IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS BALL-BEY, Plaintiff, v. KYLE CHANDLER, *et al*. Defendants.	)	Cause No. 4:18-CV-01364

CITY OF ST. LOUIS'S CONSENT
MOTION TO MODIFY FEBRUARY 13, 2024 ORDER

COMES NOW the City of St. Louis, by and through its attorney Sheena Hamilton, City Counselor for the City of St. Louis, and for its consent motion to modify February 13, 2024 Order states as follows states as follows:

1. The City of St. Louis has agreed that the FIU Audit may be publicly filed with a very limited number of redactions. The City has conferred in good faith with Plaintiff's counsel regarding these very limited redactions, and the parties agree that the FIU Audit, attached hereto as Exhibit A[1], may be publicly filed with the very limited redactions contained therein. As set forth in more detail below, the City further agrees that other ancillary material identified in the Court's February 13, 2024 Order may be unsealed.

2. Because the Eighth Circuit had jurisdiction over the matters addressed herein, the City filed a motion for limited remand in the United States Court of Appeals for the Eighth Circuit in its interlocutory appeal and, on September 5, 2024, the Eighth

[1] Exhibit A is nearly identical to Doc. 426-1, except that the "CONFIDENTIAL" label has been removed and except for the single additional redaction of one officer's name that was inadvertently not redacted in the previous version.

Circuit granted the City's request and ordered "the district court to consider whether to approve the parties agreed-upon limited redactions, whether to order that the FIU Audit be publicly filed with those redactions, and whether to vacate or otherwise modify the order that is the subject of this appeal." (Doc. 444).

3. On September 17, 2024, the Court held a conference with the parties where the parties proposed how the Court should respond to the Eighth Circuit's limited remand. The Court agreed with the City's proposal that it should file a motion to modify the Court's February 13, 2024 Order. (Doc. 384). The court indicated that the City should file the FIU Audit with the very limited redactions agreed to by the parties as an attachment to this Motion to Modify. The Court indicated that the redactions agreed to by the parties are reasonable and stated it would approve the redactions agreed to by the parties.

4. The parties agree and request that the Court modify its February 13, 2024 Order by entering an Order that states, in substance, as follows:

> Upon review of the limited redactions agreed to by the parties, and having heard the parties' proposal and having balanced the presumption of public access with privacy interests and the Defendant's original arguments, the Court approves of the limited redactions agreed to by the parties and finds that they are reasonable. Accordingly, and in light of the parties' agreement that the FIU Audit be filed with agreed upon redactions, the Court vacates the provision of its order requiring plaintiff "to file in the public record a version of the FIU Audit that redacts the addresses of any non-parties." (Doc. 384 at 16).
>
> The Court further amends its February 13, 2024, Order by striking all language in the order after the word **DENIED** on page 17 instead orders as follows:
>
> Upon dismissal of Defendants' pending appeal before the Eighth Circuit, the Clerk of Court shall unseal the following documents:

- The Memorandum in Support of Consent Motion to Seal filed by Plaintiff on June 9, 2023 (ECF No. 296, 2 pages) (Court's #1);

- The Joint Memorandum Regarding Plaintiff's Motion to Compel filed jointly by Plaintiff and Defendants on June 9, 2023 (ECF No. 296-1, 10 pages) (Court's #2);

- The "Sealed Supplement" filed by Plaintiff on June 23, 2023 (ECF No. 317, 2 pages) (Court's #4);

- Plaintiff's Supplemental Material Facts, filed by Plaintiff on June 23, 2023 (ECF No. 317-1, 4 pages) (Court's #5);

- Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit, filed by Plaintiff on August 7, 2023 (ECF No. 331, 14 pages) (Court's #6);

- Exhibit 1 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Video Deposition of J.D. McCloskey), filed by Plaintiff on August 7, 2023 (ECF No. 331-1, 21 pages [pp. 1, 9-14, 23-26, 34, 48-53, 66-67, 71]) (Court's #7);

- Exhibit 2 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Videotaped Deposition of Lieutenant Colonel Michael Sack), filed by Plaintiff on August 7, 2023 (ECF No. 331-2, 17 pages [pp.1, 28-30, 69-70, 99-100, 104, 119-21, 151-53, 170-71]) (Court's #8);

- Exhibit 3 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Videotaped Deposition of Sergeant Tonya Porter), filed by Plaintiff on August 7, 2023 (ECF No. 331-3, 9 pages [pp. 1, 23-25, 37-38, 64, 134-35]) (Court's #9);

- Exhibit 4 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Defendants' Response to Plaintiff's Fifth Requests for Production to Defendants), filed by Plaintiff on August 7, 2023 (ECF No. 331-4, 4 pages) (Court's #10);

- Exhibit 5 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Email dated Tuesday, July 25, 2023, at 10:49:23 a.m.), filed by Plaintiff on August 7, 2023 (ECF No. 331-5, 2 pages) (Court's #11);

- Exhibit 6 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (Defendants' Response to

Plaintiff's Request for Production of Documents), filed by Plaintiff on August 7, 2023 (ECF No. 331-6, 20 pages) (Court's #12);

- Exhibit 7 to Plaintiff's Memorandum in Support of His Motion to Compel Discovery Related to FIU Audit (First Amended Complaint in Farrar v. Nutt), filed by Plaintiff on August 7, 2023 (ECF No. 331-7, 26 pages) (Court's #13)

- Plaintiff's Response to the Court's Order Regarding Sealing (ECF No. 344), filed by Plaintiff on August 30, 2023 (Court's #14);

- Exhibit 1 to Plaintiff's Response to the Court's Order Regarding Sealing (Video Deposition of J.D. McCloskey), filed by Plaintiff on August 30, 2023 (ECF No. 344-1, 9 pages: pp. 1, 27-33, 71) (Court's #15);

- Exhibit 2 to Plaintiff's Response to the Court's Order Regarding Sealing (Videotaped Deposition of Sergeant Tonya Porter), filed by Plaintiff on August 30, 2023 (ECF No. 344-2, 6 pages: pp. 1, 64-66, 100) (Court's #16);

- Exhibit 3 to Plaintiff's Response to the Court's Order Regarding Sealing (Videotaped Deposition of Lieutenant Colonel Michael Sack), filed by Plaintiff on August 30, 2023 (ECF No. 344-3, 3 pages: pp. 1, 152-53) (Court's #17);

- The Court's Memorandum and Order ruling on Defendants' Motion for Summary Judgment (ECF No. 347, 38 pages); and

Finally, the Clerk of Court shall replace document 296-2 and 317-2 with the unsealed, redacted version of the FIU audit with the parties' agreed redactions.

Within ten (10) days of the entry of this order, Defendant shall notify the Eighth Circuit of the entry of this order and Defendant's position on how this order affects the pending appeal.

5. For the reasons set forth above, the City respectfully requests that the Court modify its February 13, 2024 Order as set forth herein.

WHEREFORE, the City respectfully requests that the Court modify its February 13, 2024 Order as set forth herein.

Respectfully submitted,

SHEENA HAMILTON
CITY COUNSELOR

/s/ *Andrew Wheaton*
Andrew Wheaton #65269 MO
Deputy City Counselor
City Hall, Room 314,
St. Louis, MO 63103
314.622.3361
FAX: 314.622.4956
wheatona@stlouis-mo.gov
Attorney for the City of St. Louis and Defendants Chandler

CERTIFICATE OF SERVICE

I hereby certify this Entry was electronically filed on September 26, 2024, with the Court for service by means of Notice of Electronic Filing upon all attorneys of record.

/s/ Andrew Wheaton

METROPOLITAN POLICE DEPARTMENT - CITY OF ST. LOUIS

INTRA-DEPARTMENT REPORT AND CORRESPONDENCE SHEET

Date: May 17th, 2018

To: Police Lieutenant John Green, DSN 03575/604

From: Police Lieutenant JD McCloskey, DSN 06945/600

Subject: Force Investigation Unit Case Review and Request for Follow-up

Copies sent to: Police Major Michael Sack, DSN 04367/600
Police Sergeant Mickey Owens, DSN 04839/600
Police Sergeant Tonya Porter, DSN 07412/600

Lieutenant Green,

On March 26th, 2018, Sergeant Mickey Owens, Sergeant Tonya Porter, and I were tasked with reviewing and auditing the Force Investigation Unit. Part of this assignment was to review all investigations which this unit has been assigned since its conception, beginning in September of 2014.

During a review of the cases investigated by this unit, notes were prepared on each which indicated any concern or recommendation about the investigation. Some of the concern revolved around incomplete reporting and potential essential information not properly documented. Attached to this memorandum is a compilation of our case notes, titled by the Force Investigation Unit's case number.

Again, we are aware that many issues cannot be addressed; however, we believe that our review, along with your expertise, will help to increase the thoroughness and integrity of all current and future investigations.

Respectfully,

Lieutenant JD McCloskey, 06945/600

JUNE 18TH 2018

OVERVIEW

Introduction: ***Lt. JD McCloskey****

Sgt. Tonya Porter*

Reports

- EVIDENCE/PROPERTY AUDIT

  We compared the Property Custody log sheets and the Lab Reports to the property segments of the OIS reports. We found that most evidence was submitted properly however, sometimes property was submitted to property custody and the lab, but was not documented in the property segment of reports.

  INTERVIEWS

  We found instances wherein Officers/Witnesses/Victims were not interviewed by FIU. (Involved Officers writing memos instead of being interviewed). We would like you to consider FIU interviewing all officers who witnessed the Officer who fired their weapon.

  We found instances wherein FIU did not document that Juvenile suspects were interviewed at the Juvenile Court or the findings of that interview in the narrative. We had to call the Juvenile court to find out the disposition of the involved juvenile's charges or if he was ever charged.

  We found an instance wherein an Officer involved in a shooting identified a suspect, but the report never mentioned what happened after the identification because there is no narrative.

  We found an instance wherein the suspect was not identified in the narrative. I had to contact and formally request an autopsy report to find out who the deceased citizen suspect was.

- APPROVAL PROCESS

  During the review we noticed a consistent pattern of the reports going thru the approval process within a matter of seconds.

  *Although this could be possible, it was concerning because we have evidence wherein a report was approved while [redacted] was out of town. This led us to also investigate the angle of how the reports were being approved. We also had knowledge that he was delegating people soft to Detectives he may have delegated I-Leads approvals as well.
  Ex: 15-1 on 1/21/15 @ [redacted] Officers attempted car stop, suspect Exited vehicle and ran. Suspect pointed gun at Officers who returned fire. *(Deceased)*
  [redacted] out of town on 11/18/15 however, this was leveled up on Simpher's computer. ([redacted] did not

have a department lap top issued to him) ----(*PO* [redacted])

- CLEARANCE DATES

  Most of the clearance dates are incorrect on reports. (Talk about auto-population of fields)
  This is something that should be observed during the approval process during report review.

- TIMELY REPORTING

  We observed a report wherein a report was not leveled up until one year later
  Reports wherein the two-pager wasn't leveled up for almost a year

  We observed a report wherein a suspect (deceased) was not entered in a suspect screen
  A citizen suspect killed by police and his name is not mentioned in the report.
  I had to formally request the autopsy report to learn how he was killed.

- LACK OF INVESTIGATION – SGT. MICKEY OWENS TALKS ABOUT THIS

  16-3 on 3/31/16 @ [redacted] - Officer conducts traffic stop. Suspect confronts Officer after traffic stop, attempts to stab him with a knife. Officer fires shot at suspect striking him. *(GSW)* Suspect get treatment at hospital, no detail on suspect, suspect never booked for assault on Law enforcement Officer. Detectives met with suspect twice after occurrence, but did not take him into custody. At-Large warrant application made, but no way to verify this. Suspect is At-Large after assaulting an Officer. No way to verify who had the warrant application at ACA.
  (PO [redacted] *fired weapon-Suspect struck)*

  Warrants applications made but not scanned into reports

  Warrant application records/status with CAO not documented

CORROBORATION– LT. MCCLOSKEY TALKS ABOUT THIS CASE

16-10 on 10/2/16 @ [redacted] Officers state suspect was shooting at them however semi-auto handgun located with no cartridges in chamber and six in the magazine which would be unusual for a weapon that was reportedly used in the fashion reported. (GSW)
(Officers [redacted] *fired weapons-suspect struck)*

FOLLOW–UP–

17-17 on 10/12/17 @ [redacted] - 911 caller that observed a gun fight Never located/interviewed. Secret witness reported suspect was at her house with gunshot wound, no one went to investigate or look at evidence. [redacted] weapon is reported as "Unavailable" at the time of the investigation with no other mention of where his weapon was and no mention of him being interviewed by FIU Detectives. *(PO* [redacted] *struck by gunfire)*

- SCANNED IN REPORTS

  General flow of reports scanned in prior to relative narrative
  District Reports relative to guns/vehicles/subjects

these report were purposely drafted this was to by ambiguous in hopes
No one would take the time to read it. Just padding
involved in OIS in unrelated investigations (should be linked)
Employee Injury reports
Morgue reports
Reports from other Jurisdictions (approved and unapproved)
Gun Trace reports
ETU reports/handwritten notes
"Guide to the lab" (exact same report copy and pasted)

- CORRECTION SUPPLEMENTALS
  15-4 on 5/8/15 @ [redacted] Disturbance call. Women with a gun, raised gun to Officer who fired shots. *(GSW)* 13 pages of errors- show supplemental
  Incident 5/8/15 13 page supplement leveled up 9/22/16 (Case involving a Sheriff's wife)
  ***SHOW HAND OUT (PO* [redacted] *fired weapon-suspect struck)*

Sgt. Mickey Owens

People Soft

- Overtime approvals
- Trips

Overtime

- Overtime approvals/Time paid out
- Trips

Proxy

- hours
-

Desk Top Log In/Out

- Microsoft
-

I-Leads

- Broad statement
-

Lt. JD McCloskey

Email

- Lack of Detective Supervision (little correspondence to/from [redacted] and his employees)
- Information dissemination (accident report & information bulletins)
- Proof of Secondary Employers
- PepsiCo Trip
- Correspondence with PepsiCo while on-duty
- Training session for PepsiCo (Active Shooter)

Secondary

-

Sgt. Tonya Porter

FIU Operations

- No Operations Manual
- No Command over sight (Lt. Cols and Major)

[redacted]

Type text here

- No case reviews
- No schedules
- Office location insecure
- No inventory
- Training

Policy

We noted some policy changes we thought should be reviewed or implemented to assure better investigations within the FIU which we can review at a later date.

IAD: It is alleged.....

- Conduct Unbecoming
- Failed to Exercise duties associated with Rank
- Failure to Report to Duty
- Failed to Devote time/devotion to Department Matters

- Use of Official Position for Personal Gain
- Inappropriate/Improper Use of Computer Systems
- Failed to Report Secondary Employer to Human Resources
- Failed to Complete/Update Secondary Form
- Failure to Review Reports for Accuracy and completeness
-

Sgt. Mickey Owens

How to Proceed from here....

- Prosecutor
- Charges

Sgt. Tonya Porter*

FIU Operations

- No Operations Manual
- No Command over sight (Lt. Cols and Major)
- No case reviews
- No schedules
- Office location insecure
- No inventory
- Training

Policy

- Update for Secondary Employer Forms
- Procedural Manual (Completed by [redacted])
- Directive about what can be scanned into reports (reminder emails)
- Commander Oversight/Review of all OIS (level 3 higher that a LT)
- Transcription of interviews by outside company (Midwest Litigation)
- Possibly an OIS internal review panel (not the Use of Force Review Board)

IAD: It is alleged…….

- Conduct Unbecoming
- Failed to Exercise duties associated with Rank
- Failure to Report to Duty
- Failed to Devote time/devotion to Department Matters
- Use of Official Position for Personal Gain
- Inappropriate/Improper Use of Computer Systems
- Failed to Report Secondary Employer to Human Resources
- Failed to Complete/Update Secondary Form
- Failure to Review Reports for Accuracy and completeness
-

Lt. JD McCloskey*

Overtime

- Actual numbers of overtime worked for all in FIU since inception
-

Case info

McCloskey, JD

Tue 6/19/2018 1:18 PM

To:Sack, Michael J <mjsack@SLMPD.ORG>;

Cc:Porter, Tonya L. <tlporter@SLMPD.ORG>;

Major,

50 cases reviewed

30 of the 50 cases involved an arrest

40 total arrests

37 citizen/suspects shot by police

21 citizen/suspects deceased (including activities/in-custody deaths)

5 incidents involved police personnel struck by gunfire (6 total officers, this includes [redacted])

3 civil law suits - per [redacted]

5 pending civil suits - per [redacted]

Thanks,

JDM

Case File	Detective	DOI	C/N	Location	Suspect	Incident	2-pager	Investigative Report	In Car Camera	Lab Report	Gun Report	911	Cell Phone	Video	Vehicle	Warrant	Shot spotte	D
Homicide	Sweeney	8/19/2014	14-037758	[redacted]	Kajieme Powell	Deceased (OIS)	Done	Done						Done				
14-1	Jackson	10/5/2014	14-046262		Ryan Phillips	Assault 1st LEO	Done	Done	Done					Done		[redacted]		
14-2	Skaggs	10/8/2014	14-046844		Vonderrit Myers	Deceased (OIS)	Done	Done	Done	Done	Done	Done		Done				
15-1	[redacted]	1/21/2015	15-003405	[redacted]	Issac Holmes	Deceased (OIS) 1	Done	Done	Done	Done	Done	Done				Done		
15-2		2/3/2015	15-005487		Ledarius Williams	Deceased (OIS) 2	Done	Done	Done	Done	Done	Done						
15-3		4/27/2015	15-020353		Alfred Graves	Survived (OIS) 3	Done	Done	Done	Done	Done	Done						
15-4		5/8/2015	15-022494		[redacted]	Survived (OIS) 4	Done	Done	Done	Done	Done	Done	Done	Done				
15-5		7/11/2015	15-034497			Survived (OIS) 5	Done	Done	Done	Done	Done	Done		Done				
15-6		7/14/2015	15-034925		Dale Wolford	Assault 1st LEO	Done	Done	Done	Done	Done	Done		Done	Done	Done		
15-7		8/19/2015	15-041979		Mansur Ball-Bey	Deceased (OIS) 6	Done	Done	Done	Done	Done	Done		Done			Done	
15-8		9/15/2015	15-047154		Unknown	Assault 1st LEO	Done	Done	Done	Done	Done	Done	Done					
15-9		10/29/2015	15-055238		Peggy Cobb	Lived (Involving Dog)	Done	Done	Done	Done		Done						
15-10		11/14/2015	15-058049		Javon Burton	Highway Patrol shooting 7	Done											
15-11		11/22/2015	15-059488		Walter Saddler	Policeman Shot	Done	Done	Done	Done	Done	Done				Done		Cle
ACT 15-1		12/8/2015	15-062114	[redacted]	Nicholas Gilbert	In Custody Death	Done	Done		Done		Done		Done				
16-1	[redacted]	1/17/2016	16-02805	[redacted]	Crayton West	Deceased (OIS) 1	Done	Done	Done	Done	Done	Done	Done	Done				
16-2		1/23/2016	16-03648		[redacted]	Survived (OIS) 2	Done	Done	Done	Done	Done	Done				[redacted]		
16-3		3/31/2016	16-014904		[redacted]	Survived (OIS) 3	Done	Done	Done	Done		Done	Done	Done				
16-4		4/19/2016	16-018375		[redacted]	Deceased (OIS) 4	Done	Done	Done	Done	Done	Done				[redacted]		
16-5		4/24/2016	16-019332		Denetrius Hebb	Survived (OIS) 5	Done	Done	Done	Done	Done	Done				Done		
16-6		8/2/2016	16-038078		Antoine Boone	Survived (OIS) 6	Done	Done	Done		Done	Done		Done		Done		
16-7		8/30/2016	16-043677		Cyrus Clerk	Survived (OIS) 7	Done	Done	Done		Done	Done		Done	Done	Done		
16-8		9/2/2016	16-044221		Michael Thompson	Deceased (OIS) 8	Done	Done		Done	Done	Done						
16-9		9/9/2016	16-045588		Kevin George	Survived (OIS) 9	Done	Done	Done			Done	Done	Done		Done		
16-10		10/2/2016	16-049843		[redacted]	Survived (OIS) 10	Done	Done	Done		Done	Done	Done					
Homicide		10/24/2016	16-054134		Arron Ballard	Deceased (OIS) 11	Done	Done										
16-11		11/20/2016	16-059217		[redacted]	Deceased (OIS) 12	Done	Done	Done	Done	Done	Done	Done					
17-1	[redacted]	1/9/2017	17-001344	[redacted]	[redacted]	Deceased (OIS) 1	Done	Done	Done		Done	Done	Done			[redacted]		
17-2		2/18/2017	17-007960		[redacted]	Survived (OIS) 2	Done	Done	Done		Done	Done			Done	[redacted]		
17-3		2/21/2017	17-008536		[redacted]	Deceased (OIS) 3	Done	Done	Done		Done	Level 1					Done	
17-4		3/31/2017	17-015017		John Blanchard	Survived (OIS) 4	Done	Done	Done	Done	Done	Done	Done		Done			
17-5		4/8/2017	17-016419		[redacted]	Survived (OIS) 5	Done	Done	Done		Done	Done	Done	Done	Done		Done	Cle
17-6		4/15/2017	17-017618		[redacted]	Survived (OIS) 6	Done	Done	Done		Done					[redacted]		Cle
ACT 17-1		5/2/2017	17-021037		Kendrick Harris	In-Custody Death 1	Done	Reviewing Video	NA	NA	NA	NA	Done	Reviewing				
17-7		5/10/2017	17-022195		Robin White	Deceased (OIS) 7	Done	Level 0	Done		Done	Done						Ac
17-8		5/20/2017	17-024157		Jeremy Davis	Survived (OIS) 8	Done	Done	Done			Level 1	Done	Done	Done	[redacted]		Cle
17-9		5/27/2017	17-025481		Jamie Robinson	Deceased (OIS) 9	Done	Level 1	Done		Done	Done	NA	Done	NA	NA	NA	
17-10		6/7/2017	17-027659	[redacted]	Isaiah Hammett	Deceased (OIS) 10	Done	Narrative in ILEADS					Done					Ac
17-11		6/13/2017	17-028639		[redacted]	Deceased (OIS) 11	Done	Done	Done	Done	Done	Done	Done	Done	NA		Done	Cle
17-12		6/21/2017	17-030298		[redacted]	Survived (OIS) 12	Done	Level 0			Done	Done			Done			
17-13		7/20/2017	17-035597		Issaih perkins	Deceased (OIS) 13	Done	Level 1	Done		Done	Done	NA	Done	NA	Done		
		5/10/2017	*17-12490		Darrell Greer	Survived (OIS) 14	N/A	N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A		
17-14		8/22/2017	17-041481		Kenny Herring	Deceased (OIS) 15	Done	Level 1	Level 1		NA	Level 1	NA	Level 1	NA	Done		
17-15		8/31/2017	17-043149		Davis, Wendell	Survived (OIS) 16	Done	Done	Done		Done	Done			Done			
17-16		9/1/2017	17-043306		Cobb/Schwartz	Polce Officer Shot	Done	Level 0	Level 0		Level 0	Level 0				Done		Cl
ACT 17-2		10/7/2017	17-049229		Anello, Scott	In-custody Death 2	Done	Level 0	Done		Taser Report Complete			Done				
17-17		10/12/2017	17-050058		[redacted]	Police Officer Shot 3	Done	Done	Done		Awaiting Trace	Done	Awaiting CC	Done	Done	[redacted]	Done	Cl
17-18		11/23/2017	17-057462		Sykes, Tyshoneil	Survived (OIS) 17	Done	Level 0	Level 1		Awaiting Trace	Level 1	NA		Level 1		NA	
17-18		11/23/2017	17-057462		McMurray, Rehyen	Deceased (OIS) 18	Done											
17-19		11/28/2017	17-058203		Williams, Anthony	Survived (OIS) 19	Done	Level 0										
17-19		11/28/2017	17-058203			Police Officer Shot 4	Done											
17-20		12/8/2017	17-060008	[redacted]	[redacted]	Shots Fired at Officers	Done	Level 0										

File Numb	Officer	Date	CN	Location	Name	Incident	2-Pager	Investigative Report	In Car Camera	Lab Report	n Report	911 Report	Cell Phone	Video	Vehicle	Warrant	Shot Spo
18-1	[redacted]	1/18/2018	18-002769	[redacted]	Hill, Terran	Shots Fired at Officers	Done	Level 0	27 files reviewed, dra	trace received 2/6/18, repo	Disc from		NA	NA	NA	Drafting	NA
18-2		1/24/2018	18-003846		Silas, Tremayne	Shots Fired at Officers	Done	Level 0									
18-3		1/31/2018	18-005071		West, Dustin	Survived (OIS) 1	Done	Level 0									

CONFIDENTIAL

CONFIDENTIAL

DOI	C/N	Location	Suspect		Notes
8/19/2014	14-037758	[redacted]	Kajieme Powell	Deceased	Incident handled by Homicide
10/5/2014	14-046262		[redacted]	***	
10/8/2014	14-046844		Vonderrit Myers	Deceased	
1/21/2015	15-003405		Issac Holmes	Deceased	
2/3/2015	15-005487		Ledarius Williams	Deceased	
4/27/2015	15-020353		Alfred Graves	Lived	
5/8/2015	15-022494		[redacted]	Lived	
7/11/2015	15-034497		[redacted]	Lived	
7/14/2015	15-034925		Dale Wolford	Lived	Officer Shot
8/19/2015	15-041979		Mansur Ball-Bey	Deceased	
9/15/2015	15-047154		Unknown	***	
10/29/2015	15-055238		Peggy Cobb	Lived	
11/14/2015	15-058049		Javon Burton	Highway Patrol shooting	Handled by Highway Patrol
11/22/2015	15-059488		Walter Saddler	Lived	Officer Shot
12/8/2015	15-062114		Nicholas Gilbert	Deceased	In Custody Death
1/17/2016	16-002805		Crayton West	Deceased	
1/23/2016	16-003648		[redacted]		
3/31/2016	16-014904		[redacted]	Lived	
4/19/2016	16-018375		[redacted]	Deceased	
4/24/2016	16-019332		Demetruis Hebb	Lived	Involving Park Ranger
8/2/2016	16-038078		Antoine Boone	Lived	
8/30/2016	16-043677		Cyrus Clerk	Lived	
9/2/2016	16-044221		Michael Thompson	Deceased	
9/9/2016	16-045588		Kevin George	Lived	City Marshal
10/2/2016	16-49843		[redacted]	Lived	
11/20/2016	16-059217		[redacted]	Deceased	Officer Shot
1/9/2017	17-001344		[redacted]	Deceased	
2/18/2017	17-007960		[redacted]	Lived	
2/21/2017	17-008536		[redacted]	Deceased	
3/31/2017	17-015017		John Blanchard	Lived	
4/8/2017	17-016419		[redacted]	Lived	
4/14/2017	17-017618		Edward Montgomery	Lived	
5/3/2017	17-21037		Kendrick Harris	Deceased	In Custody Death

CONFIDENTIAL

5/10/2017	17-22195	Robin White	Deceased	
5/20/2017	17-024157	[redacted]	Lived	
5/26/2017	17-025481	Jamie Robinson	Deceased	
6/7/2017	17-27659	Isaiah Hammett	Deceased	
6/13/2017	17-28839	[redacted]	Deceased	
6/21/2017	17-30298	[redacted]	Lived	
7/20/2017	17-35597	Isiah Perkins	Deceased	
8/22/2017	17-41481	Kenny Herring	Deceased	
8/31/2017	17-43149	Wendell Daivs	Lived	
9/1/2017	17-43306	Devonte Morgan	Lived	Officer's Shot
10/7/2017	17-49229	Scott Anello	Deceased	In Custody Death
10/12/2017	17-050058	[redacted]	Lived	Officer Shot
11/23/2017	17-057462	Rehyen McMurry	Deceased	
11/28/2017	17-058203	Anthony Williams	Lived	
12/8/2017	17-060008	Unknown	Shots fired by Officers (Missed)	
1/18/2018	18-002769	Terran Hill	Shots fired by Officers (missed)	
1/24/2018	18-003846	Tremayne Silas	Shots fired by Officers (Missed)	
1/31/2018	18-005071	Dustin West	Lived	Off Duty Velda City Officer
4/17/2018	18-016973	Myron Wilson	Lived	St. Louis County PD / FBI

21 fatal

CONFIDENTIAL

Use of Force Review Team	File taken to Circuit Attorney
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	
12/22/2016	

FIU

IAD

OVERVIEW

December 9th, 2013, then Sergeant [redacted], was transferred to the Force Investigative Unit. This was a newly devised unit under former Chief of Police Dotson, that would be specifically assigned to investigate police involved shootings and certain uses of force. Reference 2014 Post-Dispatch article, where [redacted] is quoted while speaking about conducting unbiased and timely investigations and the "Roger Rules".

(A - Article)

[redacted] was a one-man unit for 2013 and the better part of 2014, until September 1st, 2014, when Officers [redacted], and [redacted], were transferred to FIU under [redacted] command. PO [redacted] was subsequently promoted to the rank of Sergeant and transferred out of FIU on December 22, 2014. He has since returned to this unit, on March 12, 2018, under new command. (now transferred back out again)

On January 12th, 2015, Officers [redacted], and [redacted], were transferred to FIU. October 16th, 2017, PO [redacted] leaves FIU and Officer [redacted], is transferred in.

June 29th, 2015 [redacted] promoted to the rank of Lieutenant. He remains in command of FIU after his promotion.

February 5th, 2018, Lt. [redacted] is transferred out of FIU.

March 12th, 2018, PO's [redacted] and [redacted] are transferred out of FIU.

(B – HR Profiles)

FIU started under the Bureau of Professional Standards, headed by Lt. Colonel O'Toole. July 31st, 2015, Dotson reformatted the Department and placed FIU under the Bureau of Operations, headed by Lt. Colonel Ed Kuntz, and assisted by Major Rochelle Jones. May 28th, 2017, Lt. Colonel Kuntz retired, leaving Major Jones the sole Deputy Commander of the Bureau of Operations. September of 2017, now Chief Hayden reorganized the Department structure again, recreating the Bureau of Professional Standards. On January 1st, 2018, Major Michael Sack was detached to this bureau as its commander, now overseeing FIU.

(C – Manning Tables)

February 5th, 2018, Lieutenant John Green, DSN 03575, takes over command of FIU. On March 6th, 2018, he submits a memo to Maj. Sack referencing his observations on the operations of FIU prior to his command. Green's memo speaks about incomplete reports, lack of supervision, missing equipment (laptop), and command duties that had been delegated to subordinates by [redacted].

- Note: Laptop located and returned
- No PAF's completed on anyone in unit since its inception
- See email dated 11/5/15 – [redacted] provides detectives password after getting PAF reminder

(D – Memo)

(E – Emails on equipment and passwords)

[redacted] takes over vehicle # 657, a 2016 Chevy Tahoe. It is found to have 32,000 miles at just over one year in the fleet. Mileage is unexplainable. Initial investigation can't prove he used it for unauthorized travel; however, we know he used it for secondary employment. (JD can attest to this)

(F – Gas logs, Vehicle inspections)

March 20th, 2018, court order issued by Judge Burlison to complete the police report, regarding case 17-16, [redacted]. See email chain starting with [redacted] to [redacted] regarding the completion of this report. [redacted] was originally assigned as primary investigator in this case but report was completed by [redacted] before the April 20th, 2018, deadline.

(G – Court Order and email chain)

March 26th, 2018, Lieutenant JD McCloskey, DSN 06945, and Sergeants Tonya Porter, DSN 07412, and Mickey Owens, DSN 04839, were tasked with reviewing and auditing the activities and practices of FIU, specifically under [redacted] command. Investigation started with review of their operations and method of response to OIS call outs. All reports they investigated were reviewed.

A consistent issue throughout their reports were the amount of time taken for reports to be completed and approved. Additionally, a pattern was noted in many reports that they were going through the full approval process within a matter of seconds/minutes. Also, we found reports approved by [redacted] to a level 3 were done while he was not working and/or out of town. Already aware that PeopleSoft entries were delegated to subordinates, it was believed that detectives were also approving their own reports.

Computer audits can show that [redacted]'s ILeads account was often accessed from the detectives assigned desktops at the same the detectives were approving their reports. Complaint number audits also show when [redacted]s ILeads account is accessed from different computers and under various user desktops.

(see CN audits that are with completed reports, they specify the persons windows account that is logged on, and then the ILeads account that is being used. Ex...you will show [redacted] desktop logged into Windows but she will have [redacted]s ILeads logged on her desktop at the same time her report is being approved by [redacted], then you can also show he is not at work and/or out of town)

We reviewed a total of 50 cases investigated by FIU under [redacted]s command. At the time of this audit, 42 of these cases are listed as *"complete"* and through the approval process. Of these 42, in 39 of them we have evidence that someone other than [redacted] approved the report using his DSN/log on. The audits show that [redacted]'s ILeads account was accessed from the detective's desktops and the report were commonly taken from a level 1 to a level 3 within seconds, from the same computer.

- Files 16-4, 16-5, and 17-15 were believed to be approved by [redacted].

Audits of individual complaint numbers also show that [redacted] would commonly not even view a report assigned to his unit for months, or even years, after the initiation of the investigation. For example, File 14-1 is the first case strictly assigned to FIU for investigation. The incident date for this was 10/5/14. The report is fully approved on 3/27/15. An audit of CN 14-046262 shows [redacted] doesn't even view this report from a combination of his ILeads account on his desktop account until 7/28/15. Obviously, his argument will be that he viewed this report on his detectives computer, or they

even possibly had printed it for him to review....but reasonably unlikely that someone in his position would never log on to their own ILeads account, on their own desktop, and review anything in the report.

- Note: Again, the report is approved by him on 3/27/15; however, [redacted] has [redacted]s ILeads account logged on his desktop during this approval.

Another example, is File 15-4. The incident date for this case was 5/8/15. This audit on this complaint number does not show [redacted] viewing this case on his desktop, and in his own ILeads account, until 1/7/18.

Also, it is believed that he would often only view and look at the police reports if given a reason or someone asked questions. As an example, 11/1/17 an email is sent from Planning & Research asking about various cases and their status. [redacted] is out of town and this email is forwarded again by Lt. Colonel Jones telling him that they will discuss after his travel. On 11/5/17, when he is returned, [redacted] views 10 FIU cases (all for the first time). He then responds to the emails regarding these cases, giving updates on each.

(H – Emails)

As each FIU case was reviewed, PeopleSoft time reporting data was examined, in conjunction with proxy card and computer log on/log off (when available) data. When comparing all this information, concern arose about how much time [redacted] was actually at work during scheduled duty hours. Additionally, it is known that he works a large amount of secondary employment, albeit unapproved as he has not completed a PAF since 2013.

From HR, the last secondary update completed by him identified the following potential secondary employers (at that time): PepsiCo/FritoLay, The City's Finest, Whelan Security, and Saint Louis Cardinals Baseball. Also, it is known that he worked and scheduled jobs for Mardi Gras Inc. and Ameren UE. Several of these employers were also verified and believed to be current by the correspondence in his Department email.

(I – Mardi Gras 2018 emails)

[redacted] has a lot of correspondence with the PepsiCo employer. Noticed early on were emails pertaining to his attendance at the PepsiCo "2014 Resident Security Consultant Conference" held in Fort Lauderdale, FL. The dates of this conference were June 11-13, 2014. On all three of these days, he was marked 10a-6p in duty hours. Proof of his attendance at this conference was noted in other email correspondence, such as credit card statements with purchases during these dates in Fort Lauderdale, and a picture he sent his ex-wife from his hotel balcony.

On 6/19/14, he receives an email from Volt.com (payroll for PepsiCo.) indicating that for the week ending 6/15/14, he was approved for 25.00 total hours worked, with the notes of "travel and training for RSC spring 2014 conference". Thus, he was paid for three days by our Department for duty hours, while out of town for Pepsi Co, and being paid by them. Additionally, he sent Volt an expense report for reimbursement for his hotel and meals.

**Note: Just before this PepsiCo trip, he and his ex-wife, [redacted] attended a personal wedding in San Diego, CA from 6/5/14 to 6/7/14. 6/5 and 6/6 he was marked REC, but on 6/7/14 he was marked 10a-6p and his plane didn't even land back in STL until later in the afternoon. Attached with these documents, in the trips folder, is email correspondence where he tells someone that he was travelling back from San Diego.

From HR, PepsiCo is not a typical secondary employer. [redacted] was contracted as a security consultant, and he had only signed an indemnification form indicating he was working for them. We have no time reporting from PepsiCo, but he do have numerous documentations of him conducting PepsiCo business on Department time, beginning in February 2016. He also uses official Department documents and information for his PepsiCo work, and disseminates these documents to PepsiCo people.

On March 15th, 2016, it was found in his email that he conducted an active shooter training session for PepsiCo at their Bridgeton distribution center. On this date, and the day after (16th), he had no computer log-ons or proxy card usage during/near his scheduled duty hours.

(J – Conference/Hotel info/Emails/Pepsi Folder)

Secondary employment was audited from the time he transferred into FIU (12/9/13) to the present day

Secondary hours and pay were requested from all his known secondary employers. The Cardinals, TCF, Whelan all immediately provided the requested information. From the Cardinals, [redacted] only work three baseball games in 2014, and it was found that one of these was during his scheduled duty hours. On May 28, 2014, he was scheduled 6p-2a with the Department, and was paid from 5:45p-11:30p by the Cardinals. (5.75 hours)

Through Whelan Security, he worked for Osborne & Barr. He had 42 total shifts with O&B between 2/4/14 and 8/12/16. In 31 of these 42 shifts, he was sound to have overlapped his duty hours with these secondary hours, resulting in a total of 56.85 hours simultaneously worked.

With TCF, [redacted] has numerous shifts beginning 12/14/13 through the present day. In this time frame, a total of 201.0667 hours was found to have overlapped with scheduled duty hours.

Ameren UE did provide hours from April of 2014 to present. In all, he accumulated 230 hours of secondary employment that overlapped his duty hours.

It was also discovered that he worked on April 8th, 2018, for CSC/APEX security working the GO St Louis Marathon. His hours for this job was 5AM-2PM. However, his duty hours for this day was 8AM-4PM, which he approved himself on April 11th, 2018.

Mardi Gras Inc refused to provide the secondary information requested, violating their agreement with the SLMPD. They were then subsequently revoked as an approved secondary employer. Their Director, Tim Lorson, ultimately told the Chief's office that he would provide the information; however, email correspondence suggest that he was still seeking [redacted]s permission for this, and it was never provided to us. Yet, through email we can show at least two instances where [redacted]t worked for Mardi Gras Inc during Department hours. The first was in 2016 for the "Q in the Lou", on both September 9th and 23rd, 2016, where he worked 3p-5p. He was scheduled duty hours both these days from 10a-6p. Also, for this year's Mardi Gras parade, he worked 8a-10p, but he had also worked the detail from 4p-12a.

There was also an apparent pattern of [redacted] working secondary late at night or overnight hours, and then not coming into work the next day. Evidenced in the following paragraph.

Proxy card data was extracted from 12/9/13 for [redacted], as well as computer data showing log on activity to Department desktops. This 'log on' information is only available dating back to May 6th, 2015. Starting at this date, and looking forward to February 5th, 2018, we compared his scheduled duty hours to these two audits. Looking for either proxy card access at a Department facility or a log on to a Department computer near or during his scheduled duty hours, we tallied the amount of days in this time period where there was no record of him accessing either during or near a scheduled tour of duty. In all, 146 days were accumulated which there was no material proof that he was present at work, and this is giving him a huge benefit of the doubt.

Also allegations that [redacted] was not present on some of the latter police involved shooting scenes. Pending confirmation from detectives and Major Sack. This questions needs to be asked in internal interviews, not so much relative to a criminal investigation.

Detectives OT

Between the dates of 9/1/14 and 2/5/18, FIU paid out 7508.09 hours of OT. At time and a half, this is 11,262.14

Other ...

Wednesday, February 14th, 2018, [redacted] emails a full copy of an accident report to a Licia Harper. Harper is driver #2 in this accident report, which was authored by [redacted] himself, from January 21, 2018. The report is unredacted and incorrect. He approved his own report as well.

(K – Email & Report)

[redacted], at AMEREN, emailed him his secondary hours also, the same info we eventually obtained from her. In his email, a calendar was discovered that coincidentally dated back to December of 2013. The calendar just has hash marks through various days. Porter compared this to his TCF days and it almost matched identically to the days where we found overlapping hours. This calendar also notes at the bottom that it was drafted for the law firm which SLPOA attorney Jim Towey works for. However, [redacted] emailed this calendar to himself, from himself.

[redacted] travels to Arizona for a Force Science Institute from October 31st to November 3rd. He is marked working 7A-3P all these days. This was not approved travel from the Department. Lt. Col Jones is aware of this travel due to her email correspondence. FSI president was contacted and stated [redacted] was not compensated by the FSI for his attendance, but his travel was paid for.

FIU Report Review

14-1

[redacted]

10/5/2014 – Incident

[redacted] Location

Cleared date 2/20/15, wrong

Warrant App question – suspect arrested 1/8/15, court order on 1/23/15, 1/26/15 physical line up done. One officer [redacted] identifies suspect from physical lineup. Suspect had previously been held on PV. Why delay in line-up? Possibly because of resisting during suspect arrest?

Warrant app dated on 4/13/15. Report says taken to warrant office on 4/6/15. LE Web arrest indicates disposition date on 4/14/15. Why delay in warrant app? Line-up done in

14-2

[redacted]

10/8/14 – Incident

14-046844

[redacted]- location

Cleared date 11/11/14, wrong

Main report leveled up on 11/25/14 – supplements leveled up on 12/1 and 12/2 – BUT on 12/11 [redacted] submits evidence, item # 021, to the lab, comments state that it is a "lead fragment from the scene" – this item is not documented in the report – cannot find where it is from.

15-1

[redacted]

1/21/15 – incident

15-003405

[redacted]

Cleared date 2/9/15?

15-2

[redacted]

2/3/15 – Incident

[redacted] - location

Cleared date – 7/9/15?

"Two pager" leveled up 10/23/15, supplements leveled up 4/15/16, one additional supplement leveled up on 4/19/16, and final supplements leveled up 11/8/16 and 11/15/16.

15-3

[redacted]

4/27/15 – Incident

[redacted] - loctaion

Cleared date – 7/31/15

Warrant application mentioned in supplemental but never scanned into report.

911 tapes seized on 8/4/15, but supplement indicating so not done until 5/17/16.

Note: they scanned in all lab reports, but also created a supplemental where they dictated them verbatim, calling it a "guide" to the lab reports. Why?

E-Trace report is mentioned in main supplement and in an additional supplement. Exact same info and duplicate property screen - duplicating work

15-4

[redacted]

5/8/15 – Incident

[redacted]

Cleared on 6/18/15

13 page correction supplement leveled up on 9/22/16??? (146 corrections) – why?

Warrant application added to this report on 3/29/18 by RS

[redacted]

15-5

[redacted]

7/11/15 - Incident

15-034497

[redacted]

cleared on 7/22/15???

Main supplement, scene report, approved on 9/29/15

Another supplement strictly for corrections, over a year later

Supplement created for employee injury – employee injury scanned into report, why?

[redacted], listed as arrested, no mention of [redacted] Detention

15-6

[redacted]

7/14/15 – Incident

15-034925

[redacted]

Cleared status on 1/29/18???

Warrant application on 7/17/15, but don't scan in warrant app in this supplement.

Case has been adjudicated in court earlier this year.

15-7

[redacted]

8-19-15 – Incident

15-041979

[redacted]

cleared 11-9-15???

Weapons discharged by police marked "NO", on two pager which is leveled on 9-15-15. Then on 2-19-16, [redacted] does a supplement himself as a "Reclassification of Report" and indicates in the narrative the weapons discharged box should have been marked "YES" – "This is a obvious error." Reclassification?

15-8

[redacted]

9-15-15 – Incident

15-047154

[redacted]

Status-active

NO NARRATIVE IS FOUND IN THIS REPORT. Each supplement has a small narrative indicating what the supplement pertains to; however, the incident is never described. Several other police reports are scanned into this report as well, but don't know the relevance.

The 7th FIU supplement talks about presenting the involved officers with photo lineups. Officer #1 ID's one suspect, but then this is left at that. Nothing more is done and, again, there is no explanation or scene summary. No suspect screens are listed either, but this supplements narrative speaks about three possible suspects.

More evidence listed on property sheet than indicated in report

15-9

[redacted]

10/29/15 – Incident

15-055238

[redacted]

Status -active

All other supplements are approved by [redacted] on 12/14/16, over one year later.

Report goes straight into talking about a dog, no indication about what transpired before speaking with witnesses.

15-10

[redacted]

11/14/15 – Incident

15-058049

[redacted]

Highway Patrol- Should SLMPD have written anything on this?

No supplemental reports and status remains ACTIVE.

A search warrant was executed on the suspect's vehicle and a warrant application the next day – but no supplements ever done on this case. – only know this from OT entries

15-11

[redacted]

11/22/15 – Incident

15-059488

[redacted]

First FIU supplement goes straight into gun recovery and trace report. This is done before any narrative and explanation of what happened.

In car video not recovered for two months after the incident. [redacted] provides it to [redacted] – no mention of how, why, who???

No property screen or mention of anyone obtaining buccal swabs from the suspect – but one narrative mentions the CAO obtaining a court order after getting a CODIS hit. Supposedly they were submitted to the lab but we don't know how they were obtained or who obtained them. Lab scanned in the CODIS hit.

Act 15-1

[redacted]

12/8/15 – Incident

15-062114

CPD- In Custody Death

Status active for 12/9/15???

16-1

[redacted]

1/17/16 – Incident

16-002805

[redacted]

Status - ***active*** as of 1/18/16

Money stolen in the robbery was returned to KFC and stated in narrative that a property receipt was done (scanned in) but no property screen.

Another property screen says 5 officer memos but narrative only says four and there are only four scanned in.

Offender screen – says arrested. (Abated by death)

16-2

[redacted]

1/23/16 – Incident

16-003648

[redacted]

Cleared on 3/23/16???

On page 56 of 143, an interview with [redacted] cuts off. The transcription notes that the audio cuts off...this appears to be cut and pasted into the report with no additional mention of the interview or any follow-up. Need follow-up

16-3

[redacted]

3/31/16 – Incident

16-014904

[redacted]

Cleared on 2/2/18????

The final supplemental has never been approved as of 2/4/18 at 8 AM.

The final supplement mentions the case being turned over to Ed Postakwo for review but doesn't say when this happened. Needs disposition.

*Suspect in this case assaulted an officer, but is never booked or charged

16-4

[redacted]

4/19/16 – Incident

16-018375

[redacted]

Cleared 8/30/16????

Juvenile suspect deceased but listed as Taken into Custody

16-5

[redacted]

4/24/16 – Incident

16-019332

[redacted]

Cleared on 12/29/16????

NO – weapons discharged by police?

16-6

[redacted]

8/2/16 – Incident

16-038078

[redacted]

Cleared date 9/8/16???

Final supplement is about an arrest of an additional suspect, which they admit is ID'd by CAO investigator. The narrative says they are made aware on 8/11/17 of a juvenile wanted suspect in custody at the detention center. Affidavit completed, no interview, no mention of how he was arrested. This arrest supplemental is not completed by [redacted] until 9/24/17.

No follow-up investigation into suspects statements about second suspect (brother)...CAO had to do the work and notify FIU of findings.

Scene report does not account for suspect injuries, no mention of where he was shot.

[redacted] only interviews PO that discharged his firearm, no other officers interviewed. They indicate that they got memos but the quantity on the property screen says "1" and the report doesn't say what the memos stated....based on the narrative, we would assume the other officers statements were probably important.

16-7

[redacted]

8/30/16 – Incident

16-043677

[redacted]

Cleared on 1/9/17????

Suspect and officer interviews not completed for over a week after the incident – why delay?

Robbery follow-up? No mention of robbery information passed on to appropriate bureaus.

16-8

[redacted]

9/2/16 – Incident

16-044221

[redacted]

Cleared 11/22/16????

11/22/17 [redacted] does supplemental indicating that the offender was "mistakenly" omitted from the report.

Last supplement is a review of the in-car cameras footage. The date recovered on the property screen is 3/8/17, but the lab sheets show it was seized on 9/12/16.

Gun in incident was found to be stolen....no charge for stolen/recovered. The police report for the stolen gun from Lakeland PD is listed on the evidence list from Property Custody, but there is no property screen. This whole report is just scanned into the report.

Officer assault page has "NO" marked for arrest made.

There is one whole supplement just for 911 tapes, and the property screen says, "Division Property Room". [redacted] narrative says it was taken to Property Custody Division, but not listed on their inventory sheet. Report screen also indicates this was seized the same day as the incident (9/2/16).

Five officer memos are scanned into this report .... however, there is no mention in narrative of anyone preparing memorandums, and no property screen for these either. Narrative doesn't cover what was said by the officer in the memos.

No property screen for officers Beretta.

16-9

[redacted]

9/9/16 – Incident

16-045588

101 S. Tucker (City Marshal)

Cleared on 2/8/17????

Warrant application done the next day, 9/10/16, but supplemental not leveled up until 4/6/17.

All other supplements leveled up on 4/6/17, most could have been condensed into one or included in the scene report.

[redacted] writes about the Marshals comments on the scene, never before had they done this or mentioned a Public Safety Statement. [redacted] does interview instead of [redacted] like usual. States two different dates and times of the interview as well.

No mention of trying to locate or Identify the female that was accompanying the suspect during the incident. Also, no follow-up interview of the suspect, they only talk to him once which is right after the incident (at hospital). Charges may have been issued preventing this.

16-10

[redacted]

10/2/16 – Incident

16-049843

[redacted]

Cleared on 11/16/16???

14 officer memos, scanned in and in property screens (Quantity 1) but not mentioned in the narrative as to the relevance.

Took over a month (11/16/16) to get court order to get buccal swabs – suspect in [redacted]. Then the supplement indicating this buccal swab seizure is not leveled to a 1 until 1/26/17.

No indication that anyone ever tried to get an interview with [redacted]

No mention about who took suspect into custody, just says he went to hospital. No mention about him being relinquished to [redacted].

Property screen for interview with witness [redacted] – this not in property custody.

Officers allege suspect was shooting at them. The semi-auto gun was located with no cartridges in the chamber, and six in the magazine. Suspected ballistic evidence located in the suspects pants?

16-11

[redacted]

11/20/16 – Incident

16-059217

[redacted]

Cleared on 11/13/17???

Officer #2, St Charles County Officer, is interviewed on 11/25/17. Over one year later. Is this a mistake?

22 officer memos scanned into report.

Officer assault screens for both officers, marked "no" for weapons discharged by PO.

17-1

[redacted]

1/9/17 – Incident

17-001344

[redacted]

Cleared 11/20/17???

Two supplements still not approved as of 3/30/18.

Pursuit of a stolen vehicle – no mention of emergency equipment used.

ME report not scanned in like other reports, narrative doesn't state cause of death.... car crash/shooting? Suspect shot and killed is reported to be on the "bottom" of the pile of suspects in the stolen vehicle (see [redacted] memo).

[redacted] is arrested in the vehicle, taken to the building but no mention if ever interviewed.

17-2

[redacted]

[redacted]- Incident

[redacted]

[redacted]

Cleared 4/6/17???

Warrant supplemental says warrants applied on 2/18 (but incident happened on 2/18 at 2200 hours) – warrant app scanned in shows 2/19.

[redacted]

[redacted] accepts a hand-written letter from a PPO about comments allegedly made by the suspect in the hospital. No memo prepared.

17-3

[redacted]

2/21/17 – Incident

17-008536

[redacted]

SWAT – one dead suspect in the house, SWAT for some reason seizes the gun, renders it safe, and they have at least four officers in the chain of custody. They also photograph a shell casing, bag it, and put it on the porch.

[redacted] only interviews the shooter, officer #1. Numerous other officers are in the home but they are never interviewed, just prepared memos and scanned in.

No offender screen in the report – we had to request autopsy report for suspect info.

Suspect firearm seized in later follow-up supplemental. Property page says [redacted] seized gun but memos and narrative says SWAT seized. Nothing mentioned about the firearm, only talks about the TRACE report.

[redacted] main supplement also says to refer to herein supplement about more seized guns and drugs from the home. This supplement doesn't exist and we had to find [redacted] report (17-008547) to get details.

17-4

[redacted]

3/31/17 – Incident

17-015017

I-44 at N. I-55

Cleared on 9/22/17???

Suspect shot in leg and arm – data transfer says AT LARGE – no mention of hospital detail, arrest, booking...no warrant application in report or mention of it. Suspect arrest history shows warrants issued on 4/5/17, but booked by PO [redacted]

17-5

[redacted]

[redacted] – Incident

[redacted]

[redacted]

Cleared 6/28/17???

Questionable PC to initiate incident – officers both state that vehicle was not properly at curb, [redacted]

[redacted] should have been interviewed, but he was not. He allegedly saw and heard OIS.

Suspect didn't fire, but PO's gunfire did strike a citizen's vehicle that had kids inside. No injuries, just property damage report. Says in June, PO [redacted] got a call to this vehicle owners home and recovered a bullet fragment from the tail light housing. No property screen for this.

17-6

[redacted]

4/14/17 – Incident

17-017618

[redacted]

Cleared 7/19/17???

Officers shoot at moving vehicle.

This case involves a hostage situation, no FIU listed as present during this standoff. PO [redacted] does supplemental for the hostage part, [redacted] does a scene report relative to this in another supplemental.

A random report is scanned into this report about a car clouting, and the victim's property was recovered at the same address of the shooting, but never discussed the relevance or if this property was recovered at the time of the scene investigation. Reports just scanned in for us to interpret.

Numerous investigators trying to interview the same victim/witnesses.

Officers allege car is driving/accelerating at them – owner of car in interview says car engine can barely accelerate. [redacted] asks her about any transmission problems in her interview, where did this line of questioning come from? Car is towed .... why not an inspection/test drive of vehicle? Was this done?

Suspect GF is shot in the left arm and right wrist while seated in the front passenger seat, officer says car was driving at him, but windows were down and no ballistic damage to the suspect vehicle. Where was officer standing? Did he shoot as it was passing him? But other officer was able to get out of the path of travel. Based on photos of suspect vehicle, the bullet travelled through the driver's window and struck the front passenger.

Officer #2 alleges to hear glass breaking after the shot by his partner. No glass is broken on the car.

In interviews with GF and suspect, both identify witnesses that were on scene with them at the time of the incident, [redacted] says he could not identify them. He then enters a "contact and advise" for [redacted] ....so which is it? [redacted] was on the scene at the hostage negotiation incident.

This contact and advise is entered on 7/19/17, and cancelled on 4/23/18 (W37341894). Comments state "no longer wanted" – but we don't know why, awaiting further info or another supplemental.

ACT 17-1

[redacted]

5/2/17 – Incident

17-021037

[redacted] (In-Custody Death)

Status- Still Active

No narrative

17-7

[redacted]r

5/10/17 – Incident

17-022195

[redacted]

Status is active but suspect is deceased?

Main supplement not done, still blank without narrative.

17-8

[redacted]

[redacted] – Incident

[redacted]

[redacted]

Cleared 12/19/17

Warrant application missing, but Casenet indicates that case was issued on 5/25/17. There was never any arrest and case is set for trial in 5/18.

Narrative indicates Officer #1 demands to watch the in car video prior to giving his voluntary statement. Talked to CAO, officer #1 did give deposition on case and was aware that **CA Office has not cleared him of wrong doing.**

No suspect interviews, only know he was conveyed to SLU. No updates on status.

Property screen for [redacted] surveillance video, but no mention of it in narrative.

Last supplemental opened on 1/10/18 by SB and not completed.

Suggest FIU review of in-car video.

17-9

[redacted]

5/26/17 – Incident

17-025481

[redacted]

Status active for 5/27/17, but suspect deceased.

Main supplement is at a level one as of 2/2/18, this has not been approved. There is a suspect page, but no status indicated and no charges listed, just says injury was fatal. No narrative in this supplement.

There is a property page that list 14 attached memos, none scanned in as usual.

One supplement talks about Detective [redacted] relinquishing video surveillance, doesn't say how or where he got this, nor an address where the camera is from.

17-10

[redacted]

6/7/17 – Incident

17-027659

[redacted]

Cleared 2/22/18???

17-11

[redacted]

6/13/17 – Incident

17-028839

[redacted]

Cleared on 11/15/17???

17-12

[redacted]

6/21/17 – Incident

17-030298

[redacted]

Cleared date correct

[redacted] authoring Officer, but his son involved in incident. Conflict?

Officer's memos are contradicting each other. Announcement or no?

This report is [redacted] – still incomplete with no scene narrative as of 3/30/18

17-13

[redacted]

7/20/17 -Incident

17-035597

[redacted]

Cleared 3/05/18

Warrant app done on second suspect, but this supplement not done for two months.

Unapproved county report scanned into our police report.

17-14

[redacted]

8/22/2017 -Incident

17-041481

[redacted]

Suspect [redacted] has an Arrest Register but no mention in narrative of her arrest: where/how/when/taken to where?

Officer not interviewed until 10/6/14 according to [redacted] – but in transcription [redacted] says it is 8/29/17.

No supplements have been approved as of 4/30/18

17-15

[redacted]

8/31/17 – Incident

17-043149

[redacted]

Cleared on 12/4/17???

Officer #1 not interviewed until 9/6/17. Why a week?

17-16

[redacted]/Engelhardt

9/1/17 – Incident

17-043306

[redacted]

Cleared 4/17/18???

Housing supplement written 21 days later, check first line of their report "contact [redacted]". What is this???

Witness [redacted] wanted for a felony at time of interview by Spec Ops – never brought to HQ and interviewed.

Why isn't [redacted] (guy with shooter) arrested? He is interviewed but never booked for anything.

Suspect/shooter interview was conducted down in homicide, but never extracted from player. Video is now lost and never seized. Engelhardt writes report and says it is was not recorded.

Witness [redacted] interview not in property custody and is listed in report as being seized (Pg. 13 of 36 and Pg. 6 of 36) – we gave this to Lt. [redacted]

Search Warrant (10/2/17)-not seized? No Return and Inventory?

Court Ordered by Judge to complete report.

ACT 17-2

[redacted]

10/7/17 -Incident

17-049229

[redacted] (In Custody Death-Taser)

Status-Still Active

No narrative for scene completed.

****17-17****

[redacted]

10/12/17 -Incident

17-050058

[redacted]

Two offender screens for same suspect.

Witness [redacted] – located where? How conveyed? By who?

Where is [redacted] gun? Just says it was not available. Never seized/inspected.

No interview for [redacted], only a one and one-half page memo.

Vehicle not entered as stolen until RTCC does at almost 3 AM, but they time it at 118 hours. Then cancelled after 8 PM that night.

Arrest of [redacted] apparently leads to Consent on [redacted] but no details of this search.

[redacted] conveyed to HQ from where? By who?

[redacted] **never interviewed.**

All officers involved come in on OT, no one working duty hours. Also, no supervisor notification.

Witness [redacted] has interview in OIS file, nothing in report about him.

Secret Witness says shooters at house, no mention of an arrest attempt or consent to search.

[redacted] clothing at time of incident, with gun belt - still no firearm.

[redacted] authoring report but Burle interviewing everyone. [redacted] wasn't in the unit at the time of this incident.

Secret Witness also stated someone shooting from white truck. "shootout"

Where is interview with [redacted]

911 caller needs to be interviewed. – says they saw the shooting

Surveillance video not documented. We found additional video down in RTCC from Shell gas station that wasn't in the OIS file. No overview in narrative of any/all videos.

Supplemental found with additional arrest for [redacted] from previous shooting earlier in the night.

Gun Trace – anyone ever go talk to [redacted], the purchaser of that gun?

17-18

[redacted]

11/23/17 -Incident

17-057462

[redacted]

Cleared 2/8/18???

Report incomplete and no further information

17-19

[redacted]

11/28/17 – Incident

17-058203

[redacted]

No further information other than ETU report.

17-20

[redacted]

12/8/17 – Incident

17-060008

[redacted]

Case still active.

Report not completed.....

18-1

[redacted]

1/18/18 – Incident

18-002769

[redacted]

Cleared 3/21/18???

No narrative yet.

18-2

[redacted]

1/24/18 – Incident

18-003846

[redacted]

Report not completed....

Was [redacted] on scene?

18-3

[redacted]

1/31/18 – Incident

18-005071

[redacted]

Still active

Report not completed...

Was [redacted] on scene?

[redacted] assisted in preparing his own job description

Position: **Sergeant**
Bureau: **Professional Standards**
Division: **Force Investigation Unit**

Position Summary:

Supervises staff assigned to the Force Investigation Unit.

Principal Duties:

- Monitors and evaluates Commissioned Officers in the Force Investigation Unit to include but not limited to training, analyzing and resolving work problems or assisting in solving work problems, taking appropriate corrective and/or disciplinary action where necessary, and makes recommendations for advancement and any other change in status
- Monitors all ongoing serious use of force investigations
- Oversees the incident scene: maintains security, protects evidence, and coordinates response among supporting units/ agencies
- Consults with medical personnel on medical condition and extent of injuries of officer, victim
- Reviews, edits, and approves investigative reports to include the criminal and administrative reports (ARTS)
- Coordinates with other units the investigation of police shootings and deaths of subjects in police custody
- Communicates with district supervisors and senior commanders on matters involving use of force incidents and requests assistance from uniformed officers as needed
- Briefs commanders, provides current findings on cases, and coordinates planning strategies, investigative scope to further the investigation
- Interviews surviving officers, victims at the scene and/or hospital
- Acts as a liaison for the department with the United States Attorney's Office, Circuit Attorney's Office, the Medical Examiner's Office, and other outside agencies
- Compiles facts, forensic evidence and statistics, analyzes data, and provides any reports as requested, to command staff, district personnel and Planning & Development
- Informs Public Information and the media on the facts of ongoing investigation when requested
- Performs administrative functions to ensure the efficient operation of the Unit
- May perform other similar or related duties as assigned

Minimal Qualifications:

- Currently at the rank of Police Sergeant with 15 years as a Commissioned Employee of the Police Department

OR

- 3 years at the rank of Sergeant with the department
- Excellent oral and written communication skills
- Above average interpersonal skills
- Word processing skills
- Working knowledge of Microsoft® Word and Outlook and working knowledge of PeopleSoft system and REJIS operations
- Effective Communication Skills Seminar
- Basic Interview and Interrogation Seminar

Desired Qualifications:

- Bachelor's degree
- Prior investigative experience
- Prior experience in Internal Affairs or Homicide Section as an Investigator
- Police Shooting/ Use of Force Investigator Course
- Advanced Interview and Interrogation Seminar
- Professional Courtroom Presentation and Testimony Seminar
- Effective Writing Seminar
- Crime Scene Investigation Techniques Seminar
- Crime Scene Responder Seminar
- Basic Homicide Investigation Seminar
- Medicolegal Death Investigator Training Course

General Comments:

- Incumbent is required to maintain current case management and confidentiality in high profile cases.
- Incumbent is required to work a varying schedule with long duty hours and is subject to be on-call.
- Incumbent is required to attend on-going training and obtain certifications to remain proficient.

Porter, Tonya L. (Sgt.)

From: [redacted]
Sent: Wednesday, November 01, 2017 2:04 PM
To: [redacted]
Attachments: Interviews Protocols.docx; THE ROGER RULES 1.doc

THE ROGER RULES

No family member of a victim will be notified by phone.

Name and contact information shall be obtained from anyone who is interviewed however brief that statement may be. (It's the law)

Record everyone statement.
Always have your recorder with you. (Keep extra batteries in vehicle)

When in doubt seize process, interview, get warrant, etc.

Place property immediately in property custody (especially CD's).

With few exceptions essential witnesses will be interviewed in the Homicide office.

When possible prior to speaking to witnesses outline the interview so that crucial questions are asked and strategies can be agreed upon by interviewers.

With very few exceptions do not interrupt people when they are being interviewed. Ask clarifying questions (specific names, locations, etc.) after they have told their story.

Refrain from unprofessional conduct (cursing, joking, inappropriate slang etc.) during interviews.

When conducting interviews ask open ended questions; avoid suggestive statements or responses.

Mirandize, but do not ask if the person wants to give a statement. That question is not required.

Type interviews ASAP.

Obtain surveillance video ASAP. (Do not rely on others)

If tasks are out sourced (Intelligence, other crews, VOU, etc) hold them accountable. The investigation is our responsibility.

Listen to 911 tapes. (Note this in scene report).

Re-canvas for witnesses and video on case assignments.

Always obtain DNA sample of suspects or potential suspects.

Single photo identifications will only be done when a prior relationship can be clearly established and documented.

Identifications of people vehicle etc. when possible will include specifics (scars, tattoos, crocked teeth, dents and damage, tints etc.) Ask the question.

With few exceptions when witnesses identify other persons by name or nic-name confirmation, usually with a photograph will be obtained.

Work as a team. Ask for advice and/or second opinions if you are unsure. Have others check your work. Use all resources (lab, crime analysis, etc)

Hold each other accountable to ensure success.

Four Truths

1. Everyone wants to do something but no one wants to write anything or own anything. (Identify those people and hold them accountable)
2. Anything we do and anything we don't do we must be prepared to explain and defend. (Sometimes months or years down the road)
3. Anything left to interpretation will be interpreted in the most negative way against the police department, the officer and our investigation (Clarify issues by being thorough and hold others to that same standard)
4. There is always something and that something is usually completely f@#ked up. (Fix it if you can. Explain it if you can't. Then move on because there will be something else. See Truth #4)

Interviews Protocols

Preamble:

My name is _____ DSN _____, I am assigned to the _____.

I would like everyone in the room to identify themselves. _____, (lawyer), _____, (involved officer), _____. (Union Rep.) etc.

Today is _____ _____ at _____. We are in the _____ of _____.

I would like to interview concerning an incident that occurred on __August 31, 2017_____ at _____ . This incident happened in the _____ block _____. In this incident it is believed that you discharged your _____ weapon at a citizen/suspect. In this incident the citizen/suspect was struck by gunfire causing (injury, death). The statement you provide me will be shared with the St Louis Circuit Attorney Office and/or the United States Justice Department to determine any criminal liability. Do you understand?

A: _____

With that understanding do you voluntarily agree to be interviewed concerning this incident?

A: _____

Interview:

[redacted]

Cover Specific areas: