

Affidavit of Investigator Bob Smith

Subject Sheriff John Clay Chism

JBW000541

On June 8, 2023, I was asked by Prosecuting Attorney Benjamin Miller to investigate reports from Deputies from the Callaway County Sheriff's office and citizens of Callaway County that Sheriff Chism has been Drinking alcohol and intoxicated while on duty.

Witness #1: Deputy, Callaway County Sheriff's Office

On June 8, 2023, I interviewed Witness # 1 by phone. Witness # 1 told me he lives close to "On The Rocks" liquor store located on the North side of Fulton by St. Eunice Rd. Witness # 1 told me that on February 14, 2023, and on May 4, 2023, he was at the intersection of St. Eunice Rd and Business 54 in Fulton Missouri. Witness # 1 told me on both occasions he saw Sheriff Chism driving his county issue patrol vehicle leave the drive through window of on the rocks liquor store. Witness # 1 said he and Sheriff Chism made eye contact on both occasions and Sheriff Chism left driving South on Business 54.

Witness # 1 told me that on May 9, 2023, at approximately 4:25 PM he was parked behind the sheriff's office catching up on reports. Witness # 1 said Sheriff Chism backed his county patrol vehicle into a spot not far from him. Witness # 1 said he saw Sheriff Chism open a bottle of what appeared to be alcohol and take a drink. Witness # 1 said after Sheriff Chism took the drink it appeared that Sheriff Chism either poured the remainder of the bottle into a large fountain drink cup or opened another bottle and poured the bottle into the cup.

Witness # 1 said when Sheriff Chism exited his patrol vehicle, he was wearing shorts and flip flops and went into the Sheriff's Office. Witness # 1 described the bottle as being small with red either on the cap or on the bottle.

Witness #2: Lieutenant, Callaway County Sheriff's Office

On June 8, 2023, I interviewed Witness #2 concerning his knowledge of Sheriffs Chism while being intoxicated while on duty. Witness #2 told me that the first time he smelled alcohol coming from Sheriff Chism was on May 12, 2023. Witness #2 stated he was speaking with Sheriff Chism and smelled a strong odor of intoxicants on Sheriffs Chism person.

Witness #2 told me that prior to May 22, 2023, he and Sheriff Chism were to meet with the Callaway County Commissioners concerning SWAT gear. Witness #2 said prior to the meeting he was in Sheriffs Chism office and smelled a strong odor of intoxicant emitting from Sheriffs Chism. Witness #2 also noticed that Sheriff Chism had slurred speech and had a hard time following the conversation. Witness #2 stated he believed Sheriff Chism was intoxicated at that time. Witness #2 stated both he and Sheriff Chism left the Sheriff's Office in separate vehicles to meet. Witness #2 said both he and Sheriff Chism were in patrol vehicle as they arrived at the Commissioner's Office. Witness #2 during the meeting with the Commissioners Sheriffs Chism speech was slurred and had difficulties following the meeting.

Witness #2 said he was present during a command staff meeting with Sheriff Chism due to concerns of Sheriff Chism drinking alcohol while on duty. During the meeting Sheriff Chism admitted he had been seeing a counselor concerning his drinking but that he had not been honest with his counselor. Sheriff Chism admitted he had not told his counselor that he was drinking alcohol at work while on duty.

Witness #2 is very concerned with Sheriff Chism drinking while on Duty, driving a patrol vehicle and being armed with a pistol. Witness #2 as well as the rest of the Command staff at the Sheriff's Office had encouraged Sheriff Chism to do inpatient treatment for his alcohol addiction. Witness #2 said Sheriff Chism told his staff that he does not have a drinking problem.

Witness #2 advised he has been contacted by several deputies of the sheriff's office who have voiced concerns of Sheriff Chism drinking alcohol while on duty.

Witness #2 questions Sheriff Chism decision making ability due to not knowing if orders or direction given to him by Sheriff Chism is given by an intoxicated Sheriff Chism. Witness #2 advised early this week the Fulton Police Department

requested the assistant of the Callaway County Swat Team to execute an arrest of two subjects wanted for a homicide in Kansas City. Sheriff Crane directed Witness #2 to make entry into the residence without damaging property and to just go in and get them. Witness #2 was concerned with the direction given by Sheriff Chism. Witness #2 stated Sheriff Chism showed up at the scene but stayed out of the actual scene. Witness #2 later found out that Sheriff Chism was in fact intoxicated at the time he was giving direction to Witness #2.

Witness #3: Lieutenant, Callaway County Sheriff's Office

On June 8, 2023, I interviewed Witness #3 concerning this investigation. Witness #3 told me he has been suspicious and concerned about Sheriff Chism drinking alcohol while on duty. Witness #3 said he has attended hour long meetings with Sheriff Chism on numerous occasions and believes Sheriff Chism was intoxicated during those meetings. Witness #3 bases his thoughts on Sheriffs Chism having a red face and his constant nodding off.

Witness #3 said approximately five weeks ago he noticed Sheriff Chism patrol vehicle parked down the hill from the main Sheriffs Office but did not see Sheriff Chism in his office. Witness #3 had a belief that Sheriff Chism was sleeping in his patrol vehicle. Witness #3 said he later found out by Major Maylee that Sheriff Chism was in fact passed out in his vehicle.

Witness #3 stated he continued to observe Sheriff Chism in an apparent state of intoxication while on duty wearing his uniform and sidearm. Witness #3 stated on May 22, 2023, he along with the command staff of the Sheriff's office confronted Sheriff Chism concerning his drinking while on duty. Sheriff Chism told his staff he did not have a drinking problem even after hearing the concerns.

Witness #3 stated one day he had to take Sheriff Chism to drop off a patrol vehicle at the shop in Fulton. Witness #3 said during the time with Sheriff Chism he could smell alcohol coming from Sheriff Chism. Witness #3 stated it had long been his thought that Sheriff Chism was drinking alcohol that was difficult to smell which was later confirmed when it was found out Sheriff Chism was drinking Vodka.

Witness #3 advised earlier this week the Callaway County Swat Team was activated to assist Fulton Police Department apprehend two homicide suspects from Kansas City that was in a residence in the Fulton area. Witness #3 said Sheriff Chism decided to respond to the scene. Witness #3 said Sheriff Chism smelled of alcohol and was so unsteady on his feet that Witness #3 had to assist Sheriff Chism with putting on his outer ballistic vest. Witness #3 said Sheriff Chism left in his patrol vehicle to go to the scene. Witness #3 states he regrets not stopping Sheriff Chism from going to his intoxicated state.

Witness #3 is concerned with the safety of Sheriff Chism and the community due to Sheriffs Chism intoxicated state and driving a patrol vehicle while intoxicated.

Witness #4: Staff Member, Westminster College

I interviewed Witness #4 concerning a lunch meeting she along with Witness #7 had with Sheriff Chism on May 16, 2023. Witness #4 said the meeting with Sheriff Chism was to talk about security updates within the college.

Witness #4 said once Sheriff Chism arrived and was seated, she could smell alcohol emitting from him. Witness #4 said she has had several in person meetings with Sheriff Chism but during this meeting Sheriff Chism seemed off. Witness #4 said besides the fact Sheriff Chism smelled of Alcohol he constantly covered his mouth when he spoke. Witness #4 said Sheriff Chism usually speaks and communicates very well but, on this occasion, he was having difficulties communicating. Witness #4 said she believes Sheriff Chism was under the influence of Alcohol during this meeting as did Witness #7 who is head of security at the College and prior Fulton Police Officer.

Witness #5: Employee, Callaway County Human Resource

On June 8, 2023, I spoke with Witness #5 concerning her observation of Sheriff Clay Chism during a ribbon cutting ceremony for the new Sheriff's Office on February 16, 2023.

Witness #5 said during the ceremony Sheriff Chism did not seem himself. Witness #5 said Sheriff Chism was slurring his speech and not able to follow simple instructions during the ribbing cutting process. Witness #5 stated it was very obvious to her the Sheriff Chism was intoxicated while in uniform and carrying his firearm.

Witness #6: Elected Official, Callaway County.

On June 9, 2023, I spoke with presiding commissioner Witness #6 concerning a golf tournament that he and Sheriff Chism attended. Witness #6 told me that he has been to two separate tournaments with Sheriff Chism, one in September of 2021 and the other in September of 2022. Witness #6 said the tournament in 2021 he and Sheriff Chism drove together. Witness #6 said while at the tournament everyone was drinking including Sheriff Chism. Witness #6 said after the tournament he dropped Sheriff Chism off at his personal vehicle. Witness #6 said Sheriff Chism was intoxicated and asked Sheriff Chism if he wanted a ride home and Sheriff Chism said he was fine.

Witness #6 said during the Tournament in September 2022 Sheriff Chism arrived at the gold course in Columbia. Witness #6 said Chism already appeared to have been drinking prior to arriving. Witness #6 said during the tournament everyone was consuming alcohol including Sheriff Chism. Witness #6 said Sheriff Chism became more intoxicated as the day went on. Witness #6 said the game was over at approximately 5:00 pm and people were leaving. Witness #6 said Sheriff Chism was in his black county patrol vehicle and Witness #6 had concerns about Sheriff Chism driving due to his intoxication level. Witness #6 asked Sheriff Chism if he was okay to drive home which Sheriff Chism said he was fine.

I spoke to Witness #6 about a meeting the Callaway County Commissioners had with Sheriff Chism and Witness #2 concerning SWAT gear. Witness #6 said it appeared Chism was under the influence of alcohol. Witness #6 said Sheriff Chism was not as intoxicated as he had been when playing golf, but Sheriff Chism did appear that he had been drinking prior to the meeting.

Witness #7: Staff Member, Westminster College

On June 9, 2023, I spoke with Witness #7 who is head of security at Westminster College. Witness #7 was present during the lunch meeting with Witness #4 and Sheriff Chism on May 16, 2023. Witness #7 told me that he would describe the meeting with Sheriff Chism as very bazaar. Witness #7 explained that Sheriff Chism was completely out of Character. Witness #7 said Sheriff Chism was talking in circles and his words were not clear. Witness #7 said he thought Sheriff Chism was under the influence of either alcohol or drugs.

Witness #7 said after the meeting he was talking to Witness #4 and she told him she could smell alcohol on Sheriff Chism. Witness #7 said once hearing that he and Witness #4 both believed Sheriff Chism was intoxicated. Witness #7 said Sheriff Chism was in full uniform and left in his patrol vehicle. Witness #7 said he was very concerned about Sheriff Chism safety as well as the safety of the public with Sheriff Chism driving in an intoxicated condition.

Witness #8: Sargent, Callaway County Sheriff's Department

On June 9, 2023, I spoke with Witness #8 by phone concerning his knowledge of Sheriff Chism drinking while on duty.

Witness #8 told me two to three weeks prior to Sheriff Chism being arrested for a DWI he walked into Sheriff's Chism office to ask a question. Witness #8 said when he walked into Sheriff's Chism office he saw Sheriff Chism putting a bottle of alcohol into his desk drawer. Witness #8 said the alcohol bottle was close to being emptied and Sheriff Chism was rushing to put the bottle away. Witness #8 said a large Styrofoam cup was on Sheriff's Chism desk, but he did not recall if the lid was on the cup or not. Witness #8 said this occurred in the afternoon between noon and 4:00 PM and Sheriff Chism was in full uniform with his duty weapon.

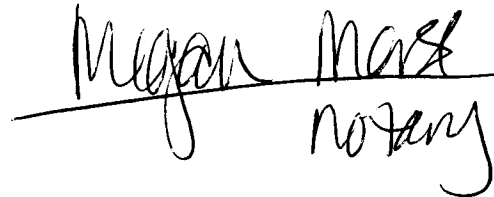
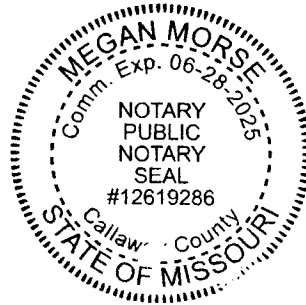
Witness #8 told me a few weeks after the above incident he was on duty in Auxvasse when he saw Sheriff Chism Patrol vehicle parked approximately four blocks from his (Sheriff Chism) house. Witness #8 said it was 1:00 to 2:00 AM and he

pulled up next to Sheriff Chism vehicle. Witness #8 said once next to Sheriff Chism's vehicle they both put their windows down and spoke. Witness #8 said he could smell the odor of alcohol coming from Sheriff's Chism vehicle and his speech was slurred. Witness #8 said Sheriff Chism was drinking from a Styrofoam cup like Sheriff Chism always drinks out of.

Witness 9: Investigator Bob Smith, Callaway County Prosecuting Attorney's Office

Prior to Sheriff Chism DWI arrest last fall, I was advised by Callaway County Emergency Operation Center (EOC) of a citizen that called in with concerns about an intoxicated deputy that had just contacted her. The caller stated she was concerned about this deputy and believed he was intoxicated. She described the uniform which was a Callaway County Deputies uniform and was able to give a patrol car License number which was 410. I am familiar with patrol car number 410 which is the same as deputies badge numbers. 410 is Sheriff Chism DSN number. Sheriff Chism was made aware of the complaint against him and told dispatch the person who called in was an alcoholic.

Bob Smith, Investigator
Callaway County Prosecutor's Office



notary

June 8, 2023

The following is an affidavit of Kenneth D. Maylee concerning Sheriff John C. Chism

Beginning on or around February 14, 2023, I began receiving complaints from staff of the Callaway County Sheriff's Office and citizens of Callaway County concerning Sheriff Chism being intoxicated. These incidents were occurring while Sheriff Chism was on duty, wearing a uniform including a sidearm and driving a county patrol vehicle although that patrol vehicle is semi-unmarked. These concerns were relayed as being observations of the complainants. In all I have received in the area of about 25 to 30 complaints. Some were just comments made in passing while speaking with staff and citizens and some were made after the fact and some were made on an anonymous basis.

Since that time, I have started trying to be more observant of Sheriff Chism. Being in law enforcement for 36 years, I can identify the smell of beer and brown liquor but have never been good at smelling clear liquor. I had never smelled alcohol on Sheriff Chism but over time I started noticing actions of Sheriff Chism that had me concerned he had consumed alcohol. These actions were, but not all occurred every time, glassy eyes, real red complexion on his face and neck, repeating himself several times over, making a low but verbal grunting noise when eating.

On 2 occasions I have confronted Sheriff Chism about complaints of him smelling of alcohol or acting "strange" to lead people to believe he was intoxicated. Those times Sheriff Chism denied consuming alcohol, tried to say it was people's presumption that he is drinking because of his arrest. I offered of Sheriff Chism that it would be easy to disprove these complaints if he would allow me to discreetly bring a PBT (Portable Breath Test) into his office, he could blow and it could show .000 and I could tell people this. Sheriff Chism refused these requests.

On March 28, 2023, a staff member made a comment to me that this person believed Sheriff Chism was intoxicated prior to him leaving the sheriff's office. At this point, I was upset about the situation enough, that I entered into his office and looked through his desk drawers and I found an empty (there was maybe a teaspoon in the bottom) pint bottle of vodka. This upset me even more so I decided I was going to go find Sheriff Chism and confront him with this.

As I was walking to my patrol vehicle, I observed Sheriff Chism in his parked patrol vehicle. Due to existing construction at the sheriff's office, employees were required to park on a temporary gravel lot behind the sheriff's office which was not covered by security cameras. As I approached Sheriff Chism's vehicle I observed that the vehicle was running and Sheriff Chism was asleep inside the vehicle. I did a single knuckle knock on the driver's side window, with no effect. I did a second harder knuckle knock on the window and Sheriff Chism jumped awake. After a second or two, Sheriff Chism noticed me, rolled down his window and stated something about not sleeping well the night before. I told Sheriff Chism that I needed to speak to him and he started to open his door to get out and I told him, No, I would come around and get it. Once inside the confined space of Sheriff Chism's vehicle I could smell intoxicants. I confronted Sheriff Chism about drinking on the job to which he denied. I then removed the vodka bottle out of my jacket pocket and showed it to him and asked, what about this. Sheriff Chism asked where that came from and I told him from his desk and he had no comment. I was speaking very firmly with Sheriff Chism about his drinking and told him he had a problem which he needed inpatient

treatment to help him get past. Sheriff Chism kept insisting that he doesn't have a drinking problem and he can stop anytime.

During this time, I sent a text message to Judge Chris Wilson. It should be known that Judge Wilson was aware of Sheriff's Chism's drinking problem and had even driven him to an inpatient facility in the State of Kansas but Sheriff Chism was only there for one day. I text Judge Wilson that I needed help. Judge Wilson text back stating to meet him in his office. I told Sheriff Chism that we needed to go to Judge Wilson's office and Sheriff Chism agreed and started preparing to drive us there. I told him no, he needed to get in my patrol vehicle and I would drive. We arrived at Judge Wilson's office and a short time later he came in and we both began speaking with Sheriff Chism. During this time Sheriff Chism admitted to drinking that day, but denied that he was an alcoholic, he had not told his wife or his therapist that he was drinking again. This meeting ended with no resolution. We returned to the sheriff's office where Sheriff Chism went into his office. About 20 minutes later, I happened to look out my window just in time to see Sheriff Chism's patrol vehicle pulling onto State Road O.

Since that time, I have continued receiving complaints from staff and citizens that Sheriff Chism smelled of intoxicants while on duty.

On May 22, 2023, command staff of the Sheriff's Office wanted to have a meeting with Sheriff Chism. This meeting was held in Sheriff Chism's office. Command staff expressed concerns they had seen or been told about in regards to Sheriff Chism's drinking and also doing so while on duty. During this time, Sheriff Chism admitted he does drink but denied having a drinking problem.

On June 1, 2023, I was summoned to the Prosecuting Attorney's office because Prosecuting Attorney Ben Miller had heard of concerns regarding Sheriff Chism and he wanted to speak about these concerns.

On June 2, 2023, a staff member informed me that an anonymous person wanted me to know that they had seen Sheriff Chism's patrol vehicle leaving the liquor store, on the north end of town, on a number of occasions, usually around 9:30 AM. One specific date provided was May 4, 2023 at around 9:40 AM. Later in the day, I went to "On The Rocks" liquor store and inquired about viewing video of the drive-thru for the date and time mentioned. While viewing the video, I observed Sheriff Chism's patrol vehicle pull up to the drive-thru window. It was obvious to me that this was Sheriff Chism's patrol vehicle because of all the antenna on top and the laptop computer mounted inside. I could also observe the driver to be wearing a Callaway County Sheriff's Office light weight coat because of the patch on the left shoulder and white lettering on the left breast area. I observed Sheriff Chism reach out with money and I could see enough of his face to know it was Sheriff Chism. When he reached out with money, an arm reached out of the drive-thru window, took the money and then a clear bottle with a red cap was handed out and Sheriff Chism drove away. I noted that this transaction happened in such a short period of time that either Sheriff Chism knew the exact cost or did not wait for change, which lead me to believe this was a common occurrence. As I was viewing this video, at the point the bottle was handed out to Sheriff Chism, the person assisting me with viewing the video stated "1 pint Smirnoff". I then obtained a copy of this portion of the video.

Monday June 5, 2023, I parked at a location where I could observe the liquor store. I was far enough away that I could not see the exchange or say for sure it was Sheriff Chism driving but I could tell it was Sheriff Chism's assigned patrol vehicle. At 8:50 AM, I observed Sheriff Chism's vehicle go through the drive-thru.

Shortly later, I went to speak again with Judge Wilson about these latest incidents. Judge Wilson was busy on the bench with cases and it took a few hours for me to meet with him. While speaking with Judge Wilson, It was decided that since Sheriff Chism had a previously scheduled meeting with Prosecuting Attorney Ben Miller on June 6, 2023 at 2:00 PM, we would meet with Sheriff Chism to attempt another intervention. I then had responded to Columbia, MO. for a task. As I was leaving Columbia, I was part of a group text from Witness #2 regarding 2 homicide suspects from Kansas City who were believed to be in a residence in Fulton and the Fulton Police Department was requesting assistance from the Callaway County Sheriff's Office in arresting these individuals. A few minutes later I was contacted by a staff member who advised that Sheriff Chism had just left the sheriff's office enroute to the location of the homicide suspects. This staff member further advised that Sheriff Chism "Reeked" of alcohol and had struggled to put on his outer ballistic vest. I began responding to that location from Columbia, MO. in hopes as stopping Sheriff Chism from doing anything. Prior to making it to Fulton, I communicated with a staff member on scene who advised the situation was resolved, that Sheriff Chism had showed up on scene but he has kept his distance and not got involved in the situation.

June 6, 2023, I again watched the liquor store. Because I had another obligation, I started to leave the area. While doing so, at approximately 9:25 AM, I met Sheriff Chism, who was in his patrol car. Sheriff Chism waved at me. Sheriff Chism was turning onto St. Eunice Rd. where an entrance is located to the liquor store. This is also the same entrance Sheriff Chism had used the prior morning. Do to vehicle traffic, I could not see what Sheriff Chism did after turning on to St. Eunice Rd.

I contacted PA Ben Miller and advised him of this latest occurrences and PA Miller advised that he had a prior scheduled meeting set up with Sheriff Chism for 2:00 PM regarding work related items. It was agreed that we would meet with Sheriff Chism at that time. At approximately 2:30 PM after the work related items was discussed, Judge Wilson arrived and we spoke with Sheriff Chism. During this meeting, concerns were expressed to Sheriff Chism. Again Sheriff Chism admitted to drinking but denied he had a drinking problem. Help was again offered to Sheriff Chism which he refused. It was explained to Sheriff Chism that his drinking, especially while on duty, in a patrol vehicle, in uniform and armed was a serious concern and if he did not agree to attend an inpatient treatment center, this left us with no options but to make a complaint to the Missouri Department of Public Safety POST program to have his peace officers license suspended and that PA Miller would start reviewing options on removing him from office. Sheriff Chism continued to deny he had a problem that he could stop on his own. When I showed Sheriff Chism the video of him going through the drive-thru and purchasing a pint of vodka, he had no real comment other than he was wearing his coat. This statement lead me to believe he knew what he was doing was wrong so he was trying to cover up his uniform shirt to include his badge in order to justify what he was doing wasn't wrong. Sheriff Chism also admitted that had consumed that entire pint of vodka yesterday. I finally just walked out of the meeting.

It should be known that the actions I have brought on against Sheriff Chism are of my own accord. There is nothing political about these actions and I am not out to ruin his career. Sheriff Chism has been a great asset to this agency since the day he started as an intern while in high school. Sheriff Chism has devoted his life to his career, to this agency and the agency has advanced greatly under his leadership. These actions are being done only to protect Sheriff Chism from possibly doing something while in his official capacity that could cause harm to himself or others due to his intoxication.

DM 408

Darryl Maylee

Megan Morse
Notary

