

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Daniel S. Perales
Assistant Police Chief
Employee # [REDACTED]
East Patrol Command

FROM: Charles A. McClelland, Jr.
Chief of Police

DATE: September 13, 2011

VIA: K. A. Munden, Exec. Assistant Chief
Field Operations

SUBJECT: **Written Reprimand
Issue #39001-2011**

It has come to my attention that, on or about April 13, 2011, you failed to comply with Houston Police Department rules and regulations regarding **CONDUCT AND AUTHORITY**.

Investigation revealed that, on the above date, Sergeant R. Trejo was involved in an off-duty vehicle accident while operating his private vehicle. In the collision, Sergeant Trejo's vehicle struck a bus occupied only by the driver, Ms. T. Argueta. After arriving on the scene and assessing the situation, Captain R. M. Manzo called you and reported his findings. Captain Manzo also contacted you from the hospital after conducting a follow-up on Sergeant Trejo's condition.

Further investigation revealed that, during Captain Manzo's statements to you, Captain Manzo made you aware that alcoholic beverages were found in Sergeant Trejo's vehicle. Captain Manzo also informed you that there were media reports airing indicating that Ms. Argueta was stating that Sergeant Trejo was intoxicated at the time of the accident. In your administrative statement, dated May 9, 2011, you admit to this and state, "Captain Manzo told me that he advised the media that there were containers of alcohol in the back seat of the truck, but that the containers were unopened containers and that it was not against the law for anyone to transport unopened containers of alcohol in their vehicle." You further state, "He also told me that the bus driver had stated to the media that she informed officers at the scene that the sergeant was intoxicated, smelled like alcohol and that there were open containers of alcohol in the sergeant's truck."

Having been made aware of the possibility of alcohol being involved in the accident, you failed to use sound judgment and failed to demonstrate appropriate supervisory conduct when you did not contact the Internal Affairs Division for a possible investigation into the allegation that Sergeant Trejo was under the influence of alcohol at the time of his accident. In your administrative statement, dated May 9, 2011, you state, "...the determination was that there was an insufficient basis to notify Internal Affairs at that time." The issue in this type of investigation involves the timeliness of a decision to investigate whether alcohol was a causative factor in the accident as Sergeant Trejo would have metabolized any alcohol in his system at the time of the accident within hours. You further state, "At the time of my discussions with Captain Manzo, I had not reached a decision to 'concur' or not 'concur' with

Daniel S. Perales, Assistant Police Chief-2 -
RE: Written Reprimand

regard to calling IAD." Again, the timeliness of the issue was a major factor for a complete and thorough investigation, and action should have been taken immediately. You failed to ensure that a comprehensive and timely investigation was conducted into the allegations that alcohol may have been a factor in Sergeant Trejo's accident. It has been determined that Sergeant Trejo's blood-alcohol content was .205%, more that twice the legal limit.

It has been determined that, by your actions, you have violated the following:

GENERAL ORDERS

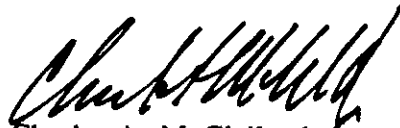
8 SUPERVISORY CONDUCT

Supervisors will actively enforce the law and the policies and procedures of the Houston Police Department. Supervisors will not permit or otherwise fail to prevent violations of the law or the rules, regulations, policies, and procedures of the Houston Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee was in violation of the law or department policy will be held accountable.

Supervisors will report violations of law and department policy to the employee's immediate supervisor without delay. If the employee is a subordinate of the supervisor, the remainder of the employee's chain of command will be notified, as required by General order 200-03, **Investigation of Employee Misconduct**.

Consequently, you should consider this memorandum, a **reprimand** regarding your misconduct, and notice that repetition of such violations will not be tolerated.


Charles A. McClelland, Jr.
Chief of Police

cam/adw

SN/593A

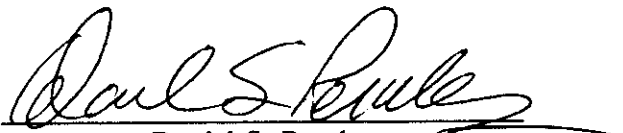
2011 SEP 20 PM 3:07

RECORDED
INDEXED
5

RECEIPT OF REPRIMAND

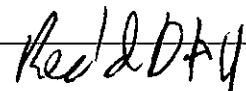
This is to acknowledge that I, **Daniel S. Perales**, employee # [REDACTED] being an Assistant Police Chief, in the police department of the City of Houston, have on this day received a letter concerning a **WRITTEN REPRIMAND** from Charles A. McClelland, Jr., Chief of Police. By virtue of this letter, I am informed of the reasons for this Reprimand. By signing on the line below, I also acknowledge that I understand the reprimand letter will be included in my permanent personal file, kept in the custody of the Human Resources Department. I understand that I have fifteen (15) days from the date of this Receipt in which to submit a written response/explanation regarding this reprimand for inclusion in my permanent personnel file, and any response should be sent to the City of Houston Human Resources Department, Records Division, 611 Walker, 4th Floor, Houston, Texas, 77002.

SIGNED this the 19th day of September, 2011.


Daniel S. Perales


WITNESS

SF/593A
Issue #39001-2011


HPD LEGAL SERVICES
2011 SEP 19 PM 4:24
2011 SEP 20 PM 3:27
HOUSTON TEXAS