

## **REGULAR COUNCIL MEETING April 22, 2010**

The Waelder City Council met for a Special Called Meeting on Wednesday, April 22, 2009 at 7:00 P.M. at Waelder City Hall.

Those present were Harvey Mica, Robert Tovar, Dora Ramirez, Annie Jackson and Curtis Hadnot. Mayor Tovar did preside.

The meeting was called to order and a quorum was established.

A motion was made by Harvey Mica to consider submission of a 2009(PY) Texas Neighborhood Stabilization Program Application to the Texas Department of Housing and Community Affairs, and authorized the Mayor to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the community development program with a second by Robert Tovar. The vote was unanimous and the motion was passed.

A motion was made by Curtis Hadnot with a second by Harvey to table the Park Renovation. The vote was unanimous and the motion was passed.

The Council convened to Executive at 7:11 p.m. according to Texas Government Code 551.074: Personnel Evaluation: Police Chief Dale Dockery: Mayor Tovar asked "Dale on your request would you like for this to be open or close session?" Chief Dockery responded "Open." Mayor Tovar: Let the record state that Chief Dockery wants it open. Mayor Tovar: Tom is the City Attorney.

Attorney Tom Robinson request for the witnesses to come up to testify so the council can hear them clearly. Attorney Robinson questioned Chief Dockery about a complaint against him in capacity as Chief of Police of the Waelder Police Department for the City of Waelder.

**Attorney Robinson:** Would you state your name.

**Chief Dockery:** Delvin Dockery

**Attorney Robinson:** You're the Chief of Police for City of Waelder?

**Dale:** Yes, Sir.

**Attorney Robinson:** Did you received a copy of the City of Waelder Personnel Manual the day you started?

**Chief Dockery:** No, Sir. I found one myself.

**Attorney Robinson:** I want to show you "Chief Dockery" a receipt with your signature and dated August 30, 2006. Is this your signature?

**Chief Dockery:** I don't think so. I don't know if it's mine.

**Attorney Robinson:** I'm sorry

**Chief Dockery:** That don't look like my signature.

**Attorney Robinson:** Yeah, but is that your signature?

**Chief Dockery:** I don't know if its my signature or not.

**Attorney Robinson:** But, is it your signature?

**Chief Dockery:** I don't think it's my signature.

**Attorney Robinson:** I don't think the council can hear you.

**Chief Dockery:** That don't look like my signature.

**Attorney Robinson:** It don't look like your signature, but just in case it is, it says that you have receive a personnel manual of the City of Waelder. Does it not?

**Chief Dockery:** I don't recall, ever receiving it. I never knew that were passing out personnel manual to our employees, but I don't ever recall.

**Tom:** But, if you should have recieved it, then your signature would be in the blank showing that you had received a copy of the personnel manual "Does it not?"

**Chief Dockery:** That's, what I'm saying that I don't know if that is authentic or not because that really doesn't look like my signature.

**Attorney Robinson:** But, will you answer the question? Is it your signature?

**Chief Dockery:** Does it say Delvin Dockery?

**Attorney Robinson:**If, this is his signature that he acknowledge seeing a copy personnel manual on August 30, 2006. Have you handed out personnel manual to employees this week?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Did you notify your own employees of the

City of Waelder ?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Have you read section H under conduct of the policy manual? I would like to get your attention and your attention was a call by Mayor Tovar's letter on April 16, 2009, paragraph 1 and paragraph 2, 4, 5. Are you familiar with those paragraphs? 1,2,4 and 5

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** O.K! So, you were familiar with those paragraphs in years past.

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** I would like to call your attention to paragraph 2. Paragraph 2 entitled "Work Standards" provides that it shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his or her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives. Paragraph 5 entitled "Outside Employment" provides that an employee shall not engage in outside employment where such employment would create a conflict of interest, or would adversely effect the employee's performance or the interests of the City or the public. Employees shall not use City vehicles, equipment or materials in any outside employment. An employee found in violation of this is subject to immediate dismissal. Before, April 1, 2009 were you familiar with these paragraphs and the policy of the City of Waelder.

**Chief Dockery:** I never read that.

**Attorney Robinson:** You never read it.

**Chief Dockery:** No, I never read paragraph 5.

**Attorney Robinson:** O.K. Have you ever use city equipment, in outside employment?

**Chief Dockery:** Well, when I ... yes, I have. The fax, copier and I got approval of the Mayor to use that.

**Attorney Robinson:** Have you ever use computer, fax machine, copier, telephones and other equipment from the Police Department in a private business that you have been conducting?

**Chief Dockery:** I ..... No

**Attorney Robinson:** Never have

**Chief Dockery:** No

**Attorney Robinson:** Have you ever use any equipment in Police Department in private use at all?

**Chief Dockery:** 10 copies faxed, but, define what private use means to me because I made copies on Nat'l Night Out for flyers to be given to the community.

**Attorney Robinson:** What was those?

**Chief Dockery:** Nat'l Night Out Flyers

**Attorney Robinson:** Oh, you printed those

**Chief Dockery:** No, I made copies here in the City Hall

**Attorney Robinson:** Have you ever printed out anything else over there?

**Chief Dockery:** No, and if I did. I use my own paper

**Attorney Robinson:** O.K.

**Chief Dockery:** I have my computer at home.

**Attorney Robinson:** Have you ever use the city fax machine in the Police Department for personal purpose>

**Chief Dockery:** The fax machine in Police Department. I may have.

**Attorney Robinson:** When?

**Chief Dockery:** I may have and everybody in the City have.

**Attorney Robinson:** We're talking about you.

**Chief Dockery:** I don't understand , why it's good for some and not good for me. If we are talking about me and I am a part of the City.

**Attorney Robinson:** Did you use the City fax machine on April 16, 2009 to fax 4 pages to your lawyer (Mr. Judge)?

**Chief Dockery:** I probably did.

**Attorney Robinson:** Wasn't that personal?

**Chief Dockery:** That's why you should define personal.

**Attorney Robinson:** What if you fax to him and let the council decide on that.

**Attorney Judge:** I am going to instruct Chief Dockery not to answer any questions regarding to parts of the attorney prosecutor cross examine questions.

**Attorney Robinson:** I understand that your not going to answer that question.

**Attorney Judge:** Base upon his attorney advise

**Attorney Robinson:** How could that be attorney's client privilege Mr. Judge, when your using government piece of equipment.

**Attorney Judge:** That's not a way to repeat government business council.

**Attorney Robinson:** Just regard using the fax machine. Who is Kevin Manson?

**Chief Dockery:** A friend of mine.

**Attorney Robinson:** How is he a friend of yours?

**Chief Dockery:** Just a friend.

**Attorney Robinson:** You send 11 faxes to him on April 15, 2009. "Is he an attorney in Austin?"

**Chief Dockery:** Are you asking me a question or you telling me.

**Attorney Robinson:** No, I'm asking you. Is he an attorney in Austin.

**Chief Dockery:** Yes

**Attorney Robinson:** Did you send 11 faxes to him on the City fax machine on April 15, 2009?

**Chief Dockery:** Yes

**Attorney Robinson:** What was the contents? Is he your attorney?

**Chief Dockery:** NO

**Attorney Robinson:** What was the contents of those 11 faxes?

**Attorney Judge:** Chief Dockery, did the communications have to do with legal concerns of these actions public concerns advise and are secretly advise from Mr. Mason, not instruct to answer your question base on paragraph 35 section 500 Texas book Rule Legal-Personal and than answer the question. Repeat the question.

**Attorney Robinson:** April 15, 2009

**Chief Dockery:** Oh, I know what it was, it was this here.

**Attorney Robinson:** The Personnel Manual, you faxed the Personnel Policy Manual to Kevin Mason and that was 11 faxes.

**Chief Dockery:** Yes

**Attorney Robinson:** And it was 11 faxes

**Chief Dockery:** Yeah

**Attorney Robinson:** What was happening to the fax machine?

**Chief Dockery:** Oh, it was messing up.

**Attorney Robinson:** Did you faxed the whole thing to him?

**Chief Dockery:** No

**Attorney Robinson:** What do you fax to him?

**Chief Dockery:** Only those sections that you wrote there.

**Attorney Robinson:** Do you own your own computer?

**Chief Dockery:** Yes, Sir

**Attorney Robinson:** Where is that computer?

**Chief Dockery:** Yes, Sir

**Attorney Robinson:** Where is that computer?

**Chief Dockery:** In LaGrange

**Attorney Robinson:** Do you own a fax machine?

**Chief Dockery:** Yes, Sir

**Attorney Robinson:** Where is that fax machine?

**Chief Dockery:** LaGrange

**Attorney Robinson:** Do you own a printer?

**Chief Dockery:** Yes, I do

**Attorney Robinson:** Where is that printer located at?

**Chief Dockery:** LaGrange

**Attorney Robinson:** O.K., "Why don't you use the fax machine in La Grange and not in your office?"

**Chief Dockery:** Because, I stay up here.

**Attorney Robinson:** Since, you are up here, you decided to send on government duty or government fax machine.

**Chief Dockery:** Oh, you just answer that question about ...but I'll answer question, "Yes" but I'm not the only one.

**Attorney Robinson:** So, you admit.

**Chief Dockery:** So, I told you. I had told the council and everyone present, that I faxed this personnel manual .

**Attorney Robinson:** Ok, Now your receive Mayor Tovar letter of April 16, 2009 and your attorney send a response dated April 21, 2009.

**Chief Dockery:** Uh, yes

**Attorney Robinson:** Have you read the response?

**Chief Dockery:** Yes

**Attorney Robinson:** Is everything in the response true and correct?

**Chief Dockery:** True and correct.

**Attorney Robinson:** O.K. The 1st item in the complaint: Is that you do not investigate cases with call to your attention while your

on duty. Have you investigate any cases in the last 6 months, while you were on duty?

**Chief Dockery:** Yes, I have.

**Attorney Robinson:** In your response you reside that you investigate a burglary at a building involving two juveniles and one adult, where a 38 caliber pistol was taken.

**Chief Dockery:** Right

**Attorney Robinson:** And that your recover the weapon and that you also, investigated an apparent suicide, I believe that was Mr. Majors, "Is that correct."

**Chief Dockery:** Yes

**Attorney Robinson:** You did not list any others investigations. Are those the only 2 cases, you conducted in the last 6 months.

**Chief Dockery:** Well, when things come in a situation considering, when halve the police Department and I'm here by myself during the day, so I have to take the call and issue the investigation no one else to help me.

**Attorney Robinson:** Now, the burglary occur On October 17, 2008, is that correct.

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** The suicide of Nov. 4, 2008

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Have you done any other investigations since?

**Chief Dockery:** We haven't had any major crimes at all.

**Attorney Robinson:** Sir

**Chief Dockery:** The Sergeant Reyna does the investigations just like when, I was a Sergeant, I did the investigations.

**Attorney Robinson:** There's hasn't been major crimes since November 4, 2008.

**Chief Dockery:** Yeah, there's been, uh, uh.

**Attorney Robinson:** Did the school call you about the robbery of computers, ipods.

**Chief Dockery:** What time was that?

**Attorney Robinson:** That was early December, on about December 2008.

**Chief Dockery:** The School Superintendent drop by my office, right after we found the pistol was found. Right, after the

Christmas holiday he wanted to talk about the situation about some computers over there, and wanted us to watch school and watch certain individuals and keep an eye on there. The school is doing their own investigation on their own in his concerns and he will get back with me at a later time.

**Attorney Robinson:** Item 13 on your response sent by your Attorney saying "Trying to solve the crime of the missing computers of the school over the Christmas Holidays." Correct.

**Chief Dockery:** Correct

**Attorney Robinson:** Did you say that the computers have been missing for 6 to 7 months? Did you conduct an investigations?

**Chief Dockery:** No, because he(the school Superintendent) told me, they were doing an in house investigation themselves. That's what the Superintendent himself told me, that certain individual.

**Attorney Robinson:** Your respond says that you later the school Officials presented to you and Officer South an inventory of the missing computers and assign Officer South to the case at that time. Do recall when that was?

**Chief Dockery:** It's been 3 weeks or about month ago.

**Attorney Robinson:** A month ago

**Chief Dockery:** Three (3) weeks to a month, its hasn't been that long ago.

**Attorney Robinson:** Your talking on April 1 or March 15.

**Chief Dockery:** It hasn't been that long ago. You also, reside that a school official told you that the Police Department was off the case and the investigation had been given to Constable Measom.

**Chief Dockery:** That's correct.

**Attorney Robinson:** Do remember when the investigation was given to Constable Measom.

**Chief Dockery:** I think it was during that same time range when officer went to the Principal Office and inform us. Officer South and I thought that the Waelder P.D. was off that case. It was being investigated by Constable.

**Attorney Robinson:** So, How long did you have that case, before ya'll were off the case?

**Chief Dockery:** We were on the case. We actually didn't have the case. South work on it. I did proper legal services 1 week or



so and Sergeant Reyna investigate. Constable Measom stop by the office and said that its his case now. I said, We'll work with you and school. He said, Your off the case.

**Attorney Robinson:** Did Constable Measom ask for your case report.

**Chief Dockery:** No, he didn't.

**Attorney Robinson:** Did you give him the case report?

**Chief Dockery:** I don't know if South gave him that, I know that his on the case?

**Attorney Robinson:** But you are the Chief of Police?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Did you have that report?

**Chief Dockery:** South work on it. **Attorney Robinson:** But you did have the report?

**Chief Dockery:** We got started investigate the report that the officer had and we were told we were off. They assume that we had copies of fair value of their labtap and City bond.

**Attorney Robinson:** You're saying, "You never investigated?"

**Chief Dockery:** I'm saying, "About the time we got started to investigate. We were told, we were off the case. What you need to do is talk to the superintendent, that's who you need to talk, because everybody's investigation is wrong.

**Attorney Robinson:** You serve Investigation of Theft, right.

**Chief Dockery:** Under Texas Education code investigation and we do that all the time.

**Attorney Robinson:** How many computers and ipods? Do you know ?

**Chief Dockery:** I don't know.

**Attorney Robinson:** Do you require the next Officer on duty following police of your shift to investigate any case call to your attention during your shift? Your response to that: If there is some work, than it is to be pass to the next shift, it's normal practice in all police departments. If you learn in command college gives supporting officers appropriate task and delegate your authority, so your officer would gain knowledge and experience. Is that true and correct ?

**Chief Dockery:** True and correct.

**Attorney Robinson:** Do you get calls while you're not on duty?

**Chief Dockery:** Yes, I get all kinds of calls, when I'm duty. I could be sleeping real hard and Officer Reyna calls.

**Attorney Robinson:** Did you investigate close calls and reports while you are on duty?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Sir

**Chief Dockery:** Yes, Sir

**Attorney Robinson:** You don't ever tell the other Officers to go investigate, when they come on duty?

**Chief Dockery:** It just depends, what I am working on and how much time I have, that's just how we do it.

**Attorney Robinson:** How much time you have?

**Chief Dockery:** Pardon

**Attorney Robinson:** How much time do you have?

**Chief Dockery:** It just depends on how much time we have and if I get a call in the morning. I'm going to work it and if I get a call before my shift ends. I will pass it on and that's every Chief does is it delegates to the tribes.

**Attorney Robinson:** The next complaint: You do not review any cases work done by other officers. Is that true?

**Chief Dockery:** No, that's not true. I tell them to put it in my box. I will review them.

**Attorney Robinson:** When you response to take the blame #3. Your attorney has decided that, uh. When Officer Reyna was promoted to sergeant at the council request, he was assign to review and file all cases.

**Chief Dockery:** That's correct

**Attorney Robinson:** Does he review and file all cases?

**Chief Dockery:** Sometimes he does. Sometimes I have to run up there and file cases.

**Attorney Robinson:** There is something. I don't understand here, and it's some words.

**Chief Dockery:** Alright

**Attorney Robinson:** No tricks involve here, but it says that Officer Reyna was promoted to Sergeant at the Council request. In other ways, council ask that Officer Reyna was promoted to Sergeant.

**Chief Dockery:** In being in front of the council so many times,

we finally got to the council for this response O.K., then I said, he was assign, review and file all cases.

**Attorney Robinson:** Did the council request that he is to be assign, review and file all cases?

**Chief Dockery:** No, council did not request that. I assign that. When I was sergeant and same job that his doing was the job that I was doing when I was sergeant.

**Attorney Robinson:** Are you saying this assignment was with the approval of the council?

**Chief Dockery:** Correct

**Attorney Robinson:** What assignment? The assignment that he review all cases.

**Chief Dockery:** Yeah, when I brought him over to the council this past September to become sergeant and gave him a guideline of what should be done. I said, "I will be there and free and so far it has worked like a charm. We haven't had problems.

**Attorney Robinson:** So, you investigated two items in the last six months and Sergeant Reyna has.

**Chief Dockery:** It depends what you call investigations. In an investigation , you have to call for service and you go around finding out: when, where, what, who and how.

**Attorney Robinson:** Wait a minute, these are your lawyers' words not mine. He wrote this up.

**Attorney Judge:** What was the question?

**Attorney Robinson:** So, in the last 6 months, you've investigate a burglary that you have recovered a 38 caliber gun and a suicide. Your not reviewing or filling any cases. Is that correct?

**Chief Dockery:** The way our Police do business, is that I believe there is a high disabilities during the daytime. A turn of crime itself and normally, I go daily without a call and without something to do until Sergeant Reyna duty.

**Attorney Robinson:** #4: That you conduct no investigation of any case referred to the Waelder Police Department. Is that true?

**Chief Dockery:** Normally, we have a case. I give it to Officer Reyna and I help him. If he has a problem with juvenile report and even with the Officer report. I help with it.

**Attorney Robinson:** The response for # 4 and I apologize for forgetting to give out my files. There is a copy of the complaint

letter. You conduct no investigation until you respond, after Sam Valverde move on. You did it all and you still do your share of the work and you do all of the end of the month reports.

**Chief Dockery:** That's correct

**Attorney Robinson:** Is that true?

**Chief Dockery:** That's true.

**Attorney Robinson:** What do you mean? You do all the end reports?

**Chief Dockery:** Yes

**Attorney Robinson:** Do you typed it up?

**Chief Dockery:** Yes, Reports, documents and council reports and what ever I do.

**Attorney Robinson:** Officer Reyna doesn't do the end of the month reports?

**Chief Dockery:** I do those end of month reports.

**Attorney Robinson:** What about the councils?

**Chief Dockery:** I told you to that I have to typed out the report.

**Attorney Robinson:** Where does he get the information?

**Chief Dockery:** The information comes from a number of sources and usually tell him, what to put on there. If I don't have the time, I will write a little sketch and he will typed it up for me because I don't have time for that.

**Attorney Robinson:** You don't have time for what.

**Chief Dockery:** If, I don't have time to do that, well I say J.R. just go ahead and typed this up for me. He will typed it up for me.

**Attorney Robinson:** O.K. Complaint #5 – Your conducting an insurance sales business while on City time. Is that during that time.

**Chief Dockery:** No, that's not true.

**Attorney Robinson:** Your response says, that you do not do that. Then, you reside that recall, when the department did move into the Police Building. There was a city worker inside the Police Department working in a self-employed on city time under the management city councilman (Harvey Mica).

**Chief Dockery:** Right

**Attorney Robinson:** O.K. and who was that?

**Chief Dockery:** I don't recall that.

**Attorney Robinson:** Now, who was the city employee?

**Chief Dockery:** There he is.

City Employee: I'm over here.

**Attorney Robinson:** You're the city employee?

City Employee: Yes, Sir. We did all the electric and all the painting on city time.

**Attorney Robinson:** What is your last name?

City Employee: Puente

**Attorney Robinson:** And you did all that on city time?

City Employee: Yes, Sir.

**Attorney Robinson:** Did you get paid extra?

City Employee: No, Sir.

**Attorney Robinson:** Were you on payroll of the City of Waelder?

City Employee: Yes, Sir.

**Attorney Robinson:** How about that Chief? Were under management of Harvey?

City Employee: No, Sir.

**Chief Dockery:** He was working and he was calling the shots up there. He was upset about it. He pull him out of his electric work to come in there to work.

**Attorney Robinson:** Your response make out that there is something wrong going on. He made it sound like city worker inside police department working under as self-employment.

**Chief Dockery:** Yes, He does.

**Attorney Robinson:** Yes, his here.

City Employee Puente: I have custom painting.

**Attorney Robinson:** Yes, Sir.

**City Employee Puente:** Business myself, but when the City Council approach for me to work at the Police Department , I did say, I would rather work under city hours and get paid and no extra or under that name or under that name Nacho's Custom Painting.

**Attorney Robinson:** Do you get your regular city salary?

**City Employee Puente:** Right

**Attorney Robinson:** Did you ever get paid anything extra, when you were working out there?

**City Employee Puente:** No, Sir. Just regular hours, just employee hours

**Attorney Robinson:** City time

**Attorney Judge:** Tell me your last again?

**City Employee Puente:** Puente

**Attorney Judge:** Puente

**City Employee Puente:** with a P (Puente)

**Attorney Judge:** Thank You, "Did you have a contract with the city doing your own paint work or electric work in the Police Department.

**City Employee Puente:** No, Sir

**Attorney Judge:** Were you compensated in any way except your salary?

**City Employee:** No, Sir.

**Attorney Judge:** What is your position with the city?

**City Employee:** Electric Department

**Attorney Judge:** How long have you know that?

**City Employee:** About 7 years

**Attorney Robinson:** Now also, #5 you respond: Chief Dockery's normal insurance sales activities are reserved for weekends.

**Chief Dockery:** Yes, Sir

**Attorney Robinson:** Will you tell the Council. What normal insurance sales activities are?

**Attorney Dockery:** When I am off in evenings and weekends.

**Attorney Robinson:** Have you ever try to sell Insurance on City time.

**Chief Dockery:** No

**Attorney Robinson:** Have you delivered an Insurance Policy on City time?

**Chief Dockery:** No, I take that back, there was one guy. I sold to and he wanted to sell his property on lunch time.

**Attorney Robinson:** Who was that?

**Chief Dockery:** This young man that was here and I needed him to fill out an application out.

**Attorney Robinson:** When is your lunch hour?

**Chief Dockery:** At 12:00 p.m. – 1:00 p.m. or when I am not on call, sometimes I don't have a lunch time.

**Attorney Robinson:** Have you ever answer a call and tried to sell Insurance to a complainant, while you were there at their home?

**Chief Dockery:** No

**Attorney Robinson:** Never at all.

**Chief Dockery:** No

**Attorney Robinson:** Have you ever to sell attempt Insurance to another city employee?

**Chief Dockery:** No

**Attorney Robinson:** Have your ever attempt to sell Insurance to All Salinas (former police officer of the City of Waelder)?

**Chief Dockery:** Properly at the house. Al stayed in the house with e and I got a quote for him and I never did get the quote.

**Attorney Robinson:** Where did you get the quote?

**Chief Dockery:** I never did get a quote.

**Attorney Robinson:** You never got quote? O.K. Do you often get a quote on your time for people for your insurance?

**Chief Dockery:** Do I often get it for them.

**Attorney Robinson:** Yes, Sir

**Chief Dockery:** Often time but not because it's soliciting,

**Attorney Robinson:** O.K. That's when you're here in the City of Waelder. Did you ever get quotes in your computer I in the Police Department? Never did. Have ever delivered insurance policy to Ventura Mata on City time?

**Chief Dockery:** I have delivered I the afternoon but not on City time. He drop that policy and I have never done something like that, not as crooked as that.

**Attorney Robinson:** The answer is NO. Is that during the week. How would you know if they have insurance coverage?

**Chief Dockery:** I check up on my customers.

**Attorney Robinson:** Do you only do this on your lunch hour? Have you use City computer to check the policy was faxed?

**Chief Dockery:** Yes

**Attorney Robinson:** Is that correct

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Have you ever use a printer for personnel insurance, cell phones business over the Police Department?

**Chief Dockery:** No, If I did bought my own paper and if did run it all, it was kind of like the National Night Out. I never did it while, I was on duty. I had printed a lot of that National Night Out. I never did it while, I was on duty.

**Attorney Robinson:** That would have been on a work week

**Chief Dockery:** Normally I would come here at night and when, I was off.

**Attorney Robinson:** Your response says those activities were reserve for weekends.

**Chief Dockery:** Right

**Attorney Robinson:** Were the activities reserve during the weekends or during the week?

**Chief Dockery:** Weekends

**Attorney Robinson:** So, you delivered Mrs. Mata Ins. during the weekend?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Complaint #6: You conduct your private cell phone business while you were on city time. Your response was: If you investigate the possibility of operating private cell phone business but you never bought the business.

**Chief Dockery:** Right

**Attorney Robinson:** What did you do to investigate the possibility of operating a private cell phone business?

**Chief Dockery:** I around talking to the citizens, to see if this would be a good business for this area.

**Attorney Robinson:** Did you do that on the weekends?

**Chief Dockery:** A lot of time, I did do that on the weekends.

**Attorney Robinson:** Did you ever did it during the day while your were on duty?

**Chief Dockery:** I ran some flyers at home and it was after 5:00 p.m. I get off 4:00p.m. and I love messing with the phone.

**Attorney Robinson:** Did you ever do this during the week, the investigation of this business?

**Chief Dockery:** I did it after hours.

**Attorney Robinson:** After 4:00 o'clock?

**Chief Dockery:** After 4:00 o'clock.

**Attorney Robinson:** You did run off flyers? What did the flyers say, like inquiries?

**Chief Dockery:** Yes. I was looking into a building for this business, so I can run my cell phone.

**Attorney Robinson:** Was the flyers a questionnaire to weather or not you were interested?



**Chief Dockery:** Yes

**Attorney Robinson:** Did the other officers working with Waelder Police Department know about your interest in the cell phone business?

**Chief Dockery:** Oh, yes. Everybody in the city knew about it.

**Attorney Robinson:** How did the other officers knew about that?

**Chief Dockery:** In fact, I spoke to the council about that, this is old news.

**Attorney Robinson:** You printed out your flyers on your personnel papers and that was at your home

**Chief Dockery:** I may have printed some here. Running that test marker which add on to taxation.

**Attorney Robinson:** Add on to taxation Chief Dockery" yeah

**Attorney Robinson:** How is that?

**Chief Dockery:** I would have to hire somebody to come do it because it would be business of its own.

**Attorney Robinson:** #8 Use the city computer to print you own flyers. I think we cover that.

**Chief Dockery:** Yes

**Attorney Robinson:** #9 You pass out flyers in reference to purchase cell phone business while you were on duty. You insist that you were on duty.

**Chief Dockery:** Yes

**Attorney Robinson:** What is a market test?

**Chief Dockery:** Well, It's to find out who's interested and who's not

**Attorney Robinson:** How do you do that market test?

**Chief Dockery:** You can do it by word by mouth or paper or T.V.

**Attorney Robinson:** So, the flyers are to hand out to the people.

**Chief Dockery:** Some people

**Attorney Robinson:** Did you get responses?

**Chief Dockery:** No

**Attorney Robinson:** None. Did you get any responses over the internet?

**Chief Dockery:** No

**Attorney Robinson:** Did you use any equipment doing the market test?

**Chief Dockery:** No, just the flyers

**Attorney Robinson:** #10 When two sex offenders rear to the Waelder Police Department for registration you solicit and attempted to sell Life Insurance to those individuals obtaining their names, social security number and Birth-date. Do you recall a situation when two sex offenders?

**Chief Dockery:** Officer South was working and filling the paper work and I got a call. I ask if they were here to be register. I asked, "Officer South, if he knew how to register sex offenders." He said, he had never did one, so I pull a chair out. It turned out that, one was sex offender ,but the other was not. I noticed that there was a lot of information leaving the department and being given out and being said so that's why I was there to make sure it wasn't leaving the office. I did it for a reason. I just wanted to know what kind of information was going out. It did go out. Now, I have to find out, who is giving it out.

**Attorney Robinson:** What information went out?

**Chief Dockery:** I ask the other guy if he had any I.D. He said, "We don't have none. Well, give me your name first and then, I will give you the report. You can talk to them now. They have never got report from me and they haven't ever seen my face. The only logical thing that I can see to do is to get it and that's a fact.

**Attorney Robinson:** But did you in fact in order to see whose been taken out into the public.

**Chief Dockery:** Yes, I ask whose been given their name, date of birth and social security but I don't remember asking for social security, as a matter of fact I still have the form.

**Attorney Robinson:** But did you in fact in order to see whose been taken out into the public.

**Chief Dockery:** Yes, I ask whose been given their name, date of birth and social security, as a matter of fact, I still have the form.

**Attorney Robinson:** Why did you are asked for that information?

**Chief Dockery:** Because, I wanted to know who was taking information out of the department.

**Attorney Robinson:** Well, let me ask you a question. When you register a sex offender. What information you as the Chief of

Police or Police Officers require to obtain from a sex offenders?  
When do they register with you?

**Chief Dockery:** What information?

**Attorney Robinson:** Yes, Sir.

**Chief Dockery:** The legal form when a subject is coming to register for sex offender is a state form that they have to apply. The applicant registers with their name, date of birth and all that stuff and the reparation information.

**Attorney Robinson:** In order to register a sex offender: Don't they have to give the agency of the Police Officer, their full name, date of birth, sex, race, height, weight, social security, backup, driver license number and address.

**Chief Dockery:** Uh, Uh, let, let, let's

**Attorney Robinson:** Is that correct or not

**Chief Dockery:** Yes, that's correct, when I ask them about if they had any insurance, South had already close the book up and walked out of the office. I had notice he had walked out of the office and I ask do ya'll have any insurance and he walked right back into the office and ran back to the office to get this information.

**Attorney Robinson:** To get what information?

**Chief Dockery:** Officer South had walked out and left, ran back to the office and was no longer at my office and when I ask these boys, "Do ya'll have any insurance and then he ran back early inside the office. I never did sell any insurance, I just wanted to know, where it was going to go.

**Attorney Robinson:** What?

**Attorney Judge:** Chief

**Attorney Robinson:** The complaint is, that you obtain their names, dates of bith and social security numbers and talked to them about insurance. Why would you need their names, dates of birth and social security numbers? When your already getting that information anyway because one was there to register as a sex offender.

**Chief Dockery:** My point was to get information whether it would be no good or the information would die and because it would give us up. The reason, I asked that question was to see who was taking information out. I knew, that would give and that was my

reason for what registering a sex offender is.

**Attorney Robinson:** What information was going out of the Department?

**Chief Dockery:** I was hearing a lot of things, all over the community.

**Attorney Robinson:** Like what?

**Chief Dockery:** About the robbery and stuff like that.

**Attorney Robinson:** Like what?

**Chief Dockery:** About the robbery and stuff like that

**Attorney Robinson:** Like what?

**Chief Dockery:** These complaints! These complaint!. What is Chief doing over there? What is Chief doing over there? All these kind of struff, things that you are asking right on the sheet.

**Attorney Robinson:** Were you hearing complaints that you were selling insurance?

**Chief Dockery:** No, I wasn't hearing complaints that, I selling insurance. I was hearing complaints about people are watching you and taking notes.

**Attorney Robinson:** Well, is that bad.

**Chief Dockery:** No, I think that's what is all about

**Attorney Robinson:** So, who was the person sending that information outside the department?

**Chief Dockery:** The same information on the Uh,

**Attorney Robinson:** Was it Officer South? Must have been; Uh. Did you talk to Officer South about that?

**Chief Dockery:** I talked to him. I guess on one Sunday or one weekend.

**Attorney Robinson:** Did you .....What did ya'll talk about?

**Chief Dockery:** Taking information out of this room.

**Attorney Robinson:** What information was going out of the Police Department?

**Chief Dockery:** This information

**Attorney Robinson:** That you were selling insurance.

**Chief Dockery:** No, No, No! I have talked to this guys and I didn't sell any insurance. In order, to sell insurance is a contract binding a company to compensate a party.

**Attorney Robinson:** Ok, you talk to these guys about the insurance.

**Chief Dockery:** In separate

**Attorney Robinson:** You never talked to them again and there was something wrong Officer South mentioning that you were talking insurance.

**Chief Dockery:** There wasn't nothing wrong, it would ease me to know whose letting out information. In order to have a contract office and he didn't have neither one of them.

**Attorney Robinson:** #11 That during a recent weekend you scheduled three officers for duty during the day and only one officer at night. Your response: Sergeant Reyna made the schedule and left. Is this correct?

**Chief Dockery:** That's correct.

**Attorney Robinson:** Is this the schedule? Is that your hand writing on the schedule?

**Chief Dockery:** I.....the only...I don't see that is my handwriting.

**Attorney Robinson:** What is your number, Chief?

**Chief Dockery:** 901

**Attorney Robinson:** Who is 905?

**Chief Dockery:** Reserve

**Attorney Robinson:** On a Saturday – You see Saturday, that's the 11th. Who wrote 905?

**Chief Dockery:** That is not my writing. That is a Reserve.

**Attorney Robinson:** Say, what?

**Chief Dockery:** They work for free. They are not compensated.

**Attorney Robinson:** That's not the question. Who wrote 905?

**Chief Dockery:** That's not my writing .

**Attorney Robinson:** It's not.

**Chief Dockery:** Here's my writing, right here. **Attorney**

**Judge:** I'm instructing that Chief Dockery not answer.

**Chief Dockery:** I didn't write that

**Attorney Robinson:** Do you review these schedule before work shift?

**Chief Dockery:** When Sergeant became a Sergeant , I have seen several different schedules. I said, you look over sergeant and design it the way you want to have ever you want to do. I did an A,B, C schedule.

**Attorney Robinson:** Did you work on Saturday, April 11th?

**Chief Dockery:** Here lately, I have been and Yes

**Attorney Robinson:** You did?

**Chief Dockery:** Normally, I don't work on Saturday. I don't get paid to work on a Saturday. When I came in on a Saturday, I don't get compensate.

**Attorney Robinson:** Are you on salary?

**Chief Dockery:** I'm on salary and every officer is on salary.

**Attorney Robinson:** What do you mean, you don't get compensated?

**Chief Dockery:** I don't get compensated.

**Attorney Robinson:** May, I see that schedule, right back. So, Saturday, April 11th you worked that day.

**Chief Dockery:** I am normally off on Saturday & Sunday, but the last couple weeks, I have been working.

**Attorney Robinson:** Hand written on here 905 & 906

**Chief Dockery:** Those are the Reserve Officers.

**Attorney Robinson:** O.K.

**Chief Dockery:** Someone has to be FDO over those Officers. I have to field train them.

**Attorney Robinson:** So, during the day on Saturday, there were 3 Officers.

**Chief Dockery:** Last Saturday, I had to work. They are both new Officers. They don't know the city. They have to be FDO. They are non-pay and I wasn't pay too. I don't get paid for the weekend.

**Attorney Robinson:** But, that's not the question.

**Chief Dockery:** Well, I don't understand.

**Attorney Robinson:** Well, I'm going to ask you two questions. So, on Saturday April 11th – You and 2 Reserve Officers were on duty.

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Is that correct?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** This schedule actually shows your #901

**Chief Dockery:** Mmmm, yeah

**Attorney Robinson:** You were suppose to be off.

**Chief Dockery:** Yeah

**Attorney Robinson:** O.K. during the day. How many Officers worked that night in the City of Waelder (Saturday Night).

**Chief Dockery:** If you chose one Officer to work and those other

Officers don't. I mean, you just don't and can't put a badge on them and send them out on patrol. They have to know the city. There are some guidelines.

**Attorney Robinson:** Does this tell you, what Officer worked Saturday night?

**Chief Dockery:** It says #904

**Attorney Robinson:** Who is Officer #904?

**Chief Dockery:** South

**Attorney Robinson:** Officer South. Did he worked part that night all by himself?

**Chief Dockery:** He is the only one on the schedule?

**Attorney Robinson:** Right. The question: "Did he worked by himself that night?"

**Chief Dockery:** Yes, because I have to be with these guys (FDO). You can't put him in the car and let them go. Once, they finish up the FDO program and the training, that will go towards their training hours.

**Attorney Robinson:** Does the City of Waelder need 3 Officers during daytime shift?

**Chief Dockery:** These are Officers that have to be field trained to fill in the gaps. I don't understand, what the concern is about.

**Attorney Robinson:** The concern is about one officer on a Saturday night and not one Officer during the day.

**Chief Dockery:** Officer South is an officer by himself.

**Attorney Robinson:** #905 & #906 have to be FDO, that's my reason for being down here because of those 2 FDO officers. Eventually, after they finish their FDO training, they will be working for the city full-time.

**Attorney Robinson:** #12: That you have publicly stated that you are not going to work any more cases. Did you publicly states that?

**Chief Dockery:** Well, what do you mean, that I publicly states that. I don't know, what you mean.

**Attorney Robinson:** I'm just asking you, if you ever did .

**Chief Dockery:** I don't recall that.

**Attorney Robinson:** You didn't do that .

**Chief Dockery:** I.....I..... didn't say I didn't do that. I said, "I didn't recall that."

**Attorney Robinson:** O.K. #13 That you were aware of the theft of laptop computers, 1-pods, and projectors from the Waelder Independent School District. I don't think, I have any more questions for Chief Dockery.

**Attorney Judge:** Chief, I have a few questions. How long have you been a Peace Officer?

**Chief Dockery:** I started my career in the year 1980.

**Attorney Judge:** In one of the response item that you had me to send into the Mayor on your behalf you typed it out, the command policy. Would you tell the council, what the command policy is?

**Chief Dockery:** The way, I was taught that the command policy is: A policy that all commanders which normally are sergeants or police sergeants in a college. A Chief is over a sergeant in a small judicial and a small group of people that can train in a proper way.

**Attorney Judge:** What institution did you attend as part of your command college study?

**Chief Dockery:** I attended: Texas A & M, TWU(Texas Women University) and graduated at Sam Houston State and this was my dream.

**Attorney Judge:** Chief, "Did you pass the command policy course and study and testing on the 1st try.

**Chief Dockery:** On the 1st try.

**Attorney Judge:** Is that common in the business?

**Chief Dockery:** I had a friend of mine that started with me and had finally got CP certificate.

**Attorney Judge:** Is this like a CPA certificate?

**Chief Dockery:** Yes, Sir.

**Attorney Robinson:** Next witness, please state your name and where do you work.

**Sgt. Reyna:** Sgt. Pedro Reyna with the Waelder Police Department

**Attorney Robinson:** Did Chief Dockery brought you to the city council meeting in Sept. to promote you to Sergeant?

**Sgt. Reyna:** Yes, Sir

**Attorney Robinson:** What all do you do?

**Sgt. Reyna:** I would work out the monthly reports and fill out all



the forms.

**Attorney Robinson:** But, Chief Dockery said that he filled out all the forms and did the monthly reports and review the reports that were to be done in the Police Department.

**Sgt. Reyna:** Oh, no! I did it all .

**Attorney Robinson:** What did Chief Dockery do?

**Sgt. Reyna:** Nothing !

**Attorney Robinson:** What do you mean nothing?

**Sgt. Reyna:** I mean, Nothing! He is saying that helps me with reports or that he can't work the reports out because he is out patrolling and what ever other reason, which is not true. He would call me to go out on calls that while he was on duty.

**Sgt. Reyna:** Chief Dockery approached him and his girlfriend to asked, if they would like to help him sell private cell phones.

**Attorney Robinson:** Did he sell any insurance to another officer? Where?

**Sgt. Reyna:** Former Al Salinas told me that Chief Dockery was trying sell insurance to him.

**Attorney Robinson:** Thank you, Sgt. Reyna. I would like for Officer Taylor to approach the front.

**Attorney Robinson:** Please state your name.

**Officer Taylor:** Officer Taylor

**Attorney Robinson:** While, you would were on patrol, did something happened?

**Officer Taylor:** Well, I was stopped one day to be asked, by Georgette Perez, if someone was going to do something about the man that had been stocking her and harassing her husband. I told her that, I didn't know anything about that, but I can look into it. I did look into it, but couldn't find a report on Georgette Perez.

**Attorney Robinson:** So, what to the report?

**Officer Taylor:** I don't know, but I did ask Chief Dockery. He said, that he didn't know nothing about.

**Attorney Robinson:** Were there other people saying that they had reported other things and nothing had been done about it.

**Officer Taylor:** Yes, they told me that, Chief Dockery took the information. When I asked Chief Dockery, he took care of it.

**Attorney Robinson:** I have no further questions for Officer

Taylor. The Council listen to all the testimonies and complaints by 9:30 p.m. A motion was made by Harvey Mica to fire Chief Dockery with a second by Robert Tovar. Dora Ramirez, Annie Jackson and Curtis Hadnot opposed. The vote was three (3) oppose and 2 in favor. The motion wasn't passed. Chief Dockery will remain as Chief of Police.

A motion was made to adjourn by Harvey Mica with a second by Robert Tovar. The vote was unanimous and the motion was passed.