright Rd.
Missouri City, Texas 77459
281-403-5807
english@missouricitytx.gov



Police

Michael A. Berezin
Interim Chief of Police



Notification Letter

Subject Employee: Sergeant Daryl Smith

Assigned Investigator: Sergeant Phillip Englishbee

CC: Captain Kevin Williams
Captain Lance Bothell
Assistant Chief Keith Jemison
Interim Chief Mike Berezin

PSI Number: 14-0014 (System Number 42)

Date: May 15, 2014

The purpose of this correspondence is to inform you that I have been assigned to conduct a professional standards investigation and/or an administrative inquiry referencing a complaint made against you adopted by the Office of the Chief of Police. The initial allegation includes the following policy violation(s):

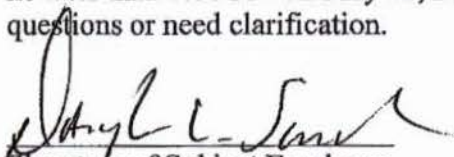
Policy 10-01 Code of Conduct V. D. 2 (Discourteous-Insulting Language / Temperament Actions)

Policy 10-01 Code of Conduct V. D. 23 (Use of Position / Identification for Personal Gain)

Policy 10-01 Code of Conduct V. D. 28 (Unbecoming Conduct)

Policy 30-16 Mobile Video Recording III. A. 4 (Fail to Activate MVR)

You are hereby instructed **not to communicate with anyone concerning this investigation other than myself, Captain Kevin Williams or Assistant Chief Keith Jemison.** You are directed to provide me a written response to the alleged complaint(s) no later than 1:00 PM on May 15, 2014. Feel free to contact me should you have questions or need clarification.


Signature of Subject Employee


Administrative Asst. Chief

PL



Police

Michael A. Berezin
Interim Chief of Police



Notification Letter

Subject Employee: Sergeant Daryl Smith

Assigned Investigator: Sergeant Phillip Englishbee

CC: Captain Kevin Williams
Captain Lance Bothell
Assistant Chief Keith Jemison
Interim Chief Mike Berezin

PSI Number: 14-0014 (System Number 42)


Date: May 28, 2014


The purpose of this correspondence is to inform you, additional policy violations against you are being investigated in reference to the above mentioned Professional Standards Investigation (PSI). On May 15, 2014 you received and signed a PSI notification letter in regards to PSI 14-0014 that was notarized following your signature and the signature of Assistant Chief K. Jemison. At the bottom of that letter, as well as this notification, you were instructed not to communicate with anyone concerning the investigation, other than myself (Sgt. P. Englishbee), Captain Kevin Williams or Assistant Chief Keith Jemison. On May 27, 2014, you allegedly violated that order. As a result, the PSI against you now includes the following policy violation(s):

Policy 10-01 Code of Conduct V.B.1 (Disobey law, policy, etc)

Policy 10-01 Code of Conduct V.G.4 (Interfere with operations)

You are hereby instructed once again, **not to communicate with anyone concerning this investigation other than myself, Captain Kevin Williams or Assistant Chief Keith Jemison.** You are directed to provide me a written response to the alleged complaint(s) no later than 1:00 PM on May 15, 2014. Feel free to contact me should you have questions or need clarification.


Signature of Subject Employee


Administrative Asst. Chief



Police

Mike Berezin
Interim Chief of Police



To: Sgt. Englishbee
From: Robert Girndt, RSM
Subj: Daryl Smith
Date: May 27, 2014

On this date Sgt. Smith came to my office and asked if he could listen to the radio traffic from an incident that occurred on May 3rd. It was the same incident that you had previously asked me to find and record to disc.

I advised him that I had already recorded the radio traffic and given it to you. He asked again if he could listen to it. He stated that he is sure that he checked out on a premise check. After listening to it he did hear that he checked out "for a sec". He then left my office.

City of Missouri City
PERFORMANCE IMPROVEMENT PLAN

Employee Name	SMITH, DARYL	Employee ID	266
Position	PATROL SERGEANT	Department	POLICE
Division	PATROL	Location	PSHO
Appraiser	BURLESON, KEVIN	Date	06-24-2014

The Performance Improvement Plan (PIP) may be used to facilitate discussion between the employee and his or her supervisor to clarify performance (work) to be improved and expectations (behavior) or measures. If an employee's performance falls below the expected level, the manager should have a discussion with the employee, develop a PIP, if needed, and establish a time frame for correcting the performance deficiency that includes review dates, improvement expected etc. This form should also be signed by all parties involved.

Performance in need of improvement: (List the goals and behavior the employee will perform/achieve to improve performance. Include skill development and changes needed to meet performance expectations.)

- Ensure you activate your Mobile Video Recorder at all times pursuant to Policy
- Do not wear your Police Uniform to personal HOA meetings
- Always be courteous to the public
- Take steps to more fully embrace the responsibilities of being a supervisor for the Missouri City Police Department in keeping with the mission and vision.
- Maintain a healthy distance between professional responsibilities and personal responsibilities.
- Adhere to both the letter and the spirit of departmental policies and model those behaviors consistent with both.

By what date should the employee show improvement? :
Immediately

How will the employee know his or her performance has improved or been corrected?
As the supervisor of Sgt. Smith I will monitor his actions for compliance and report to him my findings.
At the end of the time period we will meet and review your performance during the plan.

What will the supervisor do to help?:
Offer assistance and guidance as needed.
Monitor meetings and interactions with the public to ensure compliance.
Conduct random checks of the video system for proper use.

What additional events or activities will help the employee achieve his or her goal(s)?:

How many days will it take to see progress?:
Immediately

Summarize changes identified at various intervals:

Employee has achieved the required improvement(s) described above.

Employee has not achieved the required improvement(s) described above.

Comments and Recommendations

This PIP will be in effect for a period of not less than six (6) months or 12/31/14.
Failure to adhere to the provisions there of will subject the member to progressive sanctions up to potential demotion or removal.

By signing below, the Employee and Appraiser(s) acknowledge that they have discussed the content of this Employee Form. They each understand that this form is non-binding, but serves as a supplement to the evaluation process and therefore does not affect the employee/employer relationship.

Employee Signature
Daryl L. Smith
Approved by: SMITH, DARYL

Date
6-25-14

Appraiser Signature
Kevin Burleson
BURLESON, KEVIN

Date
6-25-14



Police

Michael Berezin
Interim Chief of Police



MEMORANDUM FOR RECORD

To: Michael Berezin, Chief of Police
From: Keith Jemison, Assistant Chief of Police
Date: June 3, 2014
Subject: Correction of Letter of Discipline

On June 3rd, 2014, I met with Sergeant D. Smith to issue a letter of discipline pursuant to PSI Complaint 14-00014. During that meeting, Sergeant Smith requested that his suspension dates be adjusted from June 16th and 17th to June 11th and 12th. I am approving his request.

IA/PSD CASE REPORT

IA/PSD#: 160010

System #: 82

The information contained in this report is CONFIDENTIAL.

File Class: CLASS II Date Occurred: 05/28/2016 Date Reported: 06/10/2016
 Comp Type: DEPARTMENTAL Time Occurred: 1233 Time Reported: 1233
 Location: 4911 COTTER LAKE DR Beat: D Zone: D
 MISSOURI CITY TX
 Date IA/PSD: 06/10/2016 Date to Chain: Date to Chief: Date Expired:
 Status: Sustained Status Date: 09/21/2016 Assnd To: YORK, J. A.

ASSOCIATED NAMES

IO CHEEKS, KALEN A Sex:M Race:B Age:27 6800 WINDHAVEN PKY APT 310
 IE SMITH, DARYL L Sex:M Race:B Action:NONE
 IE LIMBOUSIS, KONSTANTINO G Sex:M Race:W Action:NONE
 IE STAHL, ERIC Sex:M Race:W Action:NONE
 IE AVEN, AARON Z Sex:M Race:W Action:NONE
 IE FAHEY, PATRICK Sex:M Race:W Action:NONE
 IE LARSON, ROBERT Sex:M Race:W Action:NONE
 IE LANE, SHARON Sex:F Race:B Action:NONE
 IE HOPKINS, AARIC P Sex:M Race:B Action:NONE

INJURED PERSONS

IO CHEEKS, KALEN A
 Severity:MINOR Injury:Minor Injuries Method: Treatment:Transported To Hospital
 UOF

IE SMITH, DARYL L
 Weapon1:Pointed Firearm Count:1 Effective:
 Weapon2:Other Count:1 Effective:
 IE LIMBOUSIS, KONSTANTINO G
 Weapon1:Ecw Threat Count:3 Effective:
 Weapon2:Firearm Displayed Count:1 Effective:
 IE STAHL, ERIC
 Weapon1:Pointed Firearm Count:1 Effective:Yes
 IE AVEN, AARON Z
 Weapon1:Pointed Firearm Count:1 Effective:
 IE FAHEY, PATRICK
 Weapon1:Pointed Firearm Count:1 Effective:Yes

SUMMARY/NOTES

On 5/28/16 a b/m subject was spotted at the Chillis parking lot in a stolen Vehicle. The victim spotted the subject backed into a spot near the chillis. The subject resisted arrest and evaded in the stolen vehicle causing at least two accidents and injury to a person. The subject wrecked out in the vehicle in the 19800 block of S University . The subject drove on the wrong side of the road several times during the incident. The subject was placed into custody. The victims vehicle was stolen out of Fort Bend county. Fort Bend arrived on scene and recovered the vehicle. [07/01/2016 09:25, MAC805, 59, MCPD]

PURSUIT

Date:06/28/2016 TimeBegin:1347 TimeEnd:1405 Start Beat/Tract: End Beat/Tract:

Start Location:5788 SH 6 End Location:19800 S. UNIVERSITY
Area:Concrete Reason:Known Criminal Offense PD Veh.Typ.:PAT
Suspect Veh. Type:Passenger Car Additional Officers:10 Distance:18
Top Speed:106 Terminated by:Suspect Complies with G.O./Policy:Yes
Arrests:Yes Juvenile:No Stop Sticks:No Road Block:No R/B Effective:No Air Support:No
Accident:Yes Type:Minor Accident -INJURIES- Suspect:Yes Employee:No Others:Yes
Fatalities:No
Damage Amount(s) Property: 0 Vehicles:0

IA/PSD (MCPD 16-0010) Tracking

Time	Action	Description	Officer	Time Spent (Mins)
09/21/2016 13:42	SUSTAINED	SUSTAINED (Case status was changed to SUST)	WILLIAMS, D. G.	5.00
Total Time Spent in Minutes:				<u>5.00</u>

Exhibits

A – Call for Service	3
B – White Paper Notification	12
C – Incident/Investigation Report	14
D – Case Supplement Report – S. Smith	22
D2 – Case Supplement Report P. Fahey	23
D3 – Case Supplement Report A. Aven	25
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D5 – Case Supplement Report S. Romero	28
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E2 – A. Aven Original Crash Report	33
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Event Report

Event ID: 2016-000051827 Call Ref #: 277 Date/Time Received: 05/28/16 12:33:51

Rpt #: 16-003614	Call Source: PHONE	Prime A619 Unit: LIMBOUSIS, KONSTANTIO	Services Involved			
			LAW	FIRE		
Location: 4911 COTTER LAKE DR			Jur: MC	Service: LAW	Agency: MCP	
X-ST: GRANITE LAKE DR			St/Beat: D	District: G08B	RA: 609F	
Business: RESIDENT	Phone: () -				GP: GPD	
Nature: ASSIST OTHER AGENCY	Alarm Lvl: 1	Priority: 3	Medical Priority:			
Caller: LEWIS, SHAUNA					Alarm:	
Addr: 4911 COTTER LAKE DR	Phone: (832) 264-9323				Alarm Type:	
Vehicle # [REDACTED]	St: [REDACTED]	Report Only: No	Race:	Sex:	Age:	
Call Taker: TGV100	Console: MCPD046					
Geo-Verified Addr.: Yes		Nature Summary Code:	Disposition: RPT	Close Comments:		
Notes: See Event Notes Addendum at end of this report						

Times			
Call Received: 05/28/16 12:33:51	Time From Call Received		
Call Routed: 05/28/16 12:37:24	000:03:33	Unit Reaction: 000:11:30	(1st Dispatch to 1st Arrive)
Call Take Finished: 05/28/16 12:37:24	000:03:33	En-Route: 000:01:10	(1st Dispatch to 1st En-Route)
1st Dispatch: 05/28/16 12:40:42	000:06:51 (Time Held)	On-Scene: 005:51:47	(1st Arrive to Last Clear)
1st En-Route: 05/28/16 12:41:52	000:08:01		
1st Arrive: 05/28/16 12:52:12	000:18:21 (Reaction Time)		
Last Clear: 05/28/16 18:43:59	006:10:08		

Radio Log						Close Code	User
Unit	Empl ID	Type	Description	Time Stamp	Comments		
D796	796	D	Dispatched	05/28/16 12:40:42	Out Srv: [NPAT] at NEW POINT		ADI377
D796	796	HIT	Potential Hit	05/28/16 12:41:25	Unit received a potential NCIC/State hit		Unit:D796
D796	796	HIT	Potential Hit	05/28/16 12:41:25	Unit received a potential NCIC/State hit		Unit:D796
D796	796	ENT	Entered Vehicleid	05/28/16 12:41:26	[Vin: [REDACTED] licpl_no:]		Unit:D796
D796	796	E	En-Route	05/28/16 12:41:52			Unit:D796
C817	817	D	Dispatched	05/28/16 12:43:03	Stat/Beat: C		Unit:C817
C817	817	E	En-Route	05/28/16 12:43:03	Stat/Beat: C		Unit:C817
C817	817	A	Arrived	05/28/16 12:52:12			TGV100
D796	796	A	Arrived	05/28/16 12:57:58			Unit:D796
C817	817	C	Cleared	05/28/16 13:12:49		AOA	Unit:C817
D796	796	C	Cleared	05/28/16 13:13:02		NRPT	Unit:D796
D796	796	D	Dispatched	05/28/16 13:14:36	Stat/Beat: D		ADI377
D796	796	E	En-Route	05/28/16 13:14:36	Stat/Beat: D		ADI377
D856	856	D	Dispatched	05/28/16 13:15:04	Stat/Beat: D		Unit:D856
D856	856	E	En-Route	05/28/16 13:15:04	Stat/Beat: D		Unit:D856
C817	817	D	Dispatched	05/28/16 13:16:07	Stat/Beat: C		Unit:C817
C817	817	E	En-Route	05/28/16 13:16:07	Stat/Beat: C		Unit:C817
D796	796	A	Arrived	05/28/16 13:16:22			ADI377
D856	856	C	Cleared	05/28/16 13:18:34		DRPD	Unit:D856

Exhibit A

Unit	Empl ID	Type	Description	Time Stamp	Radio Log		Close Code	User
						Comments		
C817	817	C	Cleared	05/28/16 13:18:49			DRPD	Unit:C817
D796	796	C	Cleared	05/28/16 13:24:33			NRPT	Unit:D796
A862	862	D	Dispatched	05/28/16 13:42:32	Stat/Beat: A			Unit:A862
A862	862	E	En-Route	05/28/16 13:42:32	Stat/Beat: A			Unit:A862
A687	687	D	Dispatched	05/28/16 13:42:36	Stat/Beat: A			TGV100
A687	687	E	En-Route	05/28/16 13:42:36	Stat/Beat: A			TGV100
D796	796	E	En-Route	05/28/16 13:43:46	Out Srv: [MEAL] at OLD HIC			TGV100
D796	796	D	Dispatched	05/28/16 13:43:46	Out Srv: [MEAL] at OLD HIC			TGV100
D863	863	D	Dispatched	05/28/16 13:44:03	Out Evt: [A] at 3406 MEADOWVIEW DR			TGV100
D863	863	E	En-Route	05/28/16 13:44:03	Out Evt: [A] at 3406 MEADOWVIEW DR			TGV100
C817	817	D	Dispatched	05/28/16 13:44:05	On Evt: [A] at 3406 MEADOWVIEW DR			Unit:C817
C817	817	E	En-Route	05/28/16 13:44:05	On Evt: [A] at 3406 MEADOWVIEW DR			Unit:C817
S266	266	D	Dispatched	05/28/16 13:44:55	Out Evt: [A] at 3406 MEADOWVIEW DR			TGV100
S266	266	E	En-Route	05/28/16 13:44:55	Out Evt: [A] at 3406 MEADOWVIEW DR			TGV100
D619	619	D	Dispatched	05/28/16 13:45:40	Stat/Beat: D			TGV100
D619	619	A	Arrived	05/28/16 13:45:40	Stat/Beat: D			TGV100
D856	856	D	Dispatched	05/28/16 13:45:41	Out Srv: [MEAL] at OLD HICK			Unit:D856
D856	856	E	En-Route	05/28/16 13:45:41	Out Srv: [MEAL] at OLD HICK			Unit:D856
D796	796	A	Arrived	05/28/16 13:46:14				Unit:D796
D619	619	X	Canceled	05/28/16 13:46:28	WRONG UNIT			TGV100
D796	796	L	Location Change	05/28/16 13:48:23	LAKE O			ADI377
D796	796	L	Location Change	05/28/16 13:48:55	KNIGHTS COURT			ADI377
D796	796	L	Location Change	05/28/16 13:49:02	CHINESE CHURCH			ADI377
D796	796	L	Location Change	05/28/16 13:49:57	SIENNA RANCHG			ADI377
A687	687	A	Arrived	05/28/16 13:50:42				LLF117
A862	862	A	Arrived	05/28/16 13:50:45				LLF117
C817	817	A	Arrived	05/28/16 13:50:47				LLF117
D856	856	A	Arrived	05/28/16 13:50:49				LLF117
S266	266	A	Arrived	05/28/16 13:50:50				TGV100
D863	863	A	Arrived	05/28/16 13:50:52				LLF117
D796	796	L	Location Change	05/28/16 13:50:54	TRAMMEL FRESNO			ADI377
D796	796	L	Location Change	05/28/16 13:51:20	VICKBURG			ADI377
D796	796	L	Location Change	05/28/16 13:51:40	PASSING TOLL ROAD			ADI377
D796	796	L	Location Change	05/28/16 13:53:29	SIENNA			ADI377
D796	796	L	Location Change	05/28/16 13:54:13	SIENNA RQANCH			ADI377
D796	796	L	Location Change	05/28/16 13:54:31	LEFT ON SILVER RIDGE			ADI377
D619	619	D	Dispatched	05/28/16 13:55:19	Stat/Beat: D			LLF117
D619	619	A	Arrived	05/28/16 13:55:23				LLF117
D619	619	X	Canceled	05/28/16 13:55:40	WRONG UNIT NUMBER			TGV100
A619	619	D	Dispatched	05/28/16 13:55:46	Stat/Beat: A			TGV100
A619	619	A	Arrived	05/28/16 13:55:46	Stat/Beat: A			TGV100
D796	796	L	Location Change	05/28/16 13:56:02	SH 6			ADI377
D796	796	L	Location Change	05/28/16 13:56:45	KNIGHT/SH 6			ADI377
D796	796	L	Location Change	05/28/16 13:58:05	SH 6			ADI377
D796	796	L	Location Change	05/28/16 13:58:23	SH 6 NB			ADI377
D796	796	L	Location Change	05/28/16 13:58:38	LAKE SHORE/ SH 6			ADI377
D796	796	L	Location Change	05/28/16 13:59:09	NB SH 6			ADI377
D796	796	L	Location Change	05/28/16 13:59:54	OYSTER CREEK			ADI377
D796	796	L	Location Change	05/28/16 14:01:44	GLEN LAKES			ADI377
D796	796	L	Location Change	05/28/16 14:02:14	KROGER GAS STATION			ADI377
D796	796	L	Location Change	05/28/16 14:02:17	CHICK FIL A			ADI377
D796	796	L	Location Change	05/28/16 14:02:41	GLENN LAKES			ADI377
D796	796	L	Location Change	05/28/16 14:03:07	S UNIVERSITY WRONG WAY			ADI377
D796	796	C	Cleared	05/28/16 14:30:35	BKUP			TGV100

Exhibit A
7/8/16

					Radio Log	Close	
Unit	Empl ID	Type	Description	Time Stamp	Comments	Code	User
D796	796	D	Dispatched	05/28/16 14:30:57	Stat/Beat: D		TGV100
D796	796	A	Arrived	05/28/16 14:30:57	Stat/Beat: D		TGV100
D796	796	ENT	Entered Vehicleid	05/28/16 14:31:10	[Vin:] [REDACTED] [licpl_no:]		Unit:D796
D796	796	C	Cleared	05/28/16 14:36:31		BKUP	Unit:D796
A687	687	L	Location Change	05/28/16 14:38:04	HOSPITAL /SUGARLAND ST LUKES		TGV100
S266	266	C	Cleared	05/28/16 14:44:36		BKUP	Unit:S266
A862	862	X	Canceled	05/28/16 14:51:44	Pre-empted to Event # 2016000051859		Unit:A862
D796	796	D	Dispatched	05/28/16 14:57:27	Stat/Beat: D		Unit:D796
D796	796	E	En-Route	05/28/16 14:57:27	Stat/Beat: D		Unit:D796
D796	796	A	Arrived	05/28/16 14:57:29			Unit:D796
A619	619	HIT	Potential Hit	05/28/16 15:15:18	Unit received a potential NCIC/State hit		Unit:A619
A619	619	HIT	Potential Hit	05/28/16 15:15:18	Unit received a potential NCIC/State hit		Unit:A619
D856	856	C	Cleared	05/28/16 15:20:49		BKUP	Unit:D856
D796	796	C	Cleared	05/28/16 15:22:00		BKUP	Unit:D796
C817	817	C	Cleared	05/28/16 15:24:00		BKUP	Unit:C817
D863	863	L	Location Change	05/28/16 15:33:06	ST LUKES SL		ADI377
D863	863	A	Arrived	05/28/16 15:33:11			ADI377
D796	796	A	Arrived	05/28/16 15:35:31	Stat/Beat: D		TGV100
D796	796	D	Dispatched	05/28/16 15:35:31	Stat/Beat: D		TGV100
D796	796	C	Cleared	05/28/16 15:40:04		BKUP	Unit:D796
D863	863	C	Cleared	05/28/16 15:41:09		BKUP	Unit:D863
D856	856	D	Dispatched	05/28/16 17:34:53	Stat/Beat: D		Unit:D856
D856	856	E	En-Route	05/28/16 17:34:53	Stat/Beat: D		Unit:D856
D856	856	C	Cleared	05/28/16 17:35:45	BKUP	BKUP	TGV100
A687	687	A	Arrived	05/28/16 17:39:22			TGV100
A687	687	C	Cleared	05/28/16 18:19:13		BKUP	Unit:A687
A619	619	C	Cleared	05/28/16 18:43:59		RPT	Unit:A619

					Event Log	Close	
Unit	Empl ID	Type	Description	Time Stamp	Comments	Code	User
		TR	Time Received	05/28/16 12:33:51	By: PHONE		TGV100
		ENT	Entered Street	05/28/16 12:33:55	4911 COTTER LAKE DR		TGV100
		ENT	Entered Nature	05/28/16 12:34:01	AREA CHECK		TGV100
		ENT	Entered	05/28/16 12:34:13	LEWIS, SHAUNA		TGV100
		ENT	Entered CallerPhone	05/28/16 12:34:29	8322649323		TGV100
		FIN	Finished Call Taking	05/28/16 12:37:24			TGV100
		ARM	Added Remarks	05/28/16 12:37:24			TGV100
		CHG	Changed Nature	05/28/16 12:37:35	AREA CHECK --> ASSIST OTHER		TGV100
D796		VER	Viewed Emergency	05/28/16 12:41:29	Potential NCIC/State Hit		ADI377
D796		VER	Viewed Emergency	05/28/16 12:41:29	Potential NCIC/State Hit		ADI377
D796		VER	Viewed Emergency	05/28/16 12:41:30	Potential NCIC/State Hit		TGV100
D796		VER	Viewed Emergency	05/28/16 12:41:31	Potential NCIC/State Hit		TGV100
D796		VER	Viewed Emergency	05/28/16 12:41:32	Potential NCIC/State Hit		LLF117
D796		VER	Viewed Emergency	05/28/16 12:41:33	Potential NCIC/State Hit		LLF117
		ARM	Added Remarks	05/28/16 12:42:06			ADI377
		ARM	Added Remarks	05/28/16 12:52:10			TGV100
		ARM	Added Remarks	05/28/16 12:58:08			ADI377
		ARM	Added Remarks	05/28/16 13:02:33			LLF117
		ARM	Added Remarks	05/28/16 13:06:38			ADI377
		ARM	Added Remarks	05/28/16 13:10:59			ADI377
		ARM	Added Remarks	05/28/16 13:12:22			Unit:C817
		ARM	Added Remarks	05/28/16 13:12:48			Unit:D796
		ROP	Re-Opened Event	05/28/16 13:13:50	PER CALLER		TGV100
		ARM	Added Remarks	05/28/16 13:14:29			TGV100

Exhibit A

Unit	Empl ID	Type	Description	Time Stamp	Event Log Comments	Close Code	User
		ARM	Added Remarks	05/28/16 13:15:12			ADI377
		ARM	Added Remarks	05/28/16 13:16:20			ADI377
		ARM	Added Remarks	05/28/16 13:17:20			ADI377
		ARM	Added Remarks	05/28/16 13:18:30			Unit:0856
		ARM	Added Remarks	05/28/16 13:18:42			TGV100
		ARM	Added Remarks	05/28/16 13:22:53			ADI377
		ROP	Re-Opened Event	05/28/16 13:40:58	CALLER FOUND HER CAR		TGV100
		ARM	Added Remarks	05/28/16 13:41:30			TGV100
		ARM	Added Remarks	05/28/16 13:43:39			TGV100
		ARM	Added Remarks	05/28/16 13:44:20			ADI377
		ARM	Added Remarks	05/28/16 13:44:51			TGV100
		HOL	HOLD CHANNEL	05/28/16 13:46:43			TGV100
		ARM	Added Remarks	05/28/16 13:46:43			TGV100
		ARM	Added Remarks	05/28/16 13:46:50			ADI377
		ARM	Added Remarks	05/28/16 13:46:57			ADI377
		ARM	Added Remarks	05/28/16 13:47:10			ADI377
		ARM	Added Remarks	05/28/16 13:47:22			ADI377
		ARM	Added Remarks	05/28/16 13:47:40			ADI377
		ARM	Added Remarks	05/28/16 13:47:51			ADI377
		ARM	Added Remarks	05/28/16 13:48:05			ADI377
		ARM	Added Remarks	05/28/16 13:48:19			ADI377
		ARM	Added Remarks	05/28/16 13:48:37			ADI377
		ARM	Added Remarks	05/28/16 13:49:10			ADI377
		ARM	Added Remarks	05/28/16 13:49:15			ADI377
		ARM	Added Remarks	05/28/16 13:49:22			ADI377
		ARM	Added Remarks	05/28/16 13:49:32			ADI377
		ARM	Added Remarks	05/28/16 13:49:39			ADI377
		ARM	Added Remarks	05/28/16 13:49:49			ADI377
		ARM	Added Remarks	05/28/16 13:50:20			ADI377
		ARM	Added Remarks	05/28/16 13:50:27			ADI377
		ARM	Added Remarks	05/28/16 13:51:05			ADI377
		ARM	Added Remarks	05/28/16 13:51:11			ADI377
		ARM	Added Remarks	05/28/16 13:51:34			ADI377
		ARM	Added Remarks	05/28/16 13:51:45			ADI377
		ARM	Added Remarks	05/28/16 13:52:12			ADI377
		ARM	Added Remarks	05/28/16 13:52:32			ADI377
		ARM	Added Remarks	05/28/16 13:52:53			ADI377
		ARM	Added Remarks	05/28/16 13:52:58			ADI377
		ARM	Added Remarks	05/28/16 13:53:27			ADI377
		ARM	Added Remarks	05/28/16 13:53:48			ADI377
		ARM	Added Remarks	05/28/16 13:54:07			ADI377
		ARM	Added Remarks	05/28/16 13:54:51			ADI377
		ARM	Added Remarks	05/28/16 13:54:59			ADI377
		ARM	Added Remarks	05/28/16 13:55:28			ADI377
		ARM	Added Remarks	05/28/16 13:55:33			ADI377
		ARM	Added Remarks	05/28/16 13:55:46			ADI377
		ARM	Added Remarks	05/28/16 13:55:59			ADI377
		ARM	Added Remarks	05/28/16 13:56:11			ADI377
		ARM	Added Remarks	05/28/16 13:56:35			ADI377
		ARM	Added Remarks	05/28/16 13:56:55			ADI377
		ARM	Added Remarks	05/28/16 13:56:59			ADI377
		ARM	Added Remarks	05/28/16 13:57:10			ADI377
		ARM	Added Remarks	05/28/16 13:57:23			ADI377
		ARM	Added Remarks	05/28/16 13:57:46			ADI377

Exhibit A

Unit	Empl ID	Type	Description	Time Stamp	Event Log Comments	Close Code	User
		ARM	Added Remarks	05/28/16 13:57:57			ADI377
		ARM	Added Remarks	05/28/16 13:58:02			ADI377
		ARM	Added Remarks	05/28/16 13:58:14			TGV100
		ARM	Added Remarks	05/28/16 13:58:21			TGV100
		ARM	Added Remarks	05/28/16 13:58:28			TGV100
		ARM	Added Remarks	05/28/16 13:58:57			TGV100
		ARM	Added Remarks	05/28/16 13:59:16			TGV100
		ARM	Added Remarks	05/28/16 13:59:38			ADI377
		ARM	Added Remarks	05/28/16 13:59:49			ADI377
		ARM	Added Remarks	05/28/16 14:00:26			ADI377
		ARM	Added Remarks	05/28/16 14:00:51			ADI377
		ARM	Added Remarks	05/28/16 14:01:06			ADI377
		ARM	Added Remarks	05/28/16 14:01:12			ADI377
		ARM	Added Remarks	05/28/16 14:01:25			ADI377
		ARM	Added Remarks	05/28/16 14:01:31			TGV100
		ARM	Added Remarks	05/28/16 14:01:41			ADI377
		ARM	Added Remarks	05/28/16 14:02:04			TGV100
		ARM	Added Remarks	05/28/16 14:02:27			ADI377
		ARM	Added Remarks	05/28/16 14:02:52			LLF117
		ARM	Added Remarks	05/28/16 14:02:53			ADI377
		ARM	Added Remarks	05/28/16 14:03:19			ADI377
		ARM	Added Remarks	05/28/16 14:03:24			ADI377
		ARM	Added Remarks	05/28/16 14:03:32			ADI377
		FF	Fast Forward to FIRE	05/28/16 14:03:52	FIRE		LLF117
		SP	Spawned	05/28/16 14:04:03	Spawned FIRE event #2016000051851,		LLF117
		ARM	Added Remarks	05/28/16 14:04:30			ADI377
		ARM	Added Remarks	05/28/16 14:04:53			ADI377
		ARM	Added Remarks	05/28/16 14:04:54			LLF117
		ARM	Added Remarks	05/28/16 14:05:16			TGV100
		ARM	Added Remarks	05/28/16 14:05:29			LLF117
		ARM	Added Remarks	05/28/16 14:05:30			TGV100
		ARM	Added Remarks	05/28/16 14:05:44			ADI377
		ARM	Added Remarks	05/28/16 14:06:44			ADI377
		ARM	Added Remarks	05/28/16 14:06:49			ADI377
		ARM	Added Remarks	05/28/16 14:06:54			LLF117
		ARM	Added Remarks	05/28/16 14:07:05			TGV100
		ARM	Added Remarks	05/28/16 14:08:16			ADI377
		ARM	Added Remarks	05/28/16 14:09:21			TGV100
		ARM	Added Remarks	05/28/16 14:09:22			ADI377
		ARM	Added Remarks	05/28/16 14:10:02			TGV100
		ARM	Added Remarks	05/28/16 14:10:42			ADI377
		ARM	Added Remarks	05/28/16 14:10:50			LLF117
		ARM	Added Remarks	05/28/16 14:13:40			ADI377
		ARM	Added Remarks	05/28/16 14:14:18			TGV100
		ARM	Added Remarks	05/28/16 14:15:11			LLF117
D796		RPT	Requested Report#	05/28/16 14:15:15	MCPD Report #16-003614	NRPT	ADI377
		ARM	Added Remarks	05/28/16 14:15:37			TGV100
		ARM	Added Remarks	05/28/16 14:16:12			ADI377
		ARM	Added Remarks	05/28/16 14:16:14			TGV100
		ARM	Added Remarks	05/28/16 14:16:40			ADI377
		ARM	Added Remarks	05/28/16 14:18:40			TGV100
		ARM	Added Remarks	05/28/16 14:19:10			TGV100
		ARM	Added Remarks	05/28/16 14:20:55			TGV100
		ARM	Added Remarks	05/28/16 14:23:55			TGV100

Exhibit A

Unit	Empl ID	Type	Description	Time Stamp	Event Log Comments	Close Code	User
		ARM	Added Remarks	05/28/16 14:25:04			TGV100
		ARM	Added Remarks	05/28/16 14:27:35			LLF117
		ARM	Added Remarks	05/28/16 14:30:20			TGV100
		ARM	Added Remarks	05/28/16 14:32:50			TGV100
		ARM	Added Remarks	05/28/16 14:33:44			LLF117
		ARM	Added Remarks	05/28/16 14:33:59			ADI377
		ARM	Added Remarks	05/28/16 14:34:00			TGV100
		ARM	Added Remarks	05/28/16 14:34:00			LLF117
		ARM	Added Remarks	05/28/16 14:34:22			TGV100
		ARM	Added Remarks	05/28/16 14:34:30			Unit:D796
		ARM	Added Remarks	05/28/16 14:35:28			TGV100
		ARM	Added Remarks	05/28/16 14:36:08			TGV100
		ARM	Added Remarks	05/28/16 14:36:25			Unit:D796
		WRR	Wrecker Rotation	05/28/16 14:36:41	ELITE COLLISION for vehicle [REDACTED] 130		TGV100
		WRC	Wrecker Change	05/28/16 14:36:51	Vehicle [REDACTED] ELITE COLLISION		TGV100
		WRR	Wrecker Rotation	05/28/16 14:36:56	QUALITY WRECKER for vehicle		TGV100
		WRC	Wrecker Change	05/28/16 14:37:17	Vehicle [REDACTED] QUALITY WRECKER		TGV100
		ARM	Added Remarks	05/28/16 14:37:51			TGV100
		ARM	Added Remarks	05/28/16 14:41:18			TGV100
		ENT	Entered VehicleState	05/28/16 14:41:35	[REDACTED] 130	NRPT	TGV100
		ENT	Entered VehicleID	05/28/16 14:41:35	[REDACTED] 130	NRPT	TGV100
		ENT	Entered LicenseType	05/28/16 14:41:35	[REDACTED] 130	NRPT	TGV100
A862		LICQ	QRY:LIC	05/28/16 14:41:35	UNIT:A862 TAG: [REDACTED] 120		TGV100
		VHQ	Vehicle Query	05/28/16 14:41:35	Tag [REDACTED] State: [REDACTED] Type: [REDACTED] 130		TGV100
		LINK	Linked Events	05/28/16 14:43:20	Linked Events 2016-000051827(277) to		TGV100
		ARM	Added Remarks	05/28/16 14:43:20			TGV100
		ARM	Added Remarks	05/28/16 14:44:47			TGV100
		ARM	Added Remarks	05/28/16 14:51:17			LLF117
		ARM	Added Remarks	05/28/16 14:53:53			TGV100
		ARM	Added Remarks	05/28/16 14:57:18			Unit:D796
		CHG	Changed PrimeUnit	05/28/16 15:11:52	C817 --> A619		Unit:A619
A619		VER	Viewed Emergency	05/28/16 15:15:24	Potential NCIC/State Hit		TGV100
A619		VER	Viewed Emergency	05/28/16 15:15:24	Potential NCIC/State Hit		TGV100
A619		VER	Viewed Emergency	05/28/16 15:15:25	Potential NCIC/State Hit		LLF117
A619		VER	Viewed Emergency	05/28/16 15:15:26	Potential NCIC/State Hit		LLF117
A619		VER	Viewed Emergency	05/28/16 15:15:28	Potential NCIC/State Hit		ADI377
A619		VER	Viewed Emergency	05/28/16 15:15:29	Potential NCIC/State Hit		ADI377
A619		VER	Viewed Emergency	05/28/16 15:20:27	Potential NCIC/State Hit		SMB438
A619		VER	Viewed Emergency	05/28/16 15:20:29	Potential NCIC/State Hit		SMB438
		ARM	Added Remarks	05/28/16 15:20:45			Unit:D856
		ARM	Added Remarks	05/28/16 15:21:53			Unit:C817
		ARM	Added Remarks	05/28/16 15:32:15			ADI377
		ARM	Added Remarks	05/28/16 15:32:56			ADI377
		ARM	Added Remarks	05/28/16 15:36:06			TGV100
		ARM	Added Remarks	05/28/16 15:37:50			Unit:D796
		ARM	Added Remarks	05/28/16 15:41:04			Unit:D863
		ARM	Added Remarks	05/28/16 17:57:44			TGV100
		LINK	Linked Events	05/28/16 18:02:08	Linked Events 2016-000051827(277) to		TGV100
		ARM	Added Remarks	05/28/16 18:02:08			TGV100
		ARM	Added Remarks	05/28/16 18:19:09			Unit:A687

Exhibit A

Event ID: 2016-0000518 Call Ref #: 277 ASSIST OTHER AGENCY at 4911 COTTER LAKE DR

Unit	Empl ID	Type	Description	Time Stamp	Event Log Comments	Close Code	User
------	---------	------	-------------	------------	-----------------------	---------------	------

Event Notes Addendum

Notes: assisted at the end of pursuit and rode with ems to hospital, see suppl [05/28/16 18:19:09 Unit:A687]
 Linked Events 2016-000051827(277) to 2016-000051898(332) [05/28/16 18:02:08 TGV100]
 CHEEKS IN CUSTODY FOR EVADING ARREST/DETENTION IN VEH/RESISTING ARREST/ACCIDENT INVOLVING INJURY/UUMV / IN CUSTODY 1404 [05/28/16 17:57:44 TGV100]
 checked by to assist with pursuit. see supplement [05/28/16 15:41:04 Unit:D863]
 recovered lp from stolen vehicle [05/28/16 15:37:50 Unit:D796]
 {D796} I HAVE THE LP [05/28/16 15:36:06 TGV100]
 CALLER IS LEAVIN GLOC [05/28/16 15:32:56 ADI377]
 ROGERS, CALLED BACK AND ADV FOUND ANOTHER LP BEHIND THE CHILIS UNK IF ITS RELATED TO CALL// WAS LOOKING FOR HER STOLEN LP [05/28/16 15:32:15 ADI377]
 assisted with pursuit and detaining suspect [05/28/16 15:21:53 Unit:C817]
 Assisted with the pursuit and handcuffing of the suspect. Supplement completed [05/28/16 15:20:45 Unit:D856]
 see report [05/28/16 14:57:18 Unit:D796]
 {C817} TO S266 - THERE IS A PINK BAG IN THE VEH THAT THE COMPL ADV DOES NOT BELONG TO HER/SHOULD WE TAKE IT FOR SAFE KEEPING? S266 ADV NEGATIVE/LEAVE IT FOR COUNTY [05/28/16 14:53:53 TGV100]
 [FIRE] (Q31) CMMD TERM Q31 BACK IN SERV ASC [05/28/16 14:51:17 LLF117]
 [LAW] (D796) OUT AT THE PETSMART [05/28/16 14:44:47 TGV100]
 Linked Events 2016-000051827(277) to 2016-000051846(279) [05/28/16 14:43:20 TGV100]
 {C817} THE LP ON THE FRONT OF THE VEH IS [REDACTED] [05/28/16 14:41:18 TGV100]
 {A687} OUT AT THE HOSPITAL [05/28/16 14:37:51 TGV100] ¹⁵⁰
 see sup report [05/28/16 14:36:25 Unit:D796]
 {S266} CLR ON CALL HOLDING [05/28/16 14:36:08 TGV100]
 {A862} LOCATED A VICTIM IN THE CHICK FIL A PARKING LOT [05/28/16 14:35:28 TGV100]
 FSGI vic in firestone [REDACTED] Woodward, Patsy b/ [REDACTED] [05/28/16 14:34:30 Unit:D796] ^{101/CUP}
 {D796} FIRST VICTIM WILL FILE CHARGES FOR FSGI [05/28/16 14:34:22 TGV100]
 CHELSI/ M5 ENRT ST LUKE SSL [05/28/16 14:33:59 ADI377]
 {S266} COUNTY IS GOING TO WORK THE RECOVERY/PLACE QUAILITY BACK ON TOP [05/28/16 14:34:00 TGV100]
 [FIRE] (Q31) MED 5 TO ST LUKES SUGARLAND [05/28/16 14:34:00 LLF117]
 [FIRE] (Q31) CONT FBEMS AND FIND OUT WHERE THEY TRANSPORTED THE PATIENT [05/28/16 14:33:44 LLF117]
 {D863} QUAILITY ON LOC [05/28/16 14:32:50 TGV100]
 {D796} CLR LOC [05/28/16 14:30:20 TGV100]
 [FIRE] (B31) CMMD TRANSFER TO Q31 B31 IS BACK IN SERV [05/28/16 14:27:35 LLF117]
 {S266} ATTEMPT TO FIND ALL THE VEHS THAT WERE INVOLVED IN THE ACCIDENTS [05/28/16 14:25:04 TGV100]
 {A687} ONBOARD WITH M5 ENROUTE TO ST LUKES SUGARLAND TO MEET WITH THE SUSP [05/28/16 14:23:55 TGV100]
 {D796} SEE IF THE COMPL CAN DRIVE OVER AND MEET ME AT THE FIRESTONE [05/28/16 14:20:55 TGV100]
 {C817} ENROUTE FOR TRAFFIC CONTROL [05/28/16 14:19:10 TGV100]
 {D863} I NEED A UNIT TO HELP WITH TRAFFIC CONTROL [05/28/16 14:18:40 TGV100]
 {D863} QUALITY ON LOC [05/28/16 14:16:40 ADI377]
 M5 ON LOC [05/28/16 14:16:12 ADI377]
 M5 ON LOC [05/28/16 14:16:14 TGV100]
 ELITE ADV DRIVER TOO FAR AWAY/QUAILITY CALLED THEY ARE ENROUTE [05/28/16 14:15:37 TGV100]
 [FIRE] (B31) MED 5 ON LOC [05/28/16 14:15:11 LLF117]
 ELITE REQUESTING TO ROTATE [05/28/16 14:14:18 TGV100]
 NEED ANOTHER UNIT OUT THERE WERE THERE BLK INFINITY [05/28/16 14:13:40 ADI377]
 [FIRE] (B31) B31 AND Q31 ON LOC ONE VEH MODERATE DAMAGE [05/28/16 14:10:50 LLF117]
 {D796} FIRESTONE AT TOLL FEMALE OCMPL LEG PAINS [05/28/16 14:10:42 ADI377]
 [FIRE] CORRECTED VIN [REDACTED] [05/28/16 14:10:02 TGV100]
 {D863} [REDACTED] [05/28/16 14:09:22 ADI377]

Exhibit A

[FIRE] ELITE ENROUTE [05/28/16 14:09:21 TGV100]
{D856} CHEEKS, KALEN [REDACTED] B/M ATW [05/28/16 14:08:16 ADI377] 101/CLP
[FIRE] SUGARLAND DISREGARDED [05/28/16 14:07:05 TGV100]
[FIRE] WATCH CMMD PAGE SENT [05/28/16 14:06:54 LLF117]
{S266} NEG ON SLPD [05/28/16 14:06:49 ADI377]
{S266} HAVE WATCH CMMD CALL HIM ON HIS CELL PHONE [05/28/16 14:06:44 ADI377]
{C817} ONE DETAINED SLOW ONE DETAINED RECHANLE [05/28/16 14:05:44 ADI377]
[FIRE] B31 NOTIFIED [05/28/16 14:05:30 TGV100]
{D796} SEND EMS TO MY LOC [05/28/16 14:05:29 LLF117]
[FIRE] M5 ENROUTE [05/28/16 14:05:16 TGV100]
CAR IS SMOKING ONE DET [05/28/16 14:04:53 ADI377]
[FIRE] VEH IS SMOKING [05/28/16 14:04:54 LLF117]
{D796} ONE SECURED [05/28/16 14:04:30 ADI377]
VEH WRECKED OUT ON COLLINGTON COURT [05/28/16 14:03:32 ADI377]
VEH ON FIRE [05/28/16 14:03:24 ADI377]
{C817} GET A HELICOPTER [05/28/16 14:03:19 ADI377]
{C817} WRONG SIDE [05/28/16 14:02:53 ADI377]
{D796} HAVE FIRE AND EMS MAKE LOC [05/28/16 14:02:52 LLF117]
{D796} HIT TWO CARS [05/28/16 14:02:27 ADI377]
SUGARLAND HAS 2 UNITS ENROUTE [05/28/16 14:02:04 TGV100]
{D796} GOING THROUGHT THE PLOT [05/28/16 14:01:41 ADI377]
SYSTEMS COMMON NOTIFICATION TO SUGARLAND/KEEPING THEM UPDATED ON SYSTEMS COMMON
[05/28/16 14:01:31 TGV100]
{S266} WE HAVE A COUNTRY UNIT TURNING INTO THE SHOPPING [05/28/16 14:01:25 ADI377]
WONG SIDE OF SH 6 [05/28/16 14:01:12 ADI377]
{S266} SEND CMMD PAGE [05/28/16 14:01:06 ADI377]
AIRED ON SYSTEM [05/28/16 14:00:51 ADI377]
{C817} NO PLATES ON THE VEH [05/28/16 14:00:26 ADI377]
{C817} PASSING OYSTER CREEK [05/28/16 13:59:49 ADI377]
WHI CHEV IMPALA FRONT PASSENGER TIRE GONE [05/28/16 13:59:38 ADI377]
{C817} N/B PASSED SIENNA [05/28/16 13:59:16 TGV100]
{C817} ROLLING ON 3 WHEELS [05/28/16 13:58:57 TGV100]
{C817} GOING ON THE FEEDER [05/28/16 13:58:28 TGV100]
{C817} BACK IN THE N/B LANE [05/28/16 13:58:21 TGV100]
{C817} WRONG WAY SH 6 [05/28/16 13:58:14 TGV100]
WRONG WAY ON 6 [05/28/16 13:58:02 ADI377]
{D796} OUT WITH THE VEH [05/28/16 13:57:57 ADI377]
GET THEM OFF 6 NEAR THE GAS STATION [05/28/16 13:57:46 ADI377]
{S266} SLOW THEM DOWN IN TH PLOT WE HAVE PEDESTRIANS [05/28/16 13:57:23 ADI377]
{S266} 50 M,PH [05/28/16 13:57:10 ADI377]
{S266} TOWRDS THE TOLL [05/28/16 13:56:59 ADI377]
STILL ON SH 6 [05/28/16 13:56:55 ADI377]
{S266} HE LOST A FRONT TIRE [05/28/16 13:56:35 ADI377]
{A862} INFROM SLPD [05/28/16 13:56:11 ADI377]
{S266} TOWARDS SH 6 [05/28/16 13:55:59 ADI377]
{C817} ONE IN THE DITCH [05/28/16 13:55:46 ADI377]
{C817} COMING UP ON WATTS [05/28/16 13:55:33 ADI377]
{C817} COMING UP ON THE ROAD GET READY [05/28/16 13:55:28 ADI377]
{D796} CAND KEEP UP [05/28/16 13:54:59 ADI377]
LEFT ON DIAMOND SPRINGS TOWARDS WATTS [05/28/16 13:54:51 ADI377]
D796 SPEED 85 [05/28/16 13:54:07 ADI377]
D619 AR HE HAS CUFFS ON HIS LEFT WRIST [05/28/16 13:53:48 ADI377]
D796 LEFT INTO SIENNA [05/28/16 13:53:27 ADI377]
{D796} CL;OSED THE HOOD [05/28/16 13:52:58 ADI377]
D796 AR HALFWAY DOWN THE TOLL ROAD [05/28/16 13:52:53 ADI377]
C817 WAS THAT HIM DETERING? [05/28/16 13:52:32 ADI377]
ON FORT BEND TOLL TOWARDS SIENNA [05/28/16 13:52:12 ADI377]
EXITNG TOL ROAD [05/28/16 13:51:45 ADI377]
D863 TAKE THE LEAD [05/28/16 13:51:34 ADI377]

Exhibit A

PASSING TRAMMEL [05/28/16 13:51:11 ADI377]
WEAVING [05/28/16 13:51:05 ADI377]
COMING UP ON WHATABURGER [05/28/16 13:50:27 ADI377]
SPEED 85 [05/28/16 13:50:20 ADI377]
WEAVING IN AND OUT OF TRAFFIC [05/28/16 13:49:49 ADI377]
SB SH 6 [05/28/16 13:49:39 ADI377]
HEADED BACK TO SH 6 [05/28/16 13:49:32 ADI377]
ABOPUT TO COME OUT [05/28/16 13:49:22 ADI377]
RIGHT INTO THE CHURCHS PLOT [05/28/16 13:49:15 ADI377]
TURNING INTO CHINSES CHURT [05/28/16 13:49:10 ADI377]
PASSIN GLAKE O [05/28/16 13:48:37 ADI377]
LAKE O [05/28/16 13:48:19 ADI377]
{D796} S/B PASSIONG LEN LAKES [05/28/16 13:48:05 ADI377]
{A862} INFROM FBSO [05/28/16 13:47:51 ADI377]
{D796} SB GLEN LAKES [05/28/16 13:47:40 ADI377]
TACO CABANA HOOD OPEN ON SH 6 [05/28/16 13:47:22 ADI377]
HOODS UP UHNDER THE VEH [05/28/16 13:47:10 ADI377]
{D796} TOWNSHIP [05/28/16 13:46:57 ADI377]
HAND CUFFS [05/28/16 13:46:50 ADI377]
UDTS: HOLD CHANNEL [05/28/16 13:46:43 TGV100]
ONE B/M NOT WEARING A SHIRT [05/28/16 13:44:51 TGV100]
FBSO ADV OF THE VEH [05/28/16 13:44:20 ADI377]
VEH IS RIGHT BEHIND THE CHILLIS [05/28/16 13:43:39 TGV100]
CALLER FOUND THE CAR IN FRONT OF THE ROSS/3 B/MS UNDER THE HOOD OF THE CAR [05/28/16 13:41:30 TGV100]
This is a reopened incident. [05/28/2016 13:40:58 TGV100]
{D796} FBSO IS OUT [05/28/16 13:22:53 ADI377]
FBSO ADV TO HAVE OFFICER MAKE LOC AT THE CHEVRON [05/28/16 13:18:42 TGV100]
disregarded [05/28/16 13:18:30 Unit:D856]
{D796} CONT FBSO AND HAVE ONE OF THEIR UNITS MEET ME HERE [05/28/16 13:17:20 ADI377]
{D796} IN THE AREA [05/28/16 13:16:20 ADI377]
S266 IF WE ARE NOT SUCCESSFUL WE ARE NOT GOING TO KEEP FOLLOWING THE PHONE AROUND [05/28/16 13:15:12 ADI377]
PHONE IS NOW PINGING AT SH 6/MURPHY/CALLER IS AT THE CHEVRON STATION WAITING FOR OFFICER [05/28/16 13:14:29 TGV100]
This is a reopened incident. [05/28/2016 13:13:50 TGV100]
area checked. unable to locate the vehicle. comp not on location. [05/28/16 13:12:48 Unit:D796]
assisted [05/28/16 13:12:22 Unit:C817]
WENT STRAIGHT TO VOICEMAIL [05/28/16 13:10:59 ADI377]
{D796} CONT THE REPOTEE AND SEE WHERE SHES AT AND GET AN UPDATED LOC ON THE PING [05/28/16 13:06:38 ADI377]
{D796} IM OUT HERE WITH THE COMPL AND I CANT FIND IT [05/28/16 13:02:33 LLF117]
{D796} IN THE AREA [05/28/16 12:58:08 ADI377]
{C817} IN THE AREA [05/28/16 12:52:10 TGV100]
{D796} COMING FROM NEWPOINT [05/28/16 12:42:06 ADI377]
4 [REDACTED] REPORTED STOLEN YESTERDAY TO FBSO / RPT 160017977/CELL PHONE LEFT IN VEH IS PINGING TO THIS LOC / COMPL IN A RED TOYOTA IN FRONT OF THIS RES/FBSO SENDING A UNIT/REQUESTING MISSOURI CITY FOR AREA CHECK AS COMPL DOES NOT SEE THE VEH AT THIS TIME/FBSO IS SENDING A UNIT [05/28/16 12:37:24 TGV100]

Exhibit A

Missouri City Police Department

White Paper Notification

Nature of Assignment: Evading Arrest/ Detention in Vehicle, Resisting Arrest, Accident involving injury and UUMV

Location of Occurrence: 5788 SH 6

Secondary Location: 19800 block of S University

Report # 16-003614

Date: 05-28-2016 Time: 1333 hrs. Beat# D

Summary: Officer Limbousis responded to an assist other agency call in reference to a stolen. The owner had pinged her phone that was left in the vehicle, and it showed to be in the 5788 block of SH 6. Officer Limbousis located the vehicle and suspect. When Officer Limbousis tried to detain the suspect, he pulled away from him. The suspect had one handcuff on his wrist, he jumped in the stolen vehicle and left location. Officer Limbousis got into a pursuit with the vehicle. The vehicle headed south on SH 6, at that time several other officer entered the pursuit. [REDACTED] The vehicle caused one accident with minor injuries. The suspect then wrecked out in the 19800 Block of S. University. [REDACTED]

See Officers reports.

Offender (s) Checks, Kalen B/M, DOB 3/27/91

Exhibit B

Defendant (s)

Prior(s)

Charges: UUMV, Evading Arrest / Detention in vehicle, resisting Arrest, Accident Involving Injury

Confiscations/Recoveries:

Notifications:

Assigned Investigator:

Submitted by: SGT. D.L.SMITH #266

Reviewed by:

Exhibit B

INCIDENT/INVESTIGATION REPORT

Agency Name Missouri City Police Department		Case# 16-003614
ORI TX0790100		Date / Time Reported 05/28/2016 12:33 Sat
Location of Incident 4911 Cotter Lake Dr, Missouri City TX 77459-	Premise Type Highway / Road / Alley /	Zone/Tract D
		Last Known Secure 05/28/2016 12:33 Sat
		At Found 05/28/2016 12:33 Sat

INCIDENT DATA

#	Crime Incident(s) (Com)	Weapon / Tools	Activity
#1	Resisting Arrest Search Or Transportation - 48010006 (Com) F	Entry Exit Security	Activity
#2	Recovered Stolen Vehicle RECOVER2 (Com)	Entry <i>Unknown</i> Exit Security	Activity
#3	Evading Arrest Det W/veh 48010020 (Com) F	Entry Exit Security	Activity

MO

VICTIM

# of Victims 4	Type: INDIVIDUAL	Injury: None <i>101/CP</i>
Victim/Business Name (Last, First, Middle) LEWIS, SHAUNA WYCHELLE	Victim of Crime # 2	DOB Age 36
Race B Sex F Relationship To Offender IOT	Resident Status Resident	Military Branch/Status
Home Address 2415 PHEASANT CREEK DRIVE, Sugar Land, TX 77498-		Home Phone 281-52-0121
Employer Name/Address		Business Phone Mobile Phone
YVR	Make	Model
Style	Color	Lic/Lis
		VIN

OTHERS

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: SOCIETY / PUBLIC	Injury:
Code V2 Name (Last, First, Middle) STATE OF TEXAS	Victim of Crime # 3,5 DOB Age
Race B Sex F Relationship To Offender	Resident Status Resident
Home Address	
Employer Name/Address	
Type: INDIVIDUAL	Injury:
Code V3 Name (Last, First, Middle) WOODARD, PATSY RUTH	Victim of Crime # 4 DOB Age 66
Race B Sex F Relationship To Offender	Resident Status Resident
Home Address 3538 Belmont Shore Ln Missouri City, TX 77459	
Employer Name/Address	

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status	Value	OJ	QTY	Property Description	Make/Model	Serial Number
1	3803	5	\$1.00		1	LICENSE PLATES	TEXAS-Lp	
	02	5	\$5,000.00	FBS	1	2008 [REDACTED]	CHEV	[REDACTED]
	08	INVO	\$0.00		1	2012 BLK [REDACTED]	INFI Fx35	[REDACTED]
3	08	EVID	\$4,000.00		1	2012 BLK [REDACTED]	NISS Armada	[REDACTED]

Officer/ID# LIMBOUSIS, K. G. (PAT, PAT) (619)	Tot Rec Val: \$5,001.00
Invest ID# DOENCH, R. (CID, SUPV) (481)	Supervisor SMITH, D. L. (PAT, PAT) (266)
Status Complainant Signature	Case Status Arrest 05/30/2016
Case Disposition:	Page 1

Exhibit C

Incident Report Additional Offense List

Missouri City Police Department

OCA: 16-003614

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	ACCIDENT INVOLVING INJURY	F	54010007	Com
# 5	TXDOT CRASH REPORT		TXDOT	Com

Exhibit C

Incident Report Additional Name List

Missouri City Police Department

OCA: 16-003614

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) VI 4	LIMBOUSIS, GUS Address 3849 Cartwright Rd, Missouri City, TX 77459- Empl/Addr	1	[REDACTED] H: - - 101/CLP B: - - Mobile #: - -	32	W	M
2) OT 1	LABUS, MARTHA MANN Address 2411 Kenworthy, Missouri City, TX 77459-0000 Empl/Addr	101/CLP	[REDACTED] H: 281-499-2412 B: 713-851-1440 Mobile #: 713-851-1440	66	W	F
3) OT 2	LABUS, RILEY ANN Address 9203 Turtle Pond Ln, Missouri City, TX 77459- Empl/Addr Unemployed, 1234 Main St	101/CLP	[REDACTED] H: 713-851-1440 B: - - Mobile #: - -	18	W	F

Exhibit C

INCIDENT/INVESTIGATION REPORT

Missouri City Police Department

Case # 16-003614

Status Codes	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown					
	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

STAHL, E. (687), HOPKINS, A. (862), VARGAS, C. (667), FAHEY, P. (817), AVEN, A.Z. (796), LARSON, R. (856), ROMERO, S. (863), MONROY, D. (815), SMITH, D.L. (266)

Suspect Hate / Bias Motivated: *Unknown (Offender`s motivation not known)*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 16-003614

Missouri City Police Department

NARRATIVE

On 5/28/16 a b/m subject was spotted at the Chillis parking lot in a stolen Vehicle. The victim spotted the subject backed into a spot near the chillis. The subject resisted arrest and evaded in the stolen vehicle causing atleast one accident and injury to a person. The subject wrecked out in the vehicle in the 19800 block of S University . The subject was placed into custody. The victims vehicle was stolen out of Fort Bend county. Fort Bend arrived on scene and recovered the vehicle. see Report

Exhibit C

REPORTING OFFICER NARRATIVE

Missouri City Police Department

OCA 16-003614
Date / Time Reported Sat 05/28/2016 12:33

Victim LEWIS, SHAUNA WYCHELLE	Offense RESISTING ARREST SEARCH OR
----------------------------------	---------------------------------------

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 5/28/16 at approximately 1333 hours while working in and for the City Of Missouri City , Fort Bend County, Tx , I officer G Limbousis # 619 in shop 2534 body cam worn checked by with officer Fahey # 817 who was enroute to an assist other agency Fort bend county in reference to a uumv they had taken on 5/28/16.

The victim of the uumv Lewis,Shauna b/f dob [redacted] stated she located her stolen vehicle at the Chillis parking lot on SH6 by the Ross. Upon arrival i found the vehicle [redacted] backed into a spot y the chillis. A b/m subject later identified as Cheeks,Kalen dob [redacted] was behind the vehicle changing the license plates.

I asked Mr cheeks to step toward me put his hands behind his back and face away from me while i had my taser pointed at him. Mr Cheeks kept stating this was his moms vehicle he was driving. I was able to place a cuff on Mr cheeks left arm before he started to resist. Mr cheeks was actively try to get away as i pushed him up the rear door of the vehicle. The subject slipped out of my arms while wearing a cuff only to his left arm.

Mr Cheeks got into the driver side of the stolen vehicle and a pursuit was initiated. Mr cheeks drove with an open hood for a majority of the pursuit. Mr Cheeks drove down SH6 into the Chinese church parking lot then got back on SH6 toward the Fort Bend Toll road and turned right toward Sienna Parkway. The vehicle then made a left onto Sienna Parkway then left on Silver Ridge then left onto Diamond Spring then right on Watts Plantation. Mr Cheeks then turned left on knight rd and crossed over the Fort Bend toll into the Krogers parking lot while driving only on three tires.

Mr Cheeks then drove on the wrong side of SH6 thru the Vicksburg intersection. Mr cheeks continued to drive erratic and on the wrong side of the road at times until he made a left into the Murphy Express parking lot heading toward the Krogers gas station next to Chick Fila. The subject then drove the wrong way down south University and wrecked out in the 19800 block of S University. The subject had managed to hand cuff himself to the steering wheel of the vehicle and was placed into custody. Mr. Cheeks struck a vehicle wich caused injury to a person, see officer Avens # 796 supplement report.

Fort Bend County recovered their stolen vehicle case number 167977. The vehicle was towed by Fort Bend county. Mr Cheeks was transported to Sugarland St Lukes by medic 5. Officer Stahl # 687 went to the hospital with the suspec [redacted]

Exhibit C

Incident Report Suspect List

Missouri City Police Department

OCA: 16-003614

1	Name (Last, First, Middle) CHEEKS, KALEN ARMAND					Also Known As					Home Address 6800 WINDHAVEN PKY APT 310 THE COLONY, TX 75056-0000 713-483-4491				
	Business Address 7SPICE 713-483-4491, CASHIER														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
[REDACTED]	25	B	M	N	601	205	BLA	BRO	LBR	[REDACTED] 130					
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height	Weight	SSN						
		25		B	M		601	205							
Weapon, Type	Feature	Make		Model			Color	Caliber	Dir of Travel						
									Mode of Travel						
Veh Yr/Make/Model			Drs	Style		Color	Lic/St		VIN						

Notes

Physical Char

Hair Length, SHORT
Hair Length, FADE
Hair Facial,
Build, HEAVY
Speech, NORMAL
Hands, LEFT HANDED
Hair Length, SHORT
Hair Length, FADE
Hair Facial,
Build, HEAVY
Speech, NORMAL
Hands, RIGHT HANDED

Exhibit

Incident Report Related Vehicle List

Missouri City Police Department

OCA: 16-003614

1		VehYr/Make/Model 2012 INFI, Fx35		Style 4D		Color BLK		Lic/Lis [REDACTED] 170		VIN [REDACTED] 120	
IBR Status Involved		Date 05/28/2016		Location 4911 COTTER LAKE DR, MISSOURI CITY TX							
Condition		Value \$0.00		Offense Code		Jurisdiction Locally		State #		NIC #	
Name (Last, First, Middle) Labus, Martha Mann				Also Known As				Home Address 2411 KENWORTH MISSOURI CITY, TX 77459-0000 281-499-2412			
Business Address											
DOB [REDACTED] 10/CLP	Age 66	Race W	Sex F	Hgt 504	Wgt 110	Scars, Marks, Tattoos, or other distinguishing features					

Notes

2		VehYr/Make/Model 2012 NISS, Armada		Style LL		Color BLK		Lic/Lis [REDACTED] 130		VIN [REDACTED]	
IBR Status Evidence		Date		Location TX							
Condition		Value \$4,000.00		Offense Code 9999		Jurisdiction Locally		State #		NIC #	
Name (Last, First, Middle) Woodard, Patsy Ruth				Also Known As				Home Address 3538 BELMONT SHORE LN MISSOURI CITY, TX 77459 713-416-5325			
Business Address											
DOB [REDACTED] 10/CLP	Age 66	Race B	Sex F	Hgt 505	Wgt 200	Scars, Marks, Tattoos, or other distinguishing features					

Notes

3		VehYr/Make/Model 2008 CHEV		Style 4D		Color		Lic/Lis [REDACTED] 130		VIN [REDACTED]	
IBR Status Recovered		Date 05/28/2016		Location 4911 COTTER LAKE DR, MISSOURI CITY TX							
Condition		Value \$5,000.00		Offense Code 04E		Jurisdiction Other Jurisdiction		State #		NIC #	
Name (Last, First, Middle) * No name *				Also Known As				Home Address			
Business Address											
DOB	Age	Race	Sex	Hgt	Wgt	Scars, Marks, Tattoos, or other distinguishing features					

Notes

Exhibit C

Incident Report Related Property List

Missouri City Police Department

OCA: 16-003614

1	Property Description LICENSE PLATES	Make TEXAS	Model LP	Caliber			
	Color	Serial No.	Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally	
	Status Recovered	Date 05/28/2016	NIC #	State #	Local #	OAN	
	Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex

Notes

Texas LP from stolen vehicle.

Exhibit C

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST Case Mng Status: CLEARED BY ARREST Occurred: 05/28/2016
Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: SMITH, D. L. (266) Date / Time: 05/28/2016 16:23:42, Saturday
Supervisor: SMITH, D. L. (266) Supervisor Review Date / Time: 05/28/2016 19:09:43, Saturday
Contact: Reference: Supplement

I, Sgt D. L. Smith #266 assisted in a pursuit of a stolen vehicle that was reported stolen out of FBCSO. Officer Limbousis located the vehicle in the parking of the Chilies Resturant. Officer Limbousis stated when he made contact with the suspect , he tried to detain the suspect. Officer Limbousis stated he got one handcuff on the suspect when the suspect pulled away from him. The suspect got into the stolen vehicle and fled the scene. Officer Limbousis got into a pursuit with the vehicle. The vehicle was heading south bound on SH 6 at a high rate of speed, the vehicle then entered the Ft. Bend toll heading toward Sienna Parkway. Officer Limbousis stated the suspect was headed west bound on Sienna Parkway, then he made a left on Silver Ridge, then another left on Diamond Spring. I encountered the vehicle on Watts Plantation and Diamond Spring. The vehicle then made a right on Watts Plantation toward SH 6. the speed was approximately 55mph. the vehicle then came to SH 6 and made a left going north bound on SH 6 on the wrong side of the roadway. The vehicle front passenger tire blew out and the suspect was driving on the rim. The vehicle then made a left on Glenn Lakes, then a right into the Krogers parking lot . All officers backed off the vehicle some, so we could watch out for pedestrian. the vehicle then went through the Chick -Fil -A parking almost hitting two vehicle. the vehicle then turn left on S.University where he wrecked out . the suspect was then apprehended by the Missouri City police officers.

My BWC and Coban camera was on.
The suspect was taken to St. Lukes Hospital for minor injures.

[REDACTED]

Chick-Fil-A parking lot.

There was one female injured [REDACTED] ct

Exhibit D

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST Case Mng Status: CLEARED BY ARREST Occurred: 05/28/2016
Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: FAHEY, P. (817) Date / Time: 05/28/2016 16:49:28, Saturday
Supervisor: SMITH, D. L. (266) Supervisor Review Date / Time: 05/29/2016 13:52:21, Sunday
Contact: Reference: Supplement

Supplement
Officer Fahey #817
Unit 2574
BWC Activated
05/28/2016

On this date, I was on patrol when dispatch advised a female complainant had located her vehicle, which had been stolen out of FBCSO jurisdiction, and the vehicle was occupied by 2 black male subjects. I checked enroute, along with other officers.

While proceeding to the location, Officer Limbousis #619 arrived first and advised the suspects were fleeing in the stolen vehicle with the hood up. I activated my emergency lights and siren and continued down Glenn Lakes Ln. towards SH 6. As I neared SH 6, officers who were actively pursuing the vehicle advised the suspects had just past through the intersection of Glenn Lakes Ln. and SH 6. I turned southbound on SH 6 and caught up to pursuing units near SH 6 and Knight's Ct.

I assisted with keeping eyes on the vehicle, which continued southbound on SH 6, until the Fort Bend Tollway. The suspect vehicle then exited, and we lost sight of him. I was then advised the suspect turned onto the tollway towards Sienna Pwky., so I proceeded down that route. approximately a mile down the tollway, I observed the suspect vehicle stopped on the shoulder. It appeared the suspect was out of the vehicle, and I observed him close the hood. He then continued west on the tollway, where he ran the red light at Sienna Pkwy. and turned left. I continued to pursue the suspect, with Officer Aven #796 close behind. We reached speeds in excess of 100 mph. The suspect then turned onto Silver Ridge Blvd., followed by Diamond Springs.

Once on Diamond Springs, the suspect continued to evade at high rates of speed. I observed him exit the roadway near Watts Plantation, but he managed to correct himself, and continued onto Watts Plantation, where Sgt. Smith #266 was waiting. Sgt. Smith then became lead vehicle, as the suspect turned eastbound.

As we continued east on Watts Plantation, I observed the front passenger side tire of the suspect vehicle blow out. The suspect then turned north on Knight Rd., where he crossed the tollway and sped through the parking lot of Kroger, located at 10250 SH 6, with only 3 good tires at high speeds. The suspect drove past the front of Kroger, causing several pedestrians to have to dodge the vehicle. As the suspect was leaving the parking lot near the Autozone, I observed him strike a black Nissan Armada suv, which was pulling in. He then proceeded northbound in te southbound lanes. He continued to alternate between the north and southbound lanes while traveling north on SH 6, until we neared Murphy Express, located at 6414 SH 6, where he cut through the parking lot. He then proceeded across Glenn Lakes Ln., into another Kroger parking lot, located at 6200 SH 6. He pulled into the Kroger gas station, where he slowed, then proceeded around Chikfila, located at 6124 SH 6, where he struck a black Infiniti suv, which was waiting in the drivethru line. He continued across the parking lot and onto S

Exhibit D2

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: **16003614**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: *05/28/2016*

Offense: *RESISTING ARREST SEARCH OR TRANSPORTATION*

Investigator: *FAHEY, P. (817)*

Date / Time: *05/28/2016 16:49:28, Saturday*

Supervisor: *SMITH, D. L. (266)*

Supervisor Review Date / Time: *05/29/2016 13:52:21, Sunday*

Contact:

Reference: *Supplement*

University Blvd., where he began traveling southbound. He then wrecked the vehicle at S University and Kellington Pl.

Officers Limbousis #619 and Stahl #687 were ahead of me. I drew my weapon and approached the vehicle, where I aimed it at him as orders were given. I observed the suspect's left hand was handcuffed to the steering wheel. Once he was detained, the vehicle was released to FBCSO Deputies, as it was stolen from their jurisdiction. I remained on scene to assist with scene and traffic control, until the vehicle was removed by Quality Tow.

End supplement.

Exhibit D2

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST Case Mng Status: CLEARED BY ARREST Occurred: 05/28/2016
Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: AVEN, A. Z. (796) Date / Time: 05/28/2016 17:07:14, Saturday
Supervisor: SMITH, D. L. (266) Supervisor Review Date / Time: 05/28/2016 19:15:00, Saturday
Contact: Reference: Supplement

On May 28, 2019, I, Officer A. Aven #796, while working for the Missouri City Police Department in Missouri City, Fort Bend County, Texas was dispatched to the 5700 block of Highway 6 in reference to a stolen vehicle.

The complainant advised she could see her stolen vehicle in the parking lot near the Chilis. I arrived on location as Officer Limbousis was attempting to take the driver, Kalen Cheeks, B/M, DOB [redacted] into custody. As I, exited my vehicle, I brought my patrol rifle up to a ready position but the suspect drove off. I then re-entered the vehicle and began to pursue the vehicle.

The suspect fled through the parking lots in the 5900 and 6000 block of Highway 6. The suspect the drove south bound on Highway 6 at a high rate of speed, weaving in and out of traffic and running red lights. The suspect then turned into the parking lot of 7707 Highway 6 and then fled location again back south bound Highway 6. The suspect then continued south bound at a high rate of speed, weaving in and out of traffic and running red light. The suspect then made a right turn onto south bound Fort Bend toll road. The suspect then made a left turn onto Sienna Plantation and headed into the neighborhood. The suspect then turned left onto Silver Ridge and then left onto Diamond Springs. The suspect then turned right onto Watts Plantation and headed back towards Highway 6. The suspect then turned left onto Knight Road and proceeded to through the parking lot in the 10250 block of Highway 6.

130 While driving through the parking lot, the suspect struck a black Nissan Armada, bearing [redacted] registration [redacted] I then ceased my pursuit of the vehicle and checked on the driver of the vehicle, identified as Patsy Woodard, B/F, DOB [redacted] Mrs. Woodard stated she had pain in her left knee. I asked Mrs. Woodard how she was struck and asked if the suspect vehicle almost t-boned her and she stated yes. I observed damage to the driver side of her vehicle from the front right fender back to the rear driver side door. Mrs. Woodard would complain of knee pain to myself and later to the Missouri City Fire Department. Mrs. Woodard was observed having trouble walking due to the pain in her left knee.

I asked Mrs. Woodard if she wished to file charges against Mr. Cheeks and she stated yes. Mr. Cheeks will be charged with accident involving personal injury. As stated in Sec 550.021: The operator of a vehicle involved in an accident that results or is reasonably likely to result in injury to or death of a person shall: (1) immediately stop the vehicle at the scene of the accident or as close to the scene as possible; (2) immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident; (3) immediately determine whether a person is involved in the accident, and if a person is involved in the accident, whether that person requires aid; and (4) remain at the scene of the accident until the operator complies with the requirements of Section 550.023. Mr. Cheeks did none of the above requirements in the accident which clearly looked resupply like to result in injury. Also Mrs. Woodard having physical pain in her left knee also meets the requirement of the accident involving injury.

My in car camera and Echo body camera were used during this incident. The body camera was not activated until

Exhibit D3

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: **16003614**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *ARREST* **Case Mng Status:** *CLEARED BY ARREST* **Occurred:** *05/28/2016*

Offense: *RESISTING ARREST SEARCH OR TRANSPORTATION*

Investigator: *AVEN, A. Z. (796)* **Date / Time:** *05/28/2016 17:07:14, Saturday*

Supervisor: *SMITH, D. L. (266)* **Supervisor Review Date / Time:** *05/28/2016 19:15:00, Saturday*

Contact: **Reference:** *Supplement*

a short time into the pursuit.

Refer to CID

Exhibit D3

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST

Case Mng Status: CLEARED BY ARREST

Occurred: 05/28/2016

Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: STAHL, E. (687)

Date / Time: 05/28/2016 17:39:16, Saturday

Supervisor: SMITH, D. L. (266)

Supervisor Review Date / Time: 05/28/2016 18:43:21, Saturday

Contact:

Reference: Supplement

On 05/28/16 at approximately 1340 hours, I, Officer E Stahl #687, while driving unit 2570 and working in and for the city of Missouri City Fort Bend County Texas, was dispatched to the 5700 block of SH 6 behind Chilis Restaurant in reference to a female who advised she sees her vehicle in which she reported stolen to the Fort Bend County Sheriff's Department on the previous day.

Responding officers arrived prior to myself and the suspect fled in the vehicle, white Chevrolet Impala, southbound on SH 6. The pursuit lasted several minutes and I became the lead patrol vehicle in the Chick Fil A parking lot where the suspect vehicle, white Chevrolet Impala with the tire missing on the right front rim exited the parking lot going the wrong way (southbound in the northbound lanes of S University Blvd.) I pursued the suspect vehicle and observed it strike a curb and wreck on S University Blvd near Kellington Place.

I had my handgun drawn as I approached the suspect vehicle and after the drivers door was opened, I observed the suspect had his left wrist handcuffed to the steering wheel. I holstered my weapon and grabbed the suspects right arm while Officer Limbousis uncuffed the left arm from the steering wheel. The suspect was placed on the ground and in handcuffs with both hands.

I rode with FBEMS Medic 5 to Sugar Land St Lukes Hospital where the suspect was seen and treated by staff. The hospital discharged the suspect in which he was then transported to FBCSO Jail by Officer Larson.

While the suspect vehicle was in the Chick Fil A parking lot I observed it strike an unknown type SUV and keep driving.

End of report.

Exhibit D4

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST

Case Mng Status: CLEARED BY ARREST

Occurred: 05/28/2016

Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: ROMERO, S. (863)

Date / Time: 05/28/2016 18:25:57, Saturday

Supervisor: SMITH, D. L. (266)

Supervisor Review Date / Time: 05/28/2016 19:13:39, Saturday

Contact:

Reference: Supplement

On 05/28/2016, at approximately 1243 hours, I, Officer (PPO) S. Romero #863, along with (FTO) Officer D. Monroy #815 (ghost phase) were working day shift patrol, in and for the Missouri City Police Department, Fort Bend County, Texas. I was operating Unit #2543. I responded to the area of Glenn lakes and SH 6 to check by for officer safety.

I was approaching Knights Court and identified the vehicle that was in the active pursuit. I then took primary and kept at a safe distance while in the active pursuit with the vehicle. I remained at a safe distance while in pursuit with the vehicle until I reached the Fort Bend Toll Road. At that time I called out to dispatch to let some one take lead due to my vehicle not being able to maintain in the pursuit. I was still in the active pursuit until, I lost a visual sight of the vehicle at the Fort Bend Toll Road. I turn left at the Fort Bend Toll Road and the vehicle made a right. At that time I was not in the active pursuit due to me losing sight of the vehicle.

I arrived to the scene where the pursuit had been terminated due to the suspect crashing into the median. I ran to the vehicle and the suspect was already apprehended.

Exhibit D5

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST Case Mng Status: CLEARED BY ARREST Occurred: 05/28/2016
Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: HOPKINS, A. (862) Date / Time: 05/29/2016 08:27:56, Sunday
Supervisor: HEBERT, M. (919) Supervisor Review Date / Time: 05/29/2016 19:19:29, Sunday
Contact: Reference: Supplement

This Supplement Completed by Missouri City Police:
Officer Hopkins #862 Riding Two man with FTO Vargas #667
Shop #2566
Assist Other Agency Pursuit

On 05/29/16 at about 1400 hours, I, PPO Hopkins and FTO Vargas while riding in unit 2566, were working day shift patrol, in and for the Missouri City Police Department. I responded to a pursuit involving Officers Aven, Fahey, and Limbousis. The other officers were following a suspect driving a stolen vehicle.

I activated my emergency lights and sirens and responded from the 2400 block of Texas Parkway. I was unable to catch up the other officers who were directly involved in the pursuit. The suspect finally came to a stop at University Blvd & Kellington Pl after he drove into the grass median. I finally arrived observed officers detaining the suspect.

I was then ordered by Sgt. Smith to make contact with the owner who's vehicle was struck in the Chickfila parking lot. I arrived at the Chickfila and made contact with the owner / victim. I identified the owner / victim as Labus, Martha DOB [redacted] 10/1/64. Martha stated she was in line behind others vehicle when the suspect driving the white impala crashed into the front of her vehicle.

Martha's vehicle is a black 2012 Infiniti FX35 bearing LP # [redacted] 130. Martha refused ems and stated she was not injured. I observed the Infiniti to have left front quarter damage. The damage is over \$1,000.00. Martha stated she wanted to file charges on the suspect for FSRA. Martha's niece was sitting in the front passenger seat during the crash. I identified Martha's niece as Labus, Riley DOB [redacted] 10/1/64.

A report was generated and this incident was recorded using the Coban Body Worn camera system.

End of supplement report.

Exhibit DL6

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2016 11:56

Missouri City Police Department

OCA: 16003614

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ARREST Case Mng Status: CLEARED BY ARREST Occurred: 05/28/2016
Offense: RESISTING ARREST SEARCH OR TRANSPORTATION

Investigator: LARSON, R. (856) Date / Time: 05/29/2016 08:58:11, Sunday
Supervisor: SMITH, D. L. (266) Supervisor Review Date / Time: 05/29/2016 10:11:40, Sunday
Contact: Reference: Supplement

On this date 05/28/2016 at 1233 hrs, I, Officer R. Larson #856 responded to the Chili's located at 5788 SH 6, Missouri City, Texas in reference to a possible located stolen vehicle in the parking lot. The vehicle was being occupied by a b/m who was possibly changing license plates on the white Chevrolet Impala. I was responded as a back up unit for Officer Limbousis #619. Upon the arrival of Officer Aven #796 and myself, as we exited our marked police units, I observed Officer Limbousis attempting to handcuff a b/m driver inside the driver's side portion of the vehicle. As I was approaching the white Chevrolet Impala, the vehicle abruptly sped away from Officer Limbousis and proceeded South in the parking lot of the shopping plaza. The suspect vehicle still had the hood in the up position when it fled away from the Officer Limbousis.

The vehicle was called into dispatch and a vehicle pursuit ensued. The suspect vehicle proceeded Southbound on SH 6 fleeing from several marked police units with the emergency lights and sirens activated. I was at one point, I was the fourth police vehicle in line, later the fifth during the initial pursuit. The suspect vehicle made a left turn on to Knights Court and after Pulling into the church parking lot, the suspect realized it was a closed parking lot. The suspect made a U-turn in the parking lot and proceeded back to the main entrance and in doing so he almost pulled into the entrance lane where I was located, the suspect abruptly changed course and traveled on to the exit lane and proceeded back on to SH 6 in a Southbound direction.

The suspect continued on SH 6 down to the Fort Bend Tollway and SH 6. The suspect made a right turn onto the Fort Bend Tollway and proceeded West on the toll road and exiting on to Sienna Pkwy. The suspect then continued on Sienna Pkwy. The suspect then pulled into the Kroger Shopping Center and continued fleeing at a high rate of speed through the shopping center disregarding the safety of the pedestrians in the parking lot.

The suspect ended back on SH 6 and pulled into the Chick-Fil-A parking lot striking two vehicles and he attempts to get away. The suspect then travels through the shopping center behind the Chick-Fil-A onto the University Bv and proceeds Westbound. The suspect crashed the vehicle in the 20000 blk of Univesity Bv where he was pulled from the vehicle by Officer Stahl #687. The suspect was placed face down on the ground and with the assistance of Sgt. Smith #266, Officer Limbousis #619 and myself, the suspect was handcuffed without incident.

The suspect was later identified as Kalen Cheeks. Mr. K. Cheeks was transported to St. Luke's Hospital to be treated for any possible injuries. After Mr. K. Cheeks was released from the hospital, I transported Mr. K. Cheeks to FBCO jail where I was met by Officer Limbousis who had the PC statement.

My BWC was activated as was my COBAN.

Exhibit D7

Investigator Signature

Supervisor Signature

Supervisory Pursuit Report

ACTIVE PURSUIT

Complete this form and route it through the appropriate chain of command for review by supervisory and command staff

Initiating Officer's Name: LIMBOUSIS, KONSTANTIO GUS Badge # 619
Current Assignment: MCPD, PAT, PAT, D6A Report Number: 16003614
Date of Pursuit: 05/28/2016 Time of Pursuit: 13:47 Day of the Week: SATURDAY
Role in Pursuit: PRIMARY

Pursuit

Who initiated the pursuit? MISSOURI CITY PD

Location of the pursuit (street and closest intersection)

Began: 5788 SH 6

Beat #: D

Ended: 19800 S UNIVERSITY

Beat #: D

Length of pursuit (nearest tenth of a mile): [REDACTED]

Total time of pursuit: Start: 13:47 End: 14:05 [REDACTED]

Speed of pursuit: Highest: [REDACTED]

Name(s) and code number(s) of secondary / assisting Police Department officers:

Position	Name	Code Number
----------	------	-------------

Non-Department officer(s) who assisted in the pursuit and their jurisdiction:

[05/29/2016 12:04, DLS266, 83, MCPD]

Occupants

How many occupants were in the pursued vehicle including the driver at the onset of the pursuit? 1

The occupants included: 1 Adults 0 Juveniles 0 Unknown

What was the race of the driver? BLACK

What was the gender of the driver? MALE

What was the driver's age? (If unknown, approximate) 25 Years

License status of the driver?

Suspect / driver was:

Exhibit E

Vehicle	
Suspect vehicle information:	2008 WHITE CHEVY IMPALA [05/29/2016 13:13,
Roadway type:	CONCRETE
Speed limit:	Traffic conditions:
0	HEAVY
Weather conditions:	
CLEAR	

Incident

Provide the reason stated by the driver for fleeing:
 OPERATING STOLEN VEHICLE OUT OF FORT BEND COUNTY [05/29/2016 13:13, DLS266, 83, MCPD]

Provide the officer's primary reason for the stop:
 KNOWN CRIMINAL OFFENSE

List the route of the pursuit:
 ON 5/28/16 AT APPROXIMATELY 1333 HOURS WHILE WORKING IN AND FOR THE CITY OF MISSOURI CITY , FORT BEND COUNTY, TX , I OFFICER G LIMBOUSIS # 619 IN SHOP 2534 BODY CAM WORN CHECKED BY WITH OFFICER FAHEY # 817 WHO WAS ENROUTE TO AN ASSIST OTHER AGENCY FORT BEND COUNTY IN REFERENCE TO A UUMV THEY HAD TAKEN ON 5/28/16.

Did the pursuit relate to a previous incident determined after / during the pursuit? NO

If yes, provide the report number:

Was the suspect vehicle involved in a motor vehicle crash? YES

If yes, did the vehicle crash involve a Law Enforcement owned vehicle? MINOR ACCIDENT

Did the vehicle crash involve vehicle(s) or property other than the suspect's or Law Enforcement? YES

If yes, provide report # associated with vehicle crash:

What was the total property damage? \$ 3,500

Was a DMV accident report completed? NO

Were any injuries as a result of the vehicle crash? YES

If yes, to whom? Suspect driver/passenger(s) NO Law Enforcement YES Other citizen NO

Were any injuries fatal? NO

Was Air Support requested? NO If yes, did they respond? NO

Were there any significant / unusual events during the pursuit or the aftermath? YES

Exhibit F

If yes, explain:
 ON 5/28/16 AT APPROXIMATELY 1333 HOURS WHILE WORKING IN AND FOR THE CITY OF MISSOURI CITY , FORT BEND COUNTY, TX , I OFFICER G LIMBOUSIS # 619 IN SHOP 2534 BODY CAM WORN CHECKED BY WITH OFFICER FAHEY # 817 WHO WAS ENROUTE TO AN ASSIST OTHER AGENCY FORT BEND COUNTY IN REFERENCE TO A UUMV THEY HAD TAKEN ON 5/28/16.

THE VICTIM OF THE UUMV LEWIS, SHAUNA B/F DOB [REDACTED] STATED SHE LOCATED HER STOLEN VEHICLE AT THE CHILLIS PARKING LOT ON SH6 BY THE ROSS. UPON ARRIVAL I FOUND THE VEHICLE [REDACTED] LP [REDACTED] BACKED INTO A SPOT Y THE CHILLIS. A B/M SUBJECT LATER IDENTIFIED AS CHEEKS, KALEN DOB [REDACTED] WAS BEHIND THE VEHICLE CHANGING THE LICENSE PLATES.

10/CLP

10/CLP

Pursuit Termination

Was the pursuit terminated? **YES**

How did the pursuit end? **TRAFFIC CRASH**

If the pursuit was terminated, who terminated it?

If the pursuit was terminated, which statement closely supports the reason?

The pursuit resulted in the following:

Was the suspect vehicle forced to stop? **NO**

If yes, which methods
(list all that apply)?

Name of supervisor approving the forcible stop:

Code #:

Jurisdiction: **MCPD**

Were tire deflation devices utilized to assist in the termination of the pursuit? **NO**

If a tire deflation device was utilized to assist in the termination of the pursuit,
in your opinion, was the deployment the primary cause for the pursuit to be terminated? **NO**

Who deployed the device?

Where was the device deployed?

Charges

Did the suspect(s) flee on foot?

Was the suspect(s) arrested? **YES**

Description of charges against the driver (include code section):

**EVADING ARREST / DETENION IN VEHICLE, RESISTING ARREST, ACCIDENT INVOLVING INJURES AND UUMV
[05/29/2016 12:39, DLS266, 83, MCPD]**

Status of warrant(s) against suspect / driver:

Did the passenger(s) flee on foot?

Was the passenger(s) arrested?

Description of charges against the passenger (include code section):

Exhibit F

Status of warrant(s) against the passengers:

Total number of charges: **4**

Administrative Review

Supervisor's name: SMITH, DARYL L SR	Date:
How many Departmental / Office vehicles were involved in the pursuit? 7	
Did YOU terminate the pursuit? NO	
If yes, explain below:	
[REDACTED]	
If no, explain below:	
[REDACTED] 5/29/2016 12:40, DLS266, 83, MCPD]	
Was there an additional use of force applied during the incident other than the pursuit? YES	
If yes, explain below:	
GUNS POINTED AT SUSPECT. [05/29/2016 12:41, DLS266, 83, MCPD]	
Was a Use Of Force Report completed? YES	Was the pursuit channel activated? NO

Distribution:

Original + copy of any / all associated reports for Staff Review
 Copy of this report + any / all associated reports to Watch Commander

Staff Review Only						
Reviewed	Name	Signature	Code #	Concur	Date	Forwarded
Divisional Captain				Yes No		
IA				Yes No		

Original - File
 Copy - Training & Development Unit

Exhibit F

Supervisory Pursuit Report

Supervisory Pursuit Report Continuation

Continuing List the route of the pursuit:

The victim of the uumv Lewis, Shauna b/f dob [REDACTED] stated she located her stolen vehicle at the Chillis parking lot on SH6 by the Ross. Upon arrival i found the vehicle [REDACTED] backed into a spot y the chillis. A b/m subject later identified as Cheeks, Kalen dob [REDACTED] was behind the vehicle changing the license plates. (u/CLP) (u/CLP)

I asked Mr cheeks to step toward me put his hands behind his back and face away from me while i had my taser pointed at him. Mr Cheeks kept stating this was his moms vehicle he was driving. I was able to place a cuff on Mr cheeks left arm before he started to resist. Mr cheeks was actively try to get away as i pushed him up the rear door of the vehicle. The subject slipped out of my arms while wearing a cuff only to his left arm.

Mr Cheeks got into the driver side of the stolen vehicle and a pursuit was initiated. Mr cheeks drove with an open hood for a majority of the pursuit. Mr Cheeks drove down SH6 into the Chinese church parking lot then got back on SH6 toward the Fort Bend Toll road and turned right toward Sienna Parkway. The vehicle then made a left onto Sienna Parkway then left on Silver Ridge then left onto Diamond Spring then right on Watts Plantation. Mr Cheeks then turned left on knight rd and crossed over the Fort Bend toll into the Krogers parking lot while driving only on three tires.

Mr Cheeks then drove on the wrong side of SH6 thru the Vicksburg intersection. Mr cheeks continued to drive erratic and on the wrong side of the road at times until he made a left into the Murphy Express parking lot heading toward the Krogers gas station next to Chick Fila. The subject then drove the wrong way down south University and wrecked out in the 19800 block of S University. The subject had managed to hand cuff himself to the steering wheel of the vehicle and was placed into custody. Mr. Cheeks struck a vehicle wich caused injury to a person, see officer Avens # 796 supplement report.

Fort Bend County recovered their stolen vehicle case number 167977. The vehicle was towed by Fort Bend county. Mr Cheeks was transported to Sugarland St Lukes by medic 5. Officer Stahl # 687 went to the hospital with the suspect. Doctors are stating they will keep the subject over night at this time. Cleared report and awaiting on the hospital to release the subject so he can be transported to the Fort Bend county jail. [05/29/2016 13:12, DLS266, 83, MCPD]

Continuing Summary:

a spot y the chillis. A b/m subject later identified as Cheeks, Kalen dob [REDACTED] was behind the vehicle changing the license plates. (u/CLP)

I asked Mr cheeks to step toward me put his hands behind his back and face away from me while i had my taser pointed at him. Mr Cheeks kept stating this was his moms vehicle he was driving. I was able to place a cuff on Mr cheeks left arm before he started to resist. Mr cheeks was actively try to get away as i pushed him up the rear door of the vehicle. The subject slipped out of my arms while wearing a cuff only to his left arm.

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Exhibit F

Supervisory Pursuit Report

Supervisory Pursuit Report Continuation

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Mr Cheeks then drove on the wrong side of SH6 thru the Vicksburg intersection. Mr cheeks continued to drive erratic and on the wrong side of the road at times until he made a left into the Murphy Express parking lot heading toward the Krogers gas station next to Chick Fila. The subject then drove the wrong way down south University and wrecked out in the 19800 block of S University. The subject had managed to hand cuff himself to the steering wheel of the vehicle and was placed into custody. Mr. Cheeks struck a vehicle wich cuased injury to a person, see officer Avens # 796 supplement report.

Fort Bend County recovered their stolen vehicle case number 167977. The vehicle was towed by Fort Bend county. Mr Cheeks was transported to Sugarland St Lukes by medic 5. Officer Stahl # 687 went to the hospital with the suspect. Doctors are stating they will keep the subject over night at this time. Cleared report and awaiting on the hospital to release the subject so he can be transported to the Fort Bend county jail. [05/29/2016 13:12, DLS266, 83, MCPD]

Exhibit E

Missouri City Police Department

Use of Force Report

To be completed by the officer using force.

INCIDENT INFORMATION

1. Date of this Report 05/28/2016
2. Date of Incident 05/28/2016
3. Time of Incident 12:33
4. Location of Incident 4911 COTTER LAKE DR, MISSOURI CITY, TX 77459
5. Case number 16003614
6. Type of force a.) POINTED FIREARM (N) b.) c.)
(Effective Y/N) Other (explain)
7. At the time of the incident, was the officer in uniform or plainclothes?
8. List name and code numbers of all officers present at the time the force was used

9. List names, addresses, and phone numbers of any witnesses

OFFICER INFORMATION

10. Name SMITH, D. L.
11. Rank SERGEANT
12. Badge: 266
13. Where assigned MCPD/PAT/PAT/DAYS
14. Phone # 281-403-5803
15. Race B 16. Sex M
17. Date of birth [REDACTED] 102
18. Date of employment 11/12/1998
19. Total years of education
20. Was the officer injured?
21. If yes, type of injuries
22. Name of hospital
23. Type of treatment

Exhibit G

SUBJECT INFORMATION

- 24. Name
- 25. Address
- 26. Race
- 27. Sex
- 28. Date of birth
- 29. Social security #
- 30. Work phone
- 31. Home phone
- 32. Did subject complain of injury?
- 33. Were there visible signs of injury?
- 34. If yes, type of injuries

Note: Subject must go to the hospital for any complaint of injury or use of OC spray. Treatment must be refused at the hospital.

- 35. Type of treatment
- 36. Name of hospital
- 37. How transported to hospital
- 38. Name of doctor
- 39. Time of treatment
- 40. Time of release
- 41. Was subject under the influence of drugs or alcohol?
- 42. Photos attached? If no, explain:
- 43. Was suspect arrested? If yes, list charges. If no, explain:

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective. NOTE: In case of use of the OC Fogger, or in any case as directed by supervision, this information must be reported in standard letter format and attached to this form.

45. Officer's signature _____ Date: _____

SUPERVISOR'S REPSONSIBILITIES

Note: A cover letter from the supervisor, through channels, must accompany this form (Except cases involving ONLY the use of the individual OC canister. If a complaint of excessive use of force was made, a PD-82 must be compiled.

I have reviewed this use of force, and have determined that

- | | |
|---|--|
| <input type="checkbox"/> it is within the policy guidelines | <input type="checkbox"/> it is not within the policy guidelines |
| <input type="checkbox"/> lesser force alternatives were not available | <input type="checkbox"/> lesser force alternatives were available |
| <input type="checkbox"/> training and proper tactics were followed | <input type="checkbox"/> training and proper tactics were not followed |

Supervisor's name **SMITH, D. L.**

Supervisor's code # **266**

Supervisor's signature _____

Supervisor's assignment **MCPD/PAT/PAT/DAYS**

Telephone # **281-403-5803**

In cases involving ONLY the use of the individual OC canister, the reviewing supervisor must explain his/her conclusion below. In other cases, the cover letter explains the conclusion

FULL REVIEWS ATTACHED, IF COMPLETED

Distribution

Original - Through channels to the Major of the Affected Service

Copy - Internal Affairs Division

Copy - Training Division

Missouri City Police Department

Use of Force Report

To be completed by the officer using force.

INCIDENT INFORMATION

1. Date of this Report 05/28/2016 2. Date of Incident 05/28/2016 3. Time of Incident 13:30
4. Location of Incident , ,
5. Case number 16003614
6. Type of force a.) ECW THREAT (N) b.) FIREARM DISPLAYED (N) c.)
 (Effective Y/N) Other (explain)
7. At the time of the incident, was the officer in uniform or plainclothes? UNIFORM
8. List name and code numbers of all officers present at the time the force was used
 AVEN, AARON ZACHARIAH (796) / SMITH, DARYL L Sr (266) / STAHL, ERIC (687) / FAHEY, PATRICK
 (817)

9. List names, addresses, and phone numbers of any witnesses

OFFICER INFORMATION

- [REDACTED] 11. Rank POLICE OFFICER 12. Badge: 619
13. Where assigned MCPD/PAT/PAT/D6A 14. Phone # 281-403-5843
15. Race W 16. Sex M 17. Date of birth [REDACTED] 02
18. Date of employment 11/13/2005 19. Total years of education
20. Was the officer injured? N 21. If yes, type of injuries
22. Name of hospital 23. Type of treatment

Exhibit H

SUBJECT INFORMATION

24. Name **KALEN ARMAND CHEEKS** 25. Address **6800 WINDHAVEN PKY APT 310**
26. Race **B** 27. Sex **M** 28. Date of birth (██████████) **THE COLONY, TX 75056-0000**
29. Social security # (██████████) **147** **101/CLP**
30. Work phone **713-483-4491** 31. Home phone **713-483-4491**
32. Did subject complain of injury? **Y** 33. Were there visible signs of injury? **N**
34. If yes, type of injuries **MINOR INJURIES**

Note: Subject must go to the hospital for any complaint of injury or use of OC spray. Treatment must be refused at the hospital.

35. Type of treatment **TRANSPORTED TO HOSPITAL**
36. Name of hospital 37. How transported to hospital **AMBULANCE**
38. Name of doctor
39. Time of treatment **05/28/2016 18:25:59** 40. Time of release **05/28/2016 18:26:00**
41. Was subject under the influence of drugs or alcohol?
42. Photos attached? If no, explain:
43. Was suspect arrested? If yes, list charges. If no, explain:

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective. NOTE: In case of use of the OC Fogger, or in any case as directed by supervision, this information must be reported in standard letter format and attached to this form.

██████████ started my patrol vehicle after the suspect wrecked out and had my hand gun drawn as I approached the suspect vehicle. Once the drivers door was open and I observed the suspect had his right hand up and left hand handcuffed to the steering wheel, I holstered my hand gun and assisted other officers with removing the suspect and detaining him.
[05/28/2016 18:40, ██████████, MCPD]

45. Officer's signature _____ Date: _____

Exhibit H

SUPERVISOR'S REPSONSIBILITIES

Note: A cover letter from the supervisor, through channels, must accompany this form (Except cases involving ONLY the use of the individual OC canister. If a complaint of excessive use of force was made, a PD-82 must be compiled.

I have reviewed this use of force, and have determined that

- it is within the policy guidelines
- it is not within the policy guidelines
- lesser force alternatives were not available
- lesser force alternatives were available
- training and proper tactics were followed
- training and proper tactics were not followed

Supervisor's name **SMITH, D. L.**

Supervisor's code # **266**

Supervisor's signature _____

Supervisor's assignment **MCPD/PAT/PAT/DAYS**

Telephone # **281-403-5803**

In cases involving ONLY the use of the individual OC canister, the reviewing supervisor must explain his/her conclusion below. In other cases, the cover letter explains the conclusion

FULL REVIEWS ATTACHED, IF COMPLETED

Distribution

Original - Through channels to the Major of the Affected Service

Copy - Internal Affairs Division

Copy - Training Division

Exhibit H

Missouri City Police Department

Use of Force Report

To be completed by the officer using force.

INCIDENT INFORMATION

1. Date of this Report 05/28/2016 2. Date of Incident 05/28/2016 3. Time of Incident 12:33
4. Location of Incident 4911 COTTER LAKE DR, MISSOURI CITY, TX 77459
5. Case number 16003614
6. Type of force a.) POINTED FIREARM (N) b.) c.)
(Effective Y/N) Other (explain)
7. At the time of the incident, was the officer in uniform or plainclothes? UNIFORM
8. List name and code numbers of all officers present at the time the force was used
9. List names, addresses, and phone numbers of any witnesses

OFFICER INFORMATION

10. Name AVEN, A. Z. 11. Rank POLICE OFFICER 12. Badge: 796
13. Where assigned MCPD/PAT/PAT/D8A 14. Phone # 281-403-5873
15. Race W 16. Sex M 17. Date of birth [REDACTED] 10/2
18. Date of employment 10/03/2010 19. Total years of education
20. Was the officer injured? N 21. If yes, type of injuries NONE
22. Name of hospital 23. Type of treatment

Exhibit I

SUBJECT INFORMATION

- 24. Name
- 25. Address
- 26. Race
- 27. Sex
- 28. Date of birth
- 29. Social security #
- 30. Work phone
- 31. Home phone
- 32. Did subject complain of injury?
- 33. Were there visible signs of injury?
- 34. If yes, type of injuries

Note: Subject must go to the hospital for any complaint of injury or use of OC spray. Treatment must be refused at the hospital.

- 35. Type of treatment
- 36. Name of hospital
- 37. How transported to hospital
- 38. Name of doctor
- 39. Time of treatment
- 40. Time of release
- 41. Was subject under the influence of drugs or alcohol?
- 42. Photos attached? If no, explain:
- 43. Was suspect arrested? If yes, list charges. If no, explain:

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective. NOTE: In case of use of the OC Fogger, or in any case as directed by supervision, this information must be reported in standard letter format and attached to this form.

I arrived on location to a confirmed stolen vehicle and deployed my patrol rifle. As I approached the vehicle, I pointed my patrol rifle at the driver of the vehicle as he began to flee location. I then secured my patrol rifle in my vehicle and continued the pursuit.

[05/28/2016 19:27, AZA796, 56, MCPD]

45. Officer's signature _____ Date: _____

SUPERVISOR'S RESPONSIBILITIES

Note: A cover letter from the supervisor, through channels, must accompany this form (Except cases involving ONLY the use of the individual OC canister. If a complaint of excessive use of force was made, a PD-82 must be compiled.

I have reviewed this use of force, and have determined that

- | | |
|---|--|
| <input type="checkbox"/> it is within the policy guidelines | <input type="checkbox"/> it is not within the policy guidelines |
| <input type="checkbox"/> lesser force alternatives were not available | <input type="checkbox"/> lesser force alternatives were available |
| <input type="checkbox"/> training and proper tactics were followed | <input type="checkbox"/> training and proper tactics were not followed |

Supervisor's name **SMITH, D. L.**

Supervisor's code # **266**

Supervisor's signature _____

Supervisor's assignment **MCPD/PAT/PAT/DAYS**

Telephone # **281-403-5803**

In cases involving ONLY the use of the individual OC canister, the reviewing supervisor must explain his/her conclusion below. In other cases, the cover letter explains the conclusion

FULL REVIEWS ATTACHED, IF COMPLETED

Distribution

Original - Through channels to the Major of the Affected Service

Copy - Internal Affairs Division

Copy - Training Division

Exhibit I

30-16 Body Worn Cameras
G. LIMBOUSIS

Exhibit K

Item Code: 3001 Serial #: 55001081

Type	Date/Time	Returned To / Issued By / Maintenance By	Issued To
Issue	06/17/2016 15:25	PAHL, B. A.	GLAVE, S.
Return	06/17/2016 15:24	PAHL, B. A.	
Return	06/17/2016 15:24	PAHL, B. A.	
Maintenance	06/17/2016 15:22	PAHL, B. A.	
Ofc. Limbousis advised his camera was not downloading. I plugged the unit in and it downloaded 2 videos. I charged the unit and returned it to service. [06/17/2016 15:23, BAP632, 38, MCPD]			
Issue	02/28/2016 19:43	PAHL, B. A.	LIMBOUSIS, K. G.

Exhibit K2

Signature Summary

42 Rows, Generated by Michael Curry 7/11/2016 11:49 Central Standard Time

Username	Last	First	Title	Location	Count
aaven	Aven	Aaron	Officer	Patrol	1
arodriguez	Rodriguez	Audrey			1
asonnier	Sonnier	Andrew	Officer	Patrol	1
barmstrong	Armstrong	Brandon	Officer	Patrol	1
bhoward	Howard	Blake	Officer	Patrol	1
blampe	Lampe	Ben	Officer	Patrol	1
bmotto	Motto	Brian	Officer	Patrol	1
bnorwood	Norwood	Brian	Officer	Patrol	1
bpahl	Pahl	Benjamin	Officer	Patrol	1
chanks	Hanks	Christopher	Officer	Patrol	1
cschragel	Schragel	Christopher	Officer	Patrol	1
cvargas	Vargas	Christopher	Officer	Patrol	1
dhaley	Haley	Dareka			1
dmonroy	Monroy	Daniel	Officer	Patrol	1
dolivo	Olivo	Daniel	Officer	Patrol	1
dspencer	Spencer	Derrick	Detective	Criminal Investigations	1
estahl	Stahl	Eric	Officer	Patrol	1
ewilliams	Williams	Ellis	Officer	Patrol	1
glimbousis	Limbousis	Gus	Officer	Patrol	1
hdiaz	Diaz	Hugo	Officer	Patrol	1
jberry	Berry	Jessica	Officer	Patrol	1
jfinberg	Finberg	Jason	Officer	Patrol	1
jlewis	Lewis	Eric	Officer	Patrol	1
jmckinnies	McKinnies	Jaron			1
jurban	Urban	James	Officer	Patrol	1

Exhibit K3