



Police

Michael Berezin
Chief Administrator



COMPLAINT REQUIREMENTS

The Chief of Police has adopted this complaint because the following misconduct is alleged, and there is no complainant willing or able to give a notarized statement. The alleged behavior is something other than criminal, discharge of firearm, excessive use of force, or domestic violence, which brings into question the integrity of the subject officer and/or the Missouri City Police Department. The alleged behavior was observed by a supervisor and was determined to be a possible violation of departmental rules. There is no complainant; therefore, because the Chief is accountable for the behavior of the employees in the department and is responsible for the management of the department, the case will be adopted in the Chief's name.

WITNESS STATEMENTS

Relationship: N/A

Investigator's Note: N/A

NOTIFICATION REQUIREMENT

On April 17, 2018, Captain Poulton issued Lieutenant Merritt a written Letter of Notification, informing her of the nature of the investigation. Specifically, she was informed of the complainant's name and the nature of the allegations filed. The Letter of Notification was delivered in person.

On April 17, 2018 Lieutenant Merritt was also provided with a copy of the following documents:

1. Copy of Policy 10-01 Code of Conduct.
2. Copy of Policy 30-05 City Vehicles
3. Copy of Policy 40-10 Off Duty Employment



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SUBJECT STATEMENT

Administrative Statement of Lieutenant Geneane Merritt. Home Address -
[Undisclosed] Other Telephone- /

Business Address- [3849 Cartwright Road], Missouri City, TX 77437. BUSINESS
Telephone- (281) [403-8700].

7/11/17

Relationship: Missouri City Police Department Lieutenant.

Investigator's Note:

The following is Lieutenant Geneane Merritt's administrative statement verbatim. The original is included in the "Statements" section of this investigative package. The grammar, spelling, punctuation, and context were not changed.

Administrative statement of Lieutenant Merritt dated April 18, 2018.

In response to the charge of (Improper Use of a Vehicle):

On March 24, 2018, I did utilize the police vehicle due to an issue with my vehicle. My vehicle was not operable for a week. I was not scheduled for working the extra job and I was asked at the last minute to assist in someone's absence at the referenced location on the complaint summary.

In response to the charge of untruthfulness:

In the stated Summary I was provided, it said I was on duty at the time of the call from Captain Harris, and I was not on duty, but heading to work. I did stay at a friend's house and was brought back in the early morning to go to work. On the way in to work I remembered I had to bring the keys to open the traffic box for a few until the other security worker could continue with traffic. I figured I could swing by there before work and then head to work. I was on my way to work when Captain Harris called and asked me, "Why was you on Bellaire?"

I was frazzled because I figured he would have a problem with me being out of Missouri City with the vehicle. (This incident was two weeks ago so this is not word for word). I believe I told him that I was coming from a friend's house and was heading in to work and had vehicle without specifics. I did not provide in detail any further due to not having a good relationship with Captain Harris.



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In reference to the second statement of untruthfulness (training):

I left on February 6th to Fresco, TX (6 hour drive), to attend a training class I thought started on the 7th of February. I realized on the morning of the 7th that the first class was on the 6th which was the day I traveled to get there thinking it started the next day. I advised the instructor and he said "no worries", and since I missed yesterday he had a second day of class for me which I attended on the 8th. So, I was in class for two days. I have certificates for both classes. I have the paperwork from DOLAN GROUP to support my two days in class. When Captain Harris asked me about the TCOLE credit I called the DOLAN GROUP and left a message about the TCOLE credits. I did not get a response back on the issue.

I called again and spoke with Keenan Dolan who stated the TCOLE credit was not entered because it had to be a full two-days in that specific course. The second day I attended was a follow-up Leadership course, so that's why he wanted me to stay since I was not there the first day which was when I was traveling to the training. So in response to this accusation I was not evasive and had no problem advising I attended a total of two classes. The summary stated in his opinion that I quickly changed the subject. Captain Harris and I do not get along and has shown on numerous occasions a distain taste for me, so I did not want to continue a fake conversation with him knowing he did not care how I felt about the class.

In reference to the charge of (Working an unapproved extra job):

I was authorized to work St. Agnes School three years ago, which was approved by Chief Jemison and Sgt. Englishbee was provided a copy of the approval with his signature on a hard copy to be scanned. I also provided Sergeant Englishbee a copy of the traffic card that I had to obtain when I was approved to work this extra job.

Lieutenant Geneane Merritt#790
Missouri City Police Department

End of administrative statement- Lieutenant Geneane Merritt.



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PHYSICAL EVIDENCE

All items of physical evidence, which are included in this section, are attached to this investigative package.

CD/ DVD Media

There are two audio CD's reference this incident. One CD contains a recorded phone conversation between Captain Harris and Lieutenant Merritt. The second CD is an audio recording of Lieutenant Merritt's interview with Captain Poulton.

Photos

There are no photos.

Letters of Notification to Employee

Upon receiving notification of this incident, a Letter of Notification was given to the employee involved in this incident. The letter informed the employee of the nature of the allegations filed and the name of the complainant. The letter(s) are attached to this investigative package.

CRIMINAL CHARGES FILED

There are no criminal charges filed related to this investigation.

INVESTIGATION FINDINGS

On Friday March 26, 2018, Captain Harris was using Avail web to check the activity history of the Patrol Lieutenants. He observed what he believed to be peculiar activity related to Lieutenant Merritt's patrol vehicle. The city vehicle was outside the city for an approximate three hour period and not during her normal tour of duty. After some research Captain Harris was able to determine the location to be 9401 Knight Road the Bayou City Event Center. He also was able to determine Lieutenant Merritt did indeed work an extra job for Saint Agnes Academy at that location on the date and time in question.

This activity led to Captain Harris to check additional activity to determine if Lieutenant Merritt was utilizing her city assigned vehicle to travel to and from extra jobs. He



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observed her city assigned vehicle to be once again on March 28th at approximately 0730 at a location outside the city in the 9000 block of Bellaire. Lieutenant Merritt was not signed on duty at this time but signed onto CAD at 08:04. Captain Harris was able to determine this location to be Saint Agnes Academy. This time of morning would typically be during Lieutenant Merritt's normal tour of duty. This led Captain Harris to call Lieutenant Merritt to ask why she had been so far outside the city. This phone call is what led to the allegation of untruthfulness. The phone call in question was recorded by Captain Harris.

Lieutenant Merritt responded to Captain Harris's question by saying she was coming from a friend's house, where she had spent the night. She stated she had the city vehicle with her because she had planned on going straight to work from her friend's house. This information is totally false because data gathered through GPS tracking shows Merritt's assigned vehicle was parked the evening before at her personal residence and did not leave there until approximately 0704, where it proceeded to the 9000 block of Bellaire.

The fail to report for duty allegation is in regards to an out of town class Lieutenant Merritt was scheduled to attend on February 6 and 7 in Frisco, Texas. Captain Harris became aware there might be an issue after he was first called from finance about Lieutenant Merritt's P-card statement being late. Upon review of the statement he observed a hotel charge for an additional night. This led him to question Lieutenant Merritt about the class. When he asked about the class he felt she was being evasive with her answers. This led him to check further and he determined she did not attend class on the 6th and did not receive TCOLE credit. Attending the class on the day in question would have been her assigned tour of duty for the day. Lieutenant Merritt asserts she was here at the PD on February 6th but upon reviewing CAD activity for February 6th, I could not find any activity for Lieutenant Merritt.

On April 25, 2018, I interviewed Lieutenant Merritt in my office regarding all the allegations. The first allegation addressed was the issue of the unapproved extra job. Although Lieutenant Merritt was working at the Bayou City Event Center, she was actually working for and being paid by Saint Agnes Academy. This is an approved extra job, so there is no apparent policy violation regarding this charge. However, during the course of the conversation I asked Lieutenant Merritt how often she works for Saint Agnes. She stated she works a couple of times a week for them directing traffic. Doing a review of extra job activity, Lieutenant Merritt shows to only have worked this job one time in the past three years. I addressed this issue with Lieutenant Merritt at the time and stressed the need to adhere to departmental policy when working extra jobs. I emphasized the importance of putting herself out when working extra jobs.



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In regards to the improper use of the city vehicle, all data shows this policy was clearly violated. Lieutenant Merritt admits violating the city vehicle use policy and takes responsibility for her actions. It's noted Lieutenant Merritt states she had personal vehicle issues but made no attempt to possibly get permission to use the city vehicle.

The fail to report for duty violation involves her not being at an out of town school on February 6th as she was scheduled to do. Lieutenant Merritt admits she did not attend the first day of class but states it was a mistake on her part when entering it into her calendar. Lieutenant Merritt made no attempt to notify any supervisor she had missed the first day of a two day class. My larger concern with this event is, Lieutenant Merritt took it upon herself to stay a day longer when she was offered the third day of class at no charge. Lieutenant Merritt did receive two certificates of attendance but only received 6.75 hours of credit for the class that was held on the 6th and 7th. I cannot find any record that there was a charge for the class that was held on the 8th. Although the class was apparently free, her time, the extra night of hotel and a day of per diem would not be. She did not seek the proper approval to attend the additional day of class.

The allegation of dishonesty revolves around two different incidents. The first is the response in regards to being asked about why she did not receive TCOLE credit for the two day class she attended. Lieutenant Merritt was not forthcoming about missing the first day of class, she thought she was getting credit because the instructor offered her the third day of class at no charge. She thought this would make up for missing the first day of class. Lieutenant Merritt was not forthcoming with complete information in her conversation with Captain Harris. Dolan Consulting group was contacted via email in reference to Lieutenant Merritt's attendance. The immediately referred us back to Officer Chris Cogan at Frisco Police Department and said they were responsible for the tracking and entry of hours received. Contact was made with Officer Cogan and he stated Lieutenant Merritt received no TCOLE hours for the class on the 6-8 because she did not attend the first day of class. He stated it was too many hours missed and did comply with TCOLE standards to receive credit.

The second occurrence involves the phone conversation between Lieutenant Merritt and Captain Harris about her location and why she was on Bellaire Boulevard. Lieutenant Merritt when asked by Captain Harris why she was on Bellaire replied she had spent the night at a friend's house and was on her way to work. Data from GPS clearly shows this not to be a true statement. Lieutenant Merritt also admits in her statement she did not respond in a truthful manner. My greater concern in this matter is, Captain Harris writes Lieutenant Merritt came to his office approximately 30 minutes later and reiterated the same dishonest statement she had told him on the phone.

After conducting this investigation, reviewing information and interviewing Lieutenant Merritt I have some serious concerns. Besides the outward glaring issue of the



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untruthfulness, I have concerns about Lieutenant Merritt's decision making capabilities. Upon looking at all the information and speaking with Lieutenant Merritt, it appears either she has the propensity to make poor decisions or she does not want to abide by departmental policy. Either of these issues creates a dilemma for the department.

After reviewing all the evidence available and reading Lieutenant Merritt's statement, I am recommending the following as listed below.

Policy 10-01 Code of Conduct V.D.5	(Fail to be Honest/Untruthful) (SUSTAINED)
Policy 30-05 City Vehicles III C. 5	(Improper Use of City Vehicle) (SUSTAINED)
Policy 10-01 Code of Conduct V.D.14	(Fail to Report for Duty) (SUSTAINED)
Policy 40-10 Off Duty Employment IV.B1	(Working Unapproved Extra Job) (NOT SUSTAINED)

Although the improper use of city vehicle and fail to report for duty are not egregious policy violations on their own, coupled with the untruthfulness, it brings into question Lieutenant Merritt's decision making capabilities as a supervisor. It would also call into question her veracity as police officer in any type of court proceedings in the future. It would be my recommendation Lieutenant Merritt's employment be **separated** from the department.

Respectfully Submitted,

Paul E. Poulton
Captain, Administrative Division

IA/PSD Case System : Summary (Public)

On Monday March 26, 2018 I logged into Avail Web to review the activity history of the Lieutenants assigned to the patrol division. While checking Lieutenant Merritt's activity history I observed her marked vehicle (2591), with activity history well outside of the city limits of Missouri City on Saturday March 24, 2018. I utilized the zoom feature in the mapping system and observed her patrol vehicle to be in the area of Holmes Road and Almeda Road and had been idle for approximately 3 hours from approximately 8pm-10:55pm.

I utilized Google maps and was able to determine the location her vehicle had been idle at was 9401 Knight Road Houston, Texas 77045 which is Bayou City Event Center. Based on the name of this location and the time frame I believed Lieutenant Merritt may have been working an off duty extra job while utilizing her patrol vehicle. I contacted TCO Supervisor Brumfield to run CAD activity for Lieutenant Merritt for March 24, 2018 between the hours of 0000-2359 to see if in fact she was signed onto CAD as working an extra job during this time. According to CAD records there was no activity for Lieutenant Merritt during this time.

Unsure of why Lieutenant Merritt's patrol vehicle was at this location during the date and time in question, I decided to visit the location to inquire. Once on location I was unable to verify with anyone why a marked Missouri City patrol unit was on location for almost 3 hours; however I was given a business card for Kristin Massey who is the Vice President for the location to contact. I called and spoke with Kristin Massey who advised me that on Saturday March 24, 2018 during the time in question, Saint Agnes Academy hosted an evening time event. I asked Kristin if she hired a Missouri City officer for this event and she stated she had not. Kristin stated that they utilize Houston Police Department officers solely, however it is not uncommon for organization's hosting events to hire their own police officer's to work security.

I then looked on Saint Agnes Academy's website for a number to call. On their website I saw a number for Maddy Echols who is the director of Admissions. I called Ms. Echols and advised her I was trying to verify if the school hired a Missouri City police officer for their event at the Bayou City Event Center on March 24, 2018. Ms. Echols stated she could not verify this, but would have someone call me who could.

On March 27, 2018 I was contacted by Dale Grasman (832-428-0748) with Saint Agnes Academy. Mr. Grasman confirmed that on March 24, 2018 they hired Lieutenant Merritt to work an off duty job for them at the Bayou City Event Center.

On Wednesday, March 28, 2018 utilizing Avail Web, I checked other dates and times for Lieutenant Merritt's activity history to see if she possibly worked other jobs while utilizing her patrol vehicle. While doing so I noticed on 3-28-2018 at approximately 0730 her patrol vehicle was located in the 9000 block of Bellaire Blvd in Houston Texas. Again utilizing Google maps I was able to determine the location to be Saint Agnes Academy.

Lieutenant Merritt was on duty during this time; therefore I was unsure why she was at this location while on duty in her patrol unit. Later in the day I called Lieutenant Merritt on her cell phone via my cell phone and asked her why her patrol vehicle was in the area of Bellaire Blvd this morning. Lieutenant Merritt's response to me was she spent the night at a friend's house the night before and left straight from there to come to work this morning. Lieutenant Merritt stated she did not want to have to come to her house to get her patrol car before coming to work. About 30 minutes later Lieutenant Merritt came into my officer and reiterated the story that she spent the night at a friend's house with her patrol car and did not want to have to travel from his house to her house and pick up her marked patrol car prior to reporting for duty.

These facts as stated by Lieutenant Merritt are untruthful. When in fact the last recorded GPS history for her patrol vehicle on Tuesday March 27, 2018 is at 4:26pm near her residence. The next recorded GPS activity is Wednesday March 28, 2018 at 7:02am again near her residence. Following the recorded GPS activity for this date beginning at 7:02am Lieutenant Merritt's patrol vehicle travels from her residence, north on the Fort Bend Tollway, north on the Harris County Tollway to Bellaire Blvd where it exits heading east to the 9000 block of Bellaire Blvd. (Saint Agnes Academy). Her patrol vehicle remains at this location for approximately 30 minutes. Her patrol vehicle then travels back to Missouri City and arrives in the city limits at approximately 8:25am.

While talking with Lieutenant Merritt on the phone regarding her being on Bellaire Blvd. I also asked her why she did not receive TCOLE credit for a two day course she attended on February 6-7, 2018 in Frisco Texas. Lieutenant Merritt stated she was not sure why she did not receive credit for this course, but would contact Sgt. Englishbee and inquire. I advised her to find out why and let me know.

It should be noted that March 1, 2018 I received an email from Corrine Hudson advising that Lieutenant Merritt's Peard was overdue. I noticed on the charges for her Peard that there were hotel charges (Embassy Suites) for three days in Frisco Texas for March 6, 7 and 8, for the two day class.

On March 6, 2018 I asked Lieutenant Merritt why she had three days of hotel charges for a two day class. Lieutenant Merritt's response was she was offered a free one day class held at the same location as the two day class she took at Frisco Police Department. I asked her how the two day class was and she said, "it was ok, lots of the instructor talking about stories". Lieutenant Merritt's answer to me regarding this class seemed to be evasive. She quickly changed the subject from this class to the one day class she attended.

I had a feeling she possibly did not attend this class; therefore I checked TCLEDS and noticed that she did not receive TCOLE credit for the two day class, but did receive credit for the one day class that was held the following day. I then contacted the Frisco Police Department's training division and asked about why Lieutenant Merritt did not receive TCOLE credit for the class. I spoke with Officer Chris Cogan who advised me that Lieutenant Merritt did not receive credit because she did not attend the first day of class. Officer Cogan advised Lieutenant Merritt only attended the second day of the two day class. Officer Cogan email me a copy of the class roster which indicates Lieutenant Merritt only attended one day of class.

Lieutenant Merritt again was untruthful when I asked her why she did not receive TCOLE credit for the two day class in Frisco Texas and further was untruthful about attending this class.

It should be noted that when I called Lieutenant Merritt on my cell phone and asked her why her patrol car was on Bellaire Blvd that morning I recorded our conversation on a city recorder and downloaded the conversation on my computer.

[04/02/2018 11:12, BDH342, 1, MCPD]



Police

Michael Berezin
Chief of Police



Notification Letter


Subject Employee: Lieutenant Geneane Merritt
Assigned Investigator: Captain Paul Poulton
CC: Assistant Lance Bothell
PSI Number: 18-0004
Date: April 17, 2018

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 alleged violations occurred on or about March 6-8, 2018 and March 24-28, 2018. The initial allegation includes the following policy violations:

Policy 10-01 Code of Conduct V.D.5	(Fail to be Honest/Untruthful)
Policy 30-05 City Vehicles III A. 9	(Improper Use of City Vehicle)
Policy 10-01 Code of Conduct V.D.514	(Fail to Report for Duty)
Policy 40-10 Off Duty Employment IV.B1	(Working Unapproved Extra Job)

You are hereby instructed not to speak with anyone concerning this investigation other than myself or Assistant Chief Lance Bothell. You are directed to provide to me in writing your response to the alleged complaint by April 18, 2018 by no later than 4:00 p.m. Please feel free to contact me should you have questions or need clarification.

I will provide you with the official response form sent to your city email address of gmerritt@missouricitytx.gov directly after providing you with this notification.


Signature of Subject Employee


Administrative Captain



Police

Michael Berezin
Chief Administrator



Memorandum

To: Captain Paul Poulton
From: Lieutenant Geneane Merritt
CC: Assistant Chief Lance Bothell
Date: April 18, 2018
Re: PSI #18-0004 – Officer Response

In response to the charge of (Improper Use of a Vehicle):

On March 24, 2018, I did utilize the police vehicle due to an issue with my vehicle. My vehicle was not operable for a week. I was not scheduled for working the extra job and I was asked at the last minute to assist in someone's absence at the referenced location on the complaint summary.

In response to the charge of untruthfulness:

In the stated Summary I was provided, it said I was on duty at the time of the call from Captain Harris, and I was not on duty, but heading to work. I did stay at a friend's house and was brought back in the early morning to go to work. On the way in to work I remembered I had to bring the keys to open the traffic box for a few until the other security worker could continue with traffic. I figured I could swing by there before work and then head to work. I was on my way to work when Captain Harris called and asked me, "Why was you on Bellaire?"

I was frazzled because I figured he would have a problem with me being out of Missouri City with the vehicle. (This incident was two weeks ago so this is not word for word). I believe I told him that I was coming from a friend's house and was heading in to work and had vehicle without specifics. I did not provide in detail any further due to not having a good relationship with Captain Harris.



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In reference to the second statement of untruthfulness (training):

I left on February 6th to Fresco, TX (6 hour drive), to attend a training class I thought started on the 7th of February. I realized on the morning of the 7th that the first class was on the 6th which was the day I traveled to get there thinking it started the next day. I advised the instructor and he said "no worries", and since I missed yesterday he had a second day of class for me which I attended on the 8th. So, I was in class for two days. I have certificates for both classes. I have the paperwork from DOLAN GROUP to support my two days in class. When Captain Harris asked me about the TCOLE credit I called the DOLAN GROUP and left a message about the TCOLE credits. I did not get a response back on the issue.

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In reference to the charge of (Working an unapproved extra job):

I was authorized to work St. Agnes School three years ago, which was approved by Chief Jemison and Sgt. Englishbee was provided a copy of the approval with his signature on a hard copy to be scanned. I also provided Sergeant Englishbee a copy of the traffic card that I had to obtain when I was approved to work this extra job.

Lieutenant Geneane Merritt#790
Missouri City Police Department