

# Harris County Precinct Four Constable's Office

## Employee Complaint Report

**Case:** 16030804

**HESS, CHRISTOPHER**

**Disposition:** Substantiated

**Status:** Closed      **Investigation Level:** IA      **Date to file:** 03/08/2016

**Date:** 01/15/2016      **Time:** 00:00      **Type:** Type      **Location:** 6831 Cypresswood Drive

**Nature of complaint:** Improper Destruction of Evidence from Property Room

**Person making complaint:** Captain Michael Combest

**Address:** 6831 Cypresswood Dr. Spring, TX 77379      **Home:** [REDACTED]      **Cell:** None

**Received by:** COMBEST, MICHAEL      **on** 03/08/2016

**Investigator assigned:** BLACK, TODD

**Assigned by:** COMBEST, MICHAEL      **on** 03/08/2016

### Complaint Comments:

03/08/2016 - Entry by Captain M.W. Combest:

Written Complaint submitted to the Harris County Precinct #4 Constable Internal Affairs Division:

Re: Complaint – Improper Destruction of Evidence Stored in Property Room

During the month of January 2016, the Property Room within this agency underwent a large scale review of all cases versus the property stored within the Property Room to determine eligibility for disposal of the property in some form of fashion. As part of this review, the evidence associated with all narcotics and/or marijuana cases was to be reviewed for disposal as well. A large quantity of marijuana among other forms of narcotic evidence was destroyed. Corporal Chris Hess is assigned to the Property Room as the Department designated property room manager. He along with Corporal Mike Lacher and Deputy Anthony Smith were working within the property room with the assignment to review the property and determine eligibility for disposal of some kind. On the date of January 15th, 2016 Corporal Hess had 1,340 lbs. of marijuana and other narcotic evidence destroyed as part of this review.

On the date of February 29, 2016, Cpl. Hess received a call from Investigator Kerry Gillie with the Harris County District Attorney's Office. Investigator Gillie was inquiring about marijuana evidence from Case 13-50054.

Email from Cpl. Hess to Sgt. Nicholson:

From: Hess, Chris (CD4)  
Sent: Monday, February 29, 2016 2:55 PM  
To: Nicholson, Christian (CD4)  
Subject: 13-50054

"HCDA Investigator Kerry Gillie called today about the evidence for case 13-50054. I explained that the drugs had been recently destroyed. He then asked for a court order for destruction copy. I told him there was not one to my knowledge. I didn't explain to him that we didn't need an order according to my last training on the TX HSC. Then he asked me who ordered the destruction, at which point I told him we should let our supervisors discuss it. They apparently are starting the case trial prep and needed to inspect the evidence."

"I ran the defendant and it shows the 174th DC.  
His number is 713-755-6976"

The evidence associated with the email reference above is as follows. All has been destroyed:

Case Number	Folder	BarCode	DESCRIPT	SER	LocationName
130050054	130006702001	165 grams of methamphetamine	C4 DESTROYED		
130050054	130006702002	insulin syringe filled with methamphetamine	C4 DESTROYED		
130050054	130006702003	6 clear plastic bags containing marijuana	C4 DESTROYED		
130050054	130006702004	clear plastic bag containing marijuana	C4 DESTROYED		
130050054	130006702007	9 ROUNDS OF 45 N/A	C4 DESTROYED		

After learning of this inquiry and the fact that the evidence had been destroyed while the case remained open, I inquired with Sgt. Nicholson why this occurred. The explanation provided was that Cpl. Hess destroyed the evidence after being told to while Cpl. Lacher was working within the Property Room. Both Sgt. Nicholson and I went to the property room to meet with Cpl. Hess. Cpl. Hess told me that it was made clear to him that Cpl. Lacher was in charge while the review (referenced above) was taking place. He then indicated that he had made Cpl. Lacher aware of the fact that the case(s) were open and that Cpl. Lacher then said to destroy the evidence while the opportunity existed. This conversation took place on Monday, February 29, 2016. I then provided instruction to Cpl. Hess to begin researching all cases where the marijuana and/or narcotic evidence had been destroyed to determine how many cases may have been open when the evidence was destroyed. I received an email from Sgt. Nicholson with an attachment showing all items destroyed by this agency within the date range of January 1, 2016 to January 29, 2016.

As of Thursday, March 3, 2016, this task had not been completed nor started by Cpl. Hess. I inquired again on this date regarding the outcome of this review and learned of this fact at that time. Again, my instructions were made clear and Cpl. Hess was ordered to begin this task immediately and continue such until the information I wanted was obtained. On this date, I also contacted Cpl. Mike Lacher (Retired) to inquire about the conversation Cpl. Hess claims they had. His account of this conversation was very different. Cpl. Lacher stated that Cpl. Hess wanted to get the evidence destroyed while they had a chance and made the comment that the DA's office does not call about the evidence. This phone conversation was recorded. As of Friday, March 4, 2016, Cpl. Hess had determined there to be 26 cases in which the case remained open (charges filed) and the evidence associated with each has been destroyed. These cases include the following:

Case Number	Folder	BarCode	DESCRIPT	SER	LocationName
160013087	160002163007	6 ALUMINUM SEAL BAGS	C4 DESTROYED		
160013087	160002163017	SMALL BLACK DIGITAL SCALE	C4 DESTROYED		
160013087	160002163018	BLACK AND SILVER DIGITAL SCALE	C4 DESTROYED		
160013087	160002163019	BLUE AND SILVER DIGITAL SCALE	C4 DESTROYED		
160013087	160002163020	VACCUUM SEAL PAPER	C4 DESTROYED		
160013087	160002163025	SMALL CLEAR PLASTIC BAGGIES	C4 DESTROYED		
160013087	160002163026	LARGE CLEAR BONG	C4 DESTROYED		
160013087	160002163027	LARGE CLEAR BONG	C4 DESTROYED		
160013087	160002163028	HAMILTON BEACH COFFEE GRINDER	C4 DESTROYED		
160013087	160002164003	cigar roller	C4 DESTROYED		
160013087	160002164004	drug field tests	C4 DESTROYED		
160013087	160002166001	drug paraphernalia	C4 DESTROYED		
160004930	160000840009	GLASS METH PIPE	C4 DESTROYED		
160002986	160000535001	glass pipe green and blue in color	C4 DESTROYED		
160002986	160000535002	clear plastic pipe with brown tint	C4 DESTROYED		
160002986	160000535003	glass stim pipe brown tint	C4 DESTROYED		
160002986	160000535004	marijuana grinder black in color	C4 DESTROYED		
160002986	160000535005	scale silver in color	C4 DESTROYED		
160002986	160000535006	electronic glass pipe clear and black	C4 DESTROYED		
160002986	160000535007	small plastic bags	C4 DESTROYED		
160002699	160000492005	1 GREEN 12 GAUGE 1 7/8 INCH EXPRESS LOAD.	C4 DESTROYED		

160002699 160000492006 A SILVER AND BLACK DIGITAL SCALE 60332 C4 DESTROYED  
150204836 150031206001 Green leafy substance in plastic bag C4 DESTROYED  
150204836 150031206002 Green leafy substance in plastic bag C4 DESTROYED  
150204836 150031206003 Digital scale C4 DESTROYED  
150203588 150030989002 purple marijuana grinder NONE C4 DESTROYED  
150201808 150030755003 Marijuana test C4 DESTROYED  
150201808 150030755004 gray smoking device C4 DESTROYED  
150201808 150030755005 black digital smoking device C4 DESTROYED  
150201808 150030755006 Wooden smoking device C4 DESTROYED  
150201808 150030755007 green glass smoking device C4 DESTROYED  
150201808 150030755009 magazine and grounds C4 DESTROYED  
150200898 150030629002 1 glass pipe C4 DESTROYED  
150199994 150030499001 GREEN LEAFY SUBSTANCE IN small baggie C4 DESTROYED  
150199836 150030484002 BLUE GRINDER CONTAINER W/MARIJUANA RESIDUE C4 DESTROYED  
150195413 150029834002 two green colored smoking pipes C4 DESTROYED  
150193892 150029618002 used marijuana pipe C4 DESTROYED  
150191767 150029274005 false bottom coke can C4 DESTROYED  
150190646 150029120001 4 BAGGIES 1 CONTAINER 1 GRINDER 2 PIPES 1 BLK BAG C4 DESTROYED  
150190042 150029044003 black weighmax scale C4 DESTROYED  
150185982 150028392001 8 clear bags with a yellowish hard substance C4 DESTROYED  
150185982 150028392002 clear bag with a white crystal substance C4 DESTROYED  
150185982 150028392003 clear bag with a yellowish crystal substance. C4 DESTROYED  
150185982 150028392004 1 white scale and 1 black scale C4 DESTROYED  
150185982 150028395001 glass/plastic drug paraphernalia C4 DESTROYED  
150185863 150028358001 green leafy substance C4 DESTROYED  
150185372 150028308003 box of fiocchi 380 bullets x 45 C4 DESTROYED  
150184618 150028183001 green leafy substance C4 DESTROYED  
150182273 150027857001 Green leafy substance in clear baggie. C4 DESTROYED  
150182273 150027857002 Green leafy substance in clear baggie. C4 DESTROYED  
150182273 150027857003 purple marijuana grinder C4 DESTROYED  
150182273 150027857004 black ceramic marijuana pipe C4 DESTROYED  
150181069 150027641003 GLASS MARIJUANA PIPE C4 DESTROYED  
150180453 150027541003 7 rounds of ammo C4 DESTROYED  
150180453 150027541004 8 rounds of .380 ammo C4 DESTROYED  
150180453 150027541005 green leafy substance C4 DESTROYED  
150180453 150027541006 clear crystal substance C4 DESTROYED  
150179184 150027360001 Green leafy substance C4 DESTROYED  
150179184 150027360002 black digital scale C4 DESTROYED  
150179184 150027361001 clear glass tube/ vial C4 DESTROYED  
150179114 150027344001 green leafy substance C4 DESTROYED  
150178808 150027328001 CLEAR BAGGY WITH WHITE POWDERY SUBSTANCE C4 DESTROYED  
150178616 150027303002 two cigarettes with green leafy substance C4 DESTROYED  
150178616 150027303003 (12) 9mm shell casings C4 DESTROYED  
150178052 150027387001 green leafy C4 DESTROYED  
150178052 150027387002 plastic "powerade" bottle C4 DESTROYED  
150177048 150027036001 ORANGE PIPE WITH BURNED RESIDUE C4 DESTROYED  
150177048 150027041002 BLUE AND BLACK GLASS PIPE W/BURN RESIDUE C4 DESTROYED  
150177048 150027041003 BLACK MINI SCALE C4 DESTROYED  
150175012 150026747001 xanax C4 DESTROYED  
150175012 150026747002 marijuana C4 DESTROYED  
150174615 150026690001 (1) green baggie of cocaine/ (1) marijuana residue C4 DESTROYED  
150171181 150026185001 green leafy substance C4 DESTROYED  
150171181 150026185002 green leafy substance C4 DESTROYED  
150169668 150026046001 Plastic cont.- 11 baggies - 205.3 grams alprazolam C4 DESTROYED  
150169668 150026046002 sm baggie - green leafy substance - marijuana C4 DESTROYED  
150169668 150026046003 baggie-square paper-grn/pnk/blu/org-"LSD" C4 DESTROYED

150169668 150026046004 brown glass pipe C4 DESTROYED  
 150167919 150025796001 GLASS PIPE WITH TRACE AMOUNTS OF METHAMPHETAMINE C4 DESTROYED  
 150167919 150025796002 GLASS PIPE WITH TRACE AMOUNTS OF METHAMPHETAMINE C4 DESTROYED  
 150167499 150025718001 small round orange pills C4 DESTROYED  
 150159991 150024726001 green leafy substance C4 DESTROYED  
 150159991 150024726002 black sticky substance C4 DESTROYED  
 150159991 150024726003 two pipes C4 DESTROYED  
 150159991 150024726004 mariju. crusher C4 DESTROYED  
 150159991 150024726005 digital scale C4 DESTROYED  
 150159991 150024726006 tin box C4 DESTROYED  
 150157148 150024315001 Colored glass pipe with marijuana resiude C4 DESTROYED  
 150155459 150024042001 GREEN LEAFY SUBSTANCE C4 DESTROYED  
 150155459 150024042002 BOTTLE WITH WHITE TABLETS C4 DESTROYED  
 150155459 150024042003 BOTTLE WITH MULTI COLORED TABLETS C4 DESTROYED  
 150153942 150023863001 small plastic baggie of white power substance C4 DESTROYED  
 150153942 150023863002 two baggies of green leafy substance C4 DESTROYED  
 150153913 150023868001 56 purple pills, 2 blue, 3 white, 2 orange, 2 grn C4 DESTROYED  
 150153913 150023868002 green leafy substance-marijuana C4 DESTROYED  
 150153023 150023743001 green leafy substance C4 DESTROYED  
 150153023 150023743002 mushrooms C4 DESTROYED  
 150153023 150023743003 white broken pill C4 DESTROYED  
 150153023 150023746001 digital scale with plastic bags C4 DESTROYED  
 150151468 150023473001 clear baggy with trace amounts of crstal meth C4 DESTROYED  
 150151468 150023473002 glass smoking pipe with burnt residue in it C4 DESTROYED  
 150150808 150023400003 gold or brass with brass tips jacket hollow point C4 DESTROYED  
 150150808 150023400004 black scale, orange crusher, drug test, red liq bo C4 DESTROYED  
 150146206 150022758003 SMALL ROUND MULTI COLORED PILLS C4 DESTROYED  
 150146206 150022758004 LIVE . 25 CAL ROUNDS C4 DESTROYED  
 150146206 150022758005 MDMA TEST KIT C4 DESTROYED  
 150146206 150022758007 BLACK BULLET HOLDER FROM PACKAGING C4 DESTROYED  
 150145571 150022675002 4 10mg Hydrocodone pills C4 DESTROYED  
 150145571 150022675003 1/2 1mg Xanax pill C4 DESTROYED  
 150145571 150022675004 1 10mg Diazepam C4 DESTROYED  
 150141534 150022056001 GREEN LEAFY SUBSTANCE- 7BAGS C4 DESTROYED  
 150141534 150022056002 GLASS JAR WITH GLASS PIPE AND PAPERS C4 DESTROYED  
 150141162 150022007008 MULTI-COLORED GLASS SMOKING PIPE C4 DESTROYED  
 150141162 150022007009 (8) GREEN CLEAR BOTTLES WITH "MEDICAL CANNABIS" LA C4 DESTROYED  
 150141162 150022007010 (2) DIGITAL SCALES C4 DESTROYED  
 150141162 150022007011 YELLOW METAL TIN CONTAINING SMALL PLASTIC BAGS C4 DESTROYED  
 150139786 150021761001 Clear bag w/ less than 1gm of powdery substance C4 DESTROYED  
 150139786 150021761002 clear bag w/ .13 ounces of green leafy substance C4 DESTROYED  
 150139005 150021676001 plastic bag with residue substance - meth C4 DESTROYED  
 150139005 150021676002 metal container and bag of substance - meth C4 DESTROYED  
 150139005 150021676003 half of xanax C4 DESTROYED

The above information contains only "Open" cases involving the destruction of evidence where I have reason to believe, based on information received from Corporal Hess, that a case involving criminal has been affected. I have attached the spread sheet which includes all cases for the time frame referenced above. Additional research will have to be conducted to determine the total number of cases affected and/or the validity of the research completed by Corporal Hess. The extent to which cases have been affected is not known at this time.

I make this complaint based on the information presented above.

Michael W. Combest, Captain  
Precinct #4 Administration

**General Complaint Investigation Comments:**

SEE EMPLOYEE INVESTIGATIVE NARRATIVE

**Individual Investigation Report:**

Internal Affairs Division  
Report of Investigation  
IAD-16030804

Investigation conducted by Corporal T. Black with the Internal Affairs Division:

Background

On February 29, 2016, A Harris County District Attorney Investigator requested property from the Manager, Cpl. C. Hess over the property room related to a pending criminal case (13-50054). A search for the property was conducted by Corporal C. Hess, where he discovered the drugs in that case had been recently destroyed. After this was discovered, Captain Combest ordered a review to determine if there were any other criminal cases where property had been destroyed before the case had been disposed of. The review revealed numerous other cases were affected launching this IA Investigation.

In conjunction with Captain Combest's ordered review, he provided the aforementioned complaint detailing the affected cases and his preliminary findings.

After reviewing Captain Combest's written complaint, it stated he inquired with Sgt. Nicholson, Cpl. Hess' supervisor, as to how this occurred. Nicholson told Combest that Hess destroyed the evidence after being told to by Cpl. Lacher during the time they were assisting in a "clean-out" of property in the property room. They were inventorying and reviewing old cases for the purpose of clearing out the overcrowded property.

Combest stated in his complaint, he and Sgt. Nicholson spoke with Cpl. Hess. Hess told them that during the clean-out he spoke to Lacher and told him, "... that he had made Cpl. Lacher aware of the fact that the case(s) were open and that Cpl. Lacher then said to destroy the evidence while the opportunity existed." He was referring to drugs.

On Monday, March 7, 2016, in a briefing with Chief Steward, Captain Combest and Constable Herman, I was advised The Harris County District Attorney's Office (HCDA), Police Integrity were aware of this incident and would be launching a criminal investigation. I was told to get with Assistant District Attorney, Tiffany Johnson, and determine how they were going to proceed. I spoke to Mrs. Johnson (713-274-5930) and she was aware of the incident and said she would be assigning this case to one of her investigators and that they would get back with me on Wednesday; at the time they hadn't determined how they were going to proceed.

On Thursday, March 10, 2016, I received a call from Mrs. Johnson wanting to know if Cpl. Hess was still assigned, currently working, in the property room. I told her I would find out and call her back. I went to Chief Steward's office and asked him this question. He stated that two Pct. 4 officers are currently assigned to the property room to learn its operation and once they have, Cpl. Hess will immediately be removed. I called Mrs. Johnson back and told her Hess is currently in the property room and that two other personnel have been assigned to learn the operations. Further, I told her Hess was this department's only property room deputy (Cpl.) and currently no one else knows the procedures and operations, but as soon as the training is completed, he will be removed. She said ok and understood that as a department we needed to continue to operate. Also, she informed me that they will probably proceed by taking Cpl. Hess before a grand-jury sometime in mid-April. She also told me we can proceed with our internal investigation and said it wouldn't jeopardize their investigation at all.

Days later, I received a call from Investigator Janice Hawk with the HCDA's office who said she was assigned as the investigator to the case. Part of our discussion was who would be making notification to the prosecutors of open

cases where drugs were destroyed. She stated once I provided her a list of the cases, she would make notification. Deputy Anthony Smith was assigned the task to research these cases to validate if drugs were destroyed before the case had been adjudicated.

\* Validated List of Destroyed Property:

On March 24, 2016, I received a list from Deputy A. Smith where he researched all the cases in Captain Combest's complaint. See "Validated Destroyed Prop. ref complaint" Deputy Smith determined that forty six (46) cases were still in an open status in court and eight (8) were in a closed status. This list also included the case that Investigator Kerry Gillie with the HCDA's office was inquiring about with Hess. Further research is being conducted on the remaining cases to determine the total number of cases affected.

\* Assignment:

This investigation was received on March 8, 2016 by Captain Combest and was assigned to me.

Scope of Investigation

This investigation will examine:

Whether Corporal Christopher Hess violated the below listed acts and/or Law/s:

Allegation One: Improper Destruction of Evidence from Property Room

Texas Penal Code 37.09 Tampering with or Fabricating Physical Evidence

Allegation Two: Harris County Policy/s:

Property & Evidence Policy 42.002 Destruction of Drugs and Narcotics

\* Interview of Anthony Smith.

On March 14, 2015 I met with Deputy Smith for a scheduled interview, which was recorded.

(Smith.Black.Owen.3.14.16) Smith advised he and Cpl. Lacher were assigned to assist Cpl. Hess in the property room to clear out old cases. He and Lacher set up shop in the conference room and did research on the computer. After researching a case, he and/or Lacher would determine what to do with the property. Smith was told by Lacher that if a case is pending or open to send that property/drugs back to the property room for retention; "that we are not going to get rid of it."

Deputy Anthony Smith provided the following statement.

"In the month of January 2016, I, Anthony Smith received an assignment by Cpl. J. Lacher. Cpl. Lacher instructed me to that we would be assisting Cpl. Hess at 6831 Cypresswood Drive Station 1 in the property room to clear out old cases. Cpl. Lacher instructed me to meet with him at Station 1 every morning for the remainder of the month. Cpl Lacher explained he and I were to assist Cpl. Hess with processing and clearing property from the Station 1 Property Room.

"Cpl. Lacher further explained the Property Room has recently been audited and several items were over due to be removed and relocated. Cpl. Lacher mentioned the Property Room also needed to be organized. Cpl. Lacher added he would give further instructions on the day of processing.

"The first day of the assignment, Cpl. Lacher assigned me a laptop and explained the laptop was to be utilized for research property owner/complainant in case to attempt to locate the owner for release or if the property case has been closed. Cpl. Lacher and I set up in the conference room to perform our task while Cpl. Hess remained in the property room. In those cases where the case had been closed due to the defendant being adjudicated or convicted, an attempt was made to contact the owner but if they were not able to be contacted the property would be sent to Harris County Purchasing. If it's related to drugs it would be destroyed. During this entire process I did not release any property to any owner and if any property was released it was Cpl. Lacher.

"Cpl. Lacher and I went to the Property Room and retrieved boxes and brought them to the conference room dated

back to 2002. All property was researched in the Conference Room by Cpl. Lacher and I. Cpl. T. Black and Cpl. Owen assisted in the paperwork after the research was done. Based on our research, we told them to send it to purchasing or for destruction or back to the property room for retention pending further case status. Cpl. Black and Cpl. Owen would fill out the proper paperwork indicating where it was to be sent. Cpl. Black did do some research on wallets and attempted to locate the owner for release.

"Cpl. Lacher told me to concentrated on property cases that were outdated from 2010 and back such as; Lost/Found Property, Safekeeping, and Seized. Lost/Found Property and Safekeeping Properties were researched for owner, but were packed for purchasing without found owner. Seized Property would be packed for seizer process. All Stolen/Recovered and Evidence Property are to be searched for pending case status. Cpl. Lacher explained case from periods 2010 to current cases are to remain in Property Room. Cpl. Lacher explained to me that drug property (evidence) needed to be researched for case status. If a case is still open and/or pending in court, Cpl. Lacher instructed me to send it back to the Property Room and it would be retained; that we are not going to get rid of it.

~~"In processing this property, several pending Drug Evidence were returned to Property Room. Some drug items were packaged for destruction because the case status was closed. I was never assigned to process any paperwork for destruction."~~

"During the time I was assisting Cpl. Hess, I transporting items for destruction to the site in La Porte, TX. I transported some of the items in a Harris County Constable's Office Precinct #4 marked truck, while Cpl. Hess transported some items in another truck and a reserve deputy transport items in another truck to an approved facility for destruction. The trucks were weighed upon arrival to determine the actual weigh of property so the actually weight could be determine for destruction. The property was then off-loaded on to a forklift and taken to a conveyor-belt that led to the incinerator to be burned. Cpl. Hess was the one that handled all the paperwork for destruction once we arrived at the burn site. I am not aware of what the paperwork consisted of."

\* Interview of Christopher "Chris" Hess.

~~Cpl. Hess has been employed with the Harris County Pct 4 Constable's Office since May 30, 1992 and TCOLF currently shows that he holds a Master Peace officer's license since May 26, 2011. He has earned 1757 total training hours of which Hess said it included a Health and Safety Code (HSC) class regarding the destruction of evidence (drugs) based on health reasons. Hess stated he took this class about 5 to 8 years ago from Instructor Jana K. McCown, First District Attorney in Williamson County, TX. For the last fourteen (14) years, Hess has been assigned, as the sole employee, to the Property Room as the Property Room Manager.~~

~~During the interviews with Cpl. Hess, he would ramble, mumble and speak without clarity and was evasive at times when responding to questions asked. He attributes his justification for destroying drugs on two (2) points; he would either say, I was following Cpl. Lacher's order/direction because I was told that Lacher was in-charge or because the Texas Health and Safety Code allowed the destruction of drugs at the discretion of a peace officer without a court order. He was steadfast on those points and actually believed he could destroy drugs, based on the HSC, even if the case was open/pending in court. During the last interview, Hess started to recognize errors were made and he misunderstood or misinterpreted the HSC and the actions that he took were not in compliance with the Harris County Pct 4 departmental policy regarding the handling and destruction of narcotics/drugs. He started to acknowledge he was unfamiliar with the HSC and commented that he only read "bits and pieces" or he just pulled out the literature from the class he took years ago and re-read it and still was confused as to how the code is to be applied.~~

~~On Tuesday, March 15, 2016, Cpl. Owen and I interviewed Cpl. Hess. This interview was recorded (Hess.Black.Owen.3.15.16). Hess was presented with a complaint listing all known cases, thus far, affected by the destruction of drugs that are in an open status, and an acknowledgement form of receipt. Hess said for a long time he has been understaffed in the property room based on the amount of deputies with this department. Hess stated there was an audit followed by a meeting where Cpl. Lacher and Deputy A. Smith was going to assist him in reviewing old cases and "clean-out" the overcrowded property room. Hess said Constable Herman told him during a meeting with Captain Combest and Chief Steward present, Cpl. Lacher was in-charge during the clean-out. Hess said from that day forward, he followed Cpl. Lacher's order/direction even though they hold the same rank as Corporals. Hess said numerous tangible property items and drugs were the focus of the clean-out. Hess stated he did not research any~~

cases related to the drugs that were destroyed; he believed the research was conducted by Lacher and/or Deputy Smith. Hess said he knew drugs in open/pending status had been destroyed. He acknowledged that as part of the clean-out there were drugs, as recent as 2015 cases, being sent off for destruction that he knew the case had not been disposed of in court and had not been researched on case status. Hess said he had a box of "hold back" cases but Lacher insisted to send them off too. I asked him why he was going to hold them back, he said because the DA's office might need the evidence, but knew they could be destroyed based on the Rule and/or Law of the HSC anyway even if the case was still open. Hess stated he never discussed the HSC with Lacher as it relates to the destruction of drugs in open cases. About five to eight years ago, Hess stated he took a class that covered HSC and the rules and law/s relating to the destruction of property and drugs. In fact, he mentioned he has been to more than one (1) training class. He said the HSC allows for the destruction, by the officer, without a court order which included open and pending cases. Hess did not agree with Lacher to destroy the drugs on the hold back cases, but he said since Lacher was in charge, he went along with it. Hess added even though he didn't agree, he knew it could be destroyed under the HSC ruling and/or law. I asked him why he was going to hold back these particular cases. He said the DA's office might want the drugs for these cases. Also, Hess told us (Black and Owen) that if drugs did need to be retained for a case, it would be incumbent on the Attorney/Court to provide the department such a request, otherwise, t[he]y has no duty to retain drugs based on HSC. In fact, Hess said in the fourteen years (14) of being in the property room he could not recall ever obtaining a court destruction order to destroy drugs. I asked him to show me the Ruling or HSC law that states he could destroy drugs in open and/or pending cases. Hess went to his office and emailed me a document that appears to be a handout of a class he took. After reviewing his document, Hess could not find the law, ruling or code allowing him the authority to destroy drugs. He said he needed more time to search or contact the instructor in the class he took.

In summary:

- Hess never researched any drug cases sent off for destruction and it was his belief that Cpl. Lacher had done the research. He was aware that drugs destroyed were in an open/pending status, but contradicted himself and further stated he wasn't aware drugs were destroyed in open/pending status.
- Hess based the destruction of drugs on Lacher's direction, mainly because he was told Lacher was in-charge, or HSC ruling or law even though he could not produce the ruling or law during our meeting.
- Hess had "hold back" cases as recent as 2015 but Lacher insisted for them to be sent off for destruction even though Hess intended to keep them in case the DA's office wanted to view them. He still knew they could be destroyed based on HSC.
- Hess said if he knew the HSC did NOT allow for the destruction of drugs without a court order he would have challenged Lacher and not have gone along with his direction.
- Hess told us (Black and Owen) that if drugs did need to be retained for a case, it would be incumbent on the Attorney/Court to provide the department such a request, otherwise, t[he]y has no duty to retain drugs based on HSC.
- Hess said in the fourteen years (14) of being in the property room he could not recall ever obtaining a court destruction order to destroy drugs.
- Hess was asked if he had previously destroyed drugs without a court order. First he said he didn't remember and then stated yes.
- Hess said about five or eight years ago he took a class where he was taught the HSC and the rules and law pertaining to destruction of property and drugs. Further, he stated he's been to more than one (1) training class.

On Thursday, March 17, 2016, Cpl. Hess arrived at my office and submitted four (4) pages, front and back, of an article that he said explained the HSC and justification of destruction of drugs along with an email addressed to me stating "The TAPEIT training info on the Texas Health and Safety Code regarding property destruction in enclosed and highlighted." At that time, we went to Cpl. Owen's office and discussed the forms he presented. This interview was recorded (Hess.Black.Owen.3.17.16 (1)). The forms were labeled as [Exhibit A]. Hess had already marked a



portion of the form in red, indicating this is what he was basing his decision on regarding the destruction of drugs. Hess confirmed this was a handout from a class he attended years ago. The handout was authored by Jana K. McCown, First Assistant District Attorney in Williamson County Texas.

After looking at the handout and the area that was out-lined in red, I did not see anywhere on the form that allowed for drugs to be destroyed in open or pending cases. Hess responded by saying it "may" be destroyed. During the interview, Hess became literal on words and kept referring to the HSC and would not answer specific questions about his justification for destruction of drugs. He repeatedly said the HSC states property could be destroyed. He kept referring to the HSC as if it was a catch-all that protected him (officer/s) for the destruction of drugs and that he never ordered the destruction; it was Cpl. Lacher and he was following his direction because Lacher was in-charge. At this point I told him he was wrong in his interpretation of the HSC and nowhere in the code does it state that drugs can be destroyed in open/pending case. He disagreed with me.

During the interview, a series of questions were asked of Hess.

- Owen asked Hess "what was your justification to destroy property/drugs." He responded "I did not destroy anything. Lacher is the one who order it. I was following his orders"

- I asked Hess where does it say (HSC) you can destroy property/drugs in open/pending cases. He responded, "it doesn't say you can't."

- I asked Hess is it your understanding under the HSC that you are allowed to destroy property/drugs whether disposed/pending or open cases. He responded no then deflected to the HSC for health reasons.

- Owen asked Hess if he had ever gotten a Purchase Order (P.O.) to destroy property/drugs. He responded, if I had, I don't remember.

- Hess stated File on Q bar code scan for destroyed property is considered a supplement.

At some point, Cpl. Hess stated his mouth was dry and he wasn't feeling well and wanted to go to lunch. I said ok, but he needed to come back after lunch.

About an hour later, he returned and the interview resumed, which was recorded. (Hess.Black.Owen.3.17.16 (2) (pt1). Again, I referred to his hand-out. Hess stated he just recently dug out his notes after I inquired about the HSC. He admits the end-notes of the handout were confusing and because of this investigation it was the first time he actually read it. Also, he said he only read bits and piece of the HSC before, which he said was very confusing too. It's apparent he's unfamiliar with the actual HSC. I told Hess, that I'm trying to understand his interpretation of how he understood the HSC or what he was taught in a class. I then asked him, "is it your understanding the HSC allows you to destroy property whether it's pending or in an open status?" He said up until he read the last line in the narrative he believed that was the case. He now believes that might NOT be the case and started to realize there was a mistake made in his interpretation. At this point I referred to the statement in his hand-out and in the HSC where it states; "according to the rules of the department" and asked him what the rule "policy" of our department states. He informed me he just read the policy again. Cpl. Owen then asked him if it was the first time he ever read it. He said it was not the first time, but it was the first time he read it in recent memory; basically he was becoming familiar with the policy because of this investigation. He told us he understood that the policy was clear about getting court orders and he realized the "stuff" (drugs) were destroyed without a court order. He asked, "Where do we go from here". Owen asked him if he ever remembered getting any court order for destruction. He stated, "I don't remember" and he didn't remember if he ever got a purchase order either, but then stated "I'm not saying we didn't". I pointed out that the policy is very clear and well laid out how to handled property/drugs regarding the destruction of drugs; doing supplement reports, getting court orders etc.... to which he agreed.

At some point in the interview the battery on the recording died. Cpl. Owen went to my office and obtained my recorder which captured the remainder of this interview. (Hess.Black.Owen.3.17.16 (2)(pt2).

Hess said the HSC or the class he took was very difficult to understand, "it overlaps and hard to understand". I pointed out again that nowhere in HSC or his hand-out does it say you can destroy property in a pending or open

case; however, I referenced HSC 481.160 and we both acknowledged that the section "Destruction of Excess Quantities" does allow the destruction only if certain steps are taken which is outlined under the code; which does not apply in this case.

Further in the interview, I asked about the protocol for doing supplement reports upon releasing property and/or destroyed property. Hess explained each property/article had a bar-code label attached to it and defines where it's stored; i.e. property room. He admits during the "clean-out" he was the one who scanned the drugs from property room status to destroyed status. Hess said a purchase order (P.O.) was requested from Dena Arosell in Human Resources for the destruction of drugs "burned" based on weight. Hess said Cpl. Lacher requested the P.O. not him. Hess said he and other deputies took the drugs to the burn-site in La Porte, TX and Lacher did not go. He stated he does not supplement reports that the File on Q (property tracking software) acts as the supplement regarding property and drugs according to Harris County; he learned this while attending a county meeting. He wasn't sure who told him this, but ever since the File on Q system came on line, Harris County, Sheriff's department too, has not been entering supplement reports. Hess stated the last time he remembers entering a supplement for the destruction of drugs it was in the CAD/OLO system.

In summary:

- Hess was asked to provide the HSC that allowed him to destroyed drugs. Instead, he provided a hand-out from a class he took.
- Hess acknowledged he hasn't read the end-notes on his own handout material, he was unfamiliar with the HSC and he admits he only read "bits and pieces" of the HSC which he said it overlaps and is hard to understand.
- Hess' hand-out did not address the destruction of drugs in open and/or pending case.
- Hess was asked if HSC allows for the destruction/drugs in open cases without a court order. He responded by saying, it doesn't say you can't.
- Hess was asked his justification for destroying drugs. He responded by saying I didn't destroy anything Cpl. Lacher did. Again, he deflected as he has done before, denying any accountability.
- Hess began to realize that he made a mistake in his interpretation of destruction of drugs, but again he attributes he did it at the order or direction of Cpl. Lacher.
- Hess was presented with the Harris County Pct 4 policy, which he admitted this was the first time he read it in recent memory, and that it was clear that he should have had a court order.
- Hess said he didn't complete supplements in the computer regarding destruction of drugs. The File on Q meeting with Harris County representatives said he didn't need to do a supplement because the File on Q is (represents) the supplement.
- Hess admitted that he was the one who scanned the bar-code of the drugs to destroyed status
- Hess admitted he did not adhere to the HCCO Pct 4 policy and procedures regarding drugs/narcotic disposal.

At the conclusion of these interviews, I requested a very detailed statement regarding the complaint and what we discussed during our interviews. He agreed his statement would be in detail in response to all that was discussed in our interviews with him.

~~On Monday, March 21, 2016, Cpl. Hess presented his written response which was not detailed as requested; in fact it was very vague and did not discuss everything in our interviews.~~ He failed to include many points of conversation that was discussed in our previous interviews. He then wanted me to provide him a list of "bullet points" and he would add them to his statement. I reiterated that these were points that were already discussed in our interviews. He was argumentative and would not include them in his statement until I provided him with the bullet points. Not understanding his logic and to further my investigation, I agreed and prepared a list of previously discussed topics for him. About two hours later, Cpl. Hess was called to my office where I provided him with the list. Hess became argumentative again and now wanted the list signed as a new complaint when he had already agreed and understood these were topics discussed previously. Since Hess was being uncooperative, I consulted with Captain Combest. We decided to appease Cpl. Hess and presented him with the list of topics as a signed directive for him to respond.

\* Corporal Hess provided the following statement:

"STATEMENT OF CPL. CHRISTOPHER T. HESS

"COUNTY OF HARRIS §  
§ I.A.D. Control No.16030804  
"STATE OF TEXAS §

"Before me, the undersigned authority for the State of Texas, on March 16, 2016, personally appeared Christopher T. Hess, who, after being duly sworn, deposes and says :

"My full name is Christopher T. Hess. I was hired on with the Harris County Constable's Office, Precinct Four, as a full time employee in May of 1992. I have been assigned to the Cypresswood Property Room since January 2002. My personal information is on file with the Human Resources Division of the Harris County Constable's Office, Precinct Four.

"For any and all purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights prescribed by law. Further, I rely specifically upon the protection afforded to me under the doctrines set forth in GARRITY VS. NEW JERSEY, 385 U.S. 493 (1967), and SPEVACK VS. KLEIN, 385 U.S. 511 (1967), should this statement be used for any purpose other than as expressed herein.

"I have been informed that under the Penal Code of the State of Texas, Section 37.02 : A person commits the offense of "Perjury" if, with the intent to deceive and with the knowledge of a statement's meaning, he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

"On March 15, 2016, I was ordered by Cpl. Todd Black in the Internal Affairs Division to respond to the allegations brought forth against me. I hereby submit my statement as follows:

"Upon Ron Hickman's departure to the Sheriff's Office, and after Mark Herman was appointed as Constable of Precinct Four late last year the Harris County Auditor's Office spent about two full weeks auditing the evidence in the property room. I was advised it was required by law when an elected official changes office in Harris County. Auditor John Quintanilla and his assistant conducted the audit. We were able to account for the hundreds of property items selected by them. The only issue was with some property that now-retired Corporal Mike Lacher had both seized and placed into evidence. He had been the property supervisor at the Pct.4 Humble office and the last few years a burglary case investigator at Pct. 4. The last day of the audit was spent by Corporal Lacher properly tagging and organizing some jewelry from a case of his.

"During the audit the auditors became painfully aware that the property room was both understaffed and extremely overloaded. Over the years I had requested a second deputy for assistance but it never seemed to be within the budget. During these years I have worked very hard to keep the Property Room organized and handle all the many daily administrative duties required of a central property room for an agency the size of Pct. 4. ~~It has been both exhausting and stressful. I deemed it a labor of love and kept at it for the last fourteen years.~~

"Apparently the Harris County Auditor's report had an impact, and around the end of last year I was called into the Constable's office. There I met with Constable Mark Herman, Chief Donald Steward and Captain Mike Combest. After a brief discussion about retirement the subject changed to the condition of the property room. Constable Herman said Corporal Lacher has stated he could clean out the property Room in one month. The meeting ended with the Constable saying he would get back to me later.

"About a week later, and just around the first of January, Constable Herman called me to his office once more for a meeting. Present again were Chief Steward and Captain Combest. During this meeting Constable Herman talked about a plan he had to clean out the Property Room. His plan would have Corporal Mike Lacher and a few other deputies coming into the Property Room and clearing it out to make way for new evidence. Constable Herman stated to me..... "I need Corporal Mike Lacher to be in charge of this". Constable Herman continued to outline the plan as an operation to be completed by the end of January before Cpl. Lacher is scheduled to retire with the department. I advised him that I understood the directive that the operation will be under the direction of Cpl. Lacher and was dismissed from the meeting.

"The following week began with Corporal Mike Lacher and Deputy Anthony Smith proceeding to remove all of the boxes, excluding any narcotic or controlled substances, to the conference room for research. (This research included the assistance of Todd Black and Don Owen.) Certain other property items related to hi-tech crime division property was delivered to Sgt. Jeff Lee.

"Cpl. Lacher then went to the Pct. 4 HR office and obtained a Purchase Order through Deana Arosell, a clerk of that office. Corporal Lacher instructed me to get a burn date from "Clean Harbors" in La Porte, TX. They are an outfit that conducts burning of hazardous waste. The morning of day the drugs were burned, I advised Corporal Lacher that I had listed the boxes containing 2015 Drug Cases for retention in case they were needed. Corporal Lacher indicated that we should burn all of them to clear out the storage space and instructed me to load them up. This conversation took place literally as we were loading up the three pickup trucks to go to Clean Harbors.

"The theme and tone of the property Room clean-out was very fast paced: get it done, and get it done now!!! We were under constant pressure from Corporal Lacher to get it done now!—this in addition to my regular day-to-day duties.

"I have succeeded in managing the Property Room for fourteen years without any significant issues during my tenure. I have worked this assignment alone with only occasional help from the odd reserve member needing hours, or "light" duty deputy in need of a temporary assignment. I can assure the department that I am not to blame for any issues arising from the "cleanup" of the property room under the direction of Cpl. Lacher per Constable Herman.

"Corporal Black and Deputy Owen told me to write a narrative regarding the complaint and the attached list of case numbers and items. The list that was attached to this complaint appears to be a partial list of roughly 6,000 items destroyed during the clean-out. Sgt. Nicholson instructed me to do the research to see how many among that list of 6,000 were active cases. Around two days after that, Captain Combest approached me and asked if I had begun the research and I informed him I had not yet done so, because I had been too much occupied with my regular duties. He said to begin the research immediately. A few days after that Captain Combest, accompanied by Chief Steward, approached me and ordered me to cease my research. The next activity in this matter is when I was contacted by Cpl. Black and given a copy of Captain Combest's complaint which I am responding to.

"Corporal Lacher took on the responsibility of conducting all the research related to the Property Room clean-out, and at no time during this entire incident involving the property room was I ever asked to review or research any evidence to determine if it was related to a currently active investigation by the Harris County District Attorney's Office or any other department.

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"CHRISTOPHER T. HESS  
Badge No. 04261

"SWORN TO and SUBSCRIBED before me by Christopher T. Hess on March 24, 2016.

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"Notary Public in and for  
The State of Texas

"CPL. CHRISTOPHER T. HESS' ADDENDUM TO ORIGINAL COMPLAINT

"COUNTY OF HARRIS §  
§ I.A.D. Control No.16030804  
"STATE OF TEXAS §

"Before me, the undersigned authority for the State of Texas, on March 24th, 2016, personally appeared Christopher T. Hess, who, after being duly sworn, deposes and says :

"My full name is Christopher T. Hess. I was hired on with the Harris County Constable's Office, Precinct Four, as a full time employee in May of 1992. I have been assigned to the Cypresswood Property Room since January 2002. My personal information is on file with the Human Resources Division of the Harris County Constable's Office,

Precinct Four.

“For any and all purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights prescribed by law. Further, I rely specifically upon the protection afforded to me under the doctrines set forth in GARRITY VS. NEW JERSEY, 385 U.S. 493 (1967), and SPEVACK VS. KLEIN, 385 U.S. 511 (1967), should this statement be used for any purpose other than as expressed herein.

“I have been informed that under the Penal Code of the State of Texas, Section 37.02 : A person commits the offense of “Perjury” if, with the intent to deceive and with the knowledge of a statement’s meaning, he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

“On March 21st, 2016, I was ordered by Cpl. Todd Black in the Internal Affairs Division to respond to the following questions as they are presented to me. I hereby submit my responses as follows:

“Health and Safety Code

- Explain your understanding as you told IAD of how the code allows destruction for open or pending cases without a court order.

“Response: My understanding of the HSC is that it allows for drug destruction without a court order as matter of Health and Safety because being around stored drugs is a safety hazard. Cpl. Lacher ordered the drug destruction and conducted all the research of pending cases during the Property Room ordered clean out. So my loading of the drugs and taking them to the burn facility was strictly a product of his orders. As for justification there is no section that justifies the drug destruction in open cases. Rather, the code allows the destruction of drugs in all cases.

- Cite the section of the code that justified you to destroy narcotics/drugs in open or pending cases.

Response: The relevant HSC sections are 481.151, which defines “controlled substance property,” including controlled substances; and 481.153, which allows the summary destruction of controlled substance property by a peace officer.

“Health and Safety Code Education Class

- Discuss this class and what was your understanding of the material covered in applying the Code to the destruction of narcotics/drugs especially in open or pending cases.

Response: The Property Room Training class taught that the HSC allows for summary destruction of drugs without a court order but also to go by the destruction rules of the department.

“Bar Codes

- Explain how these work and how they are applied.

Response: Zebra laser scan-type labels are used on evidence packaging to help identify and track property and evidence. They are applied simply by peeling the back off and sticking them onto the packages.

“File on Q

- Explain how this system works and its purpose.

Response: This is a computer program used to log and track property and evidence. This is why no supplements have ever been entered on any property transactions except for money seizure deposits into the HCDA account.

- Elaborate on the meeting with Harris County and who you met with regarding supplements with File on Q.

Response: I cannot recall the identities of all individuals who attended the meeting in 2007 except for Captain Jim Skarvan and Captain Paul Staton. There were a few others present when I was instructed that the File on Q entries constituted supplemental reports and were to be used as such—which eliminated the redundancy of having to enter an ARS supplemental report.

“Supplements

- Explain why you entered no supplements on these cases that were destroyed.

Response: Because the File on Q entries are regarded as supplements and were to be used as supplements per the

Captain's instructions at the meeting back in 2007.

- Have you ever entered a supplement on any destruction order since you began working in property?

Response: Only in respect to the File on Q entries as stated previously.

"Court Order

- Have you ever received a court order authorizing the destruction of narcotics/drugs? If so, How many? If unsure, was it a common occurrence, seldom, rarely, never?

Response: We may have gotten court orders before to destroy drugs but I do not recall any specifically because several years have passed since the last drug burn.

- As you stated in our interview, explain how it is your understanding that it is incumbent on the attorney or court to notify the department to retain the narcotics/drugs.

Response: My understanding is that a court may order drugs to be retained for cases. It does not have to be incumbent on them, but may be if they have a specific interest in the case; at which point it could be up to them to seek preservation of certain drug type evidence which may otherwise be summarily destroyed.

"HCCO4 Destruction of Narcotics/Drugs Policy

- Explain your understanding of the HCCO 4 42.002 Policy.

Response: My understanding of the HCCO4 Policy 42.002 is that a court order is required for drug destruction.

- Did you violate the policy when you destroyed the narcotics/drugs in January 16, 2016 during the "clean-out"?

Response: Cpl. Lacher was in charge of command, control and research. I was simply ordered to lift and tote per his direct instructions. So no, I, personally, am not in violation of policy and neither is Anthony Smith or Donald Etheredge (who were both assigned to help load and drive the trucks that day). We simply loaded and trucked the drugs to destruction following Cpl. Lacher's orders, just as I was directed by the Constable.

"Purchase Order (PO) for the Destruction of Narcotics/ Drugs (drug burn)

- Have you ever obtained a PO for a drug burn?

Response: I may have obtained a Purchase Order for drug destruction several years ago and may have done research on the drug cases for which that purchase order was obtained, but I cannot remember it specifically because I have worked alone on literal tons of evidence since then.

- Have you ever researched the disposition of a case (open or pending) prior to a burn on any case during your tenure in the property room?

Response: The purchase order for this most recent drug destruction was obtained by Cpl. Lacher: that is to say it was his idea, and he went to Deana Arosell's office to get the order. Unaware of any research Cpl. Lacher may have done at the time when he ordered all the drug boxes to be loaded up for destruction, I did suggest that the boxes containing the 2015 evidence be retained. Cpl. Lacher, however, indicated to get rid of all them.

- Have you ever obtained a PO from Dena?

Response: Possibly in the past, but not in this instance.

- Did you request a PO from Dena for a drug burn on the recent destruction? If not, who did?

Response: No, I did not. It was Corporal Lacher who did so.

- Did you advise Cpl Lacher that these cases were open/pending 2015 "hold back" cases prior to destruction?

Response: I advised Corporal Lacher of several boxes that contained 2015 cases; and his response was, it all gets burned.

"MY UNDERSTANDING AND OPINION HAVE NOT CHANGED. Cpl. Lacher was placed in charge over me for the duration of the Property Room Cleanout. I say, when you take the responsibility of giving one man charge over another man, do not come back later and fault the subordinate man. I believe the reason Cpl. Lacher was given charge over me in this instance is because I am well-known for holding evidence unless it is researched before disposal. That, and I have been assigned as a one-man unit as sole property room manager, hence the large amount

of stored evidence found during the audit conducted late last year by the Harris County Auditor's Office, and the Constable's order to have Cpl. Lacher come in and clean it out.

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"CHRISTOPHER T. HESS

Badge No. 04261

"SWORN TO and SUBSCRIBED before me by Christopher T. Hess on March 24, 2016.

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"Notary Public in and for  
The State of Texas"

\* Corporal (retired) Mike Lacher phone interview:

~~On Friday, March 18, 2016, around 8 PM, I called and spoke to Mike Lacher to schedule an interview.~~ Lacher was already aware of this situation because he had been contacted by Captain Combest. Reference their conversation in recording "Combest.Lacher 03.03.2016". I requested a written statement from Lacher describing the assignment he and Deputy Smith received regarding their assistance in the property room. Lacher confirmed he was asked to assist in clearing out the property room of old cases and adamantly denies he was told he was in-charge or destroyed any drugs in cases that were open; in fact Lacher said he never did any research on drug cases at all.

Mike Lacher provided the following statement.

"SUBJECT: Harris County Constable Precinct 4 Employment Assignment January 2016

"On an unknown date approximately the second week of December, 2015 while I was employed by Constable Mark Herman, Harris County Constable Pct. 4 as a Corporal/Investigator I was at the Station 2 office and met with Constable Herman. Constable Herman informed me that there were major inventory issues within the department Property Room, and he requested my assistance in working with property manager Corporal Chris Hess to resolve the issues. I told Constable Herman I would accept the assignment, and Constable Herman advised he would meet with me the first week of January, 2016 to review a plan. I informed Constable Herman that on the request of Corporal Chris Hess I assisted Harris County auditors who were auditing the department Property Room in December, 2015.

"On December 28, 2015 because of some health issues I submitted a letter to constable Herman informing him that it was my intention to retire my employment with Harris County Constable Precinct 4 on January 31, 2016. On this date assistant chief Ken Key contacted me advising me that Constable Herman wanted my assistance the last month of my employment in the department Property Room.

"On January 06, 2016 department investigator Anthony Smith and I were assigned to the Property Room and we went to the Station 1 office at 6831 Cypresswood Drive where we met with Captain M. Combest. Captain Combest informed us that we would be assisting property room manager corporal Chris Hess. Captain combest further advised that IAD investigators corporal Todd Black and corporal Don Owens would be assisting us in the property room. Investigator Anthony Smith and I met with Property Manager corporal Chris Hess in the department Property Room to review the stored evidence inventory and devise a plan as how to begin a process to reduce the inventory. During the time the Property Room was being audited in 2015 an auditor told me that the HCCO4 Property Room has on file approximately 61,000 items, and the auditor stated that a majority of items date back many years and that the Property Room is not organized and is beyond capacity. As investigator Smith and I toured the Property Room we observed like items in no specific storage area in various boxes on shelves. I noticed that Corporal Hess was still using a small desk that has been in the Property Room for over 20 years that did not provide adequate work space. Corporal Hess advised that the Printer in the Property Room had not been working for three months requiring him to leave the property room and go to another office every time he wanted to print a document. (A few days later I met with Captain Harold Herrin in Tech Services who ordered and installed a new Printer in the property room.) (I was also able to obtain a newer and larger desk from another office for corporal Hess.)

“Over 40 percent of the Property Room contained evidence identified for ICAC cases (Internet Crime Against Children) dating back 10 years. It was obvious that no property personnel or ICAC investigators had made any effort to process this type of evidence for disposal. There is an outer department storage building assigned only to the Property Room and this building also contained large quantities of ICAC evidence. The floor area on the back aisle of the property room contained boxes marked Drugs stacked eight feet high making passage impossible. Corporal Hess advised that these boxes were Drug evidence from years old closed cases that he was storing for destruction, but that a Harris County Purchase Order was required so the Drug evidence could be transferred to a company that burns this type of evidence. Corporal Hess stated he had not obtained a Drug destruction purchase order in the past few years. On 01/06/2016 I met with employee Dena Arosel who handled department Purchase Orders requesting that she process a Purchase Order with burn company for the destruction of 1,000 pounds of Drug evidence. On 01/07/2016 Dena Arosel notified corporal Chris Hess and myself that a Purchase Order was received from Harris County Purchasing to destroy 1,000 pounds of Drugs. Corporal Hess informed me that he would call the burn company for an appointment date to transfer the Drug evidence to the burn facility. I asked corporal Hess about boxes on several shelves marked Drugs that were for recent cases and he stated that the courts never ask for Drugs as evidence and that he is going to transfer every box marked as Drugs to the burn location. Corporal Hess advised that he would also be including several boxes marked Drug Paraphanelia. Corporal Hess informed me of an appointment date to transfer the Drugs to the burn location and stated that investigator Anthony Smith would go along as another witness. On the date of the transfer of the Drug evidence to the Burn location I had arrived at the Property Room at mid-morning and corporal Hess informed me that he had already loaded the Drug evidence into a department truck for transfer to the burn location. I asked corporal Hess if he had weighed the boxes to assure the 1,000 pounds were accurate and he stated no, that he didn't think the total would be over the 1,000 pound limit designated on the purchase order. The actual weight delivered to the burn facility was 1,340 pounds. During my time at the Station 1 Property Room I did not review any offense cases where Drug evidence was the primary offense. Also, I did not review specific cases logged for ICAC evidence, referring these cases to ICAC sergeant Jeff Lee.

“After meeting with corporals Todd Black and Don Owen it was decided that investigator Smith, corporal Hess and I would transfer boxes of tangible evidence from the property room to the department conference room. In the conference room investigator Smith and I had access to separate computers where we would review case reports for every single article and item logged in the property room as Evidence, Found, Safekeeping and Seized. After investigator Smith and I reviewed case reports we would determine if offense cases with charges were closed by conviction; items were logged as found property; items were logged as seized or items had to be retained for active open cases. After reviewing offense case reports investigator Smith and I processed inventoried items by placing them in boxes we marked as Purchasing (for transfer to Harris County Purchasing), Destroy (found/safekeeping items of no value for resale by Purchasing), Open Cases (items with open offense court cases or possible civil litigation), and Release (items of recovered or found property with known owners). Every item placed in Purchasing, Destroy or Release boxes were documented by corporals Black and Owens. Investigator Smith, Corporal Black and I called owners of items who came to the Station 1 office and picked up their recovered property. Corporal Black reviewed dozens of reports for Found purses and wallets that had been in the Property Room, some for several years, and was able to contact owners who came to the Station 1 office to reclaim their property. Offense reports for these Found items had no supplement reports showing any Property Room personnel attempted to contact owners.

“During the month of January, 2016 for a period of 3 1/2 weeks investigator Anthony Smith and I handled over 350 boxes containing over 2,000 offense cases involving evidence or recovered items reading every report. With the assistance of corporals Todd black and Don Owens we processed 1,062 items that qualified for transfer to Harris County Purchasing, 462 items were documented for destruction, 18 recovered stolen Handguns, Shotguns and Rifles were released to owners, 44 recovered stolen or found items were released to owners and 340 items were marked as recovered stolen property with no owner contact. Dozens of other item of evidence with open active cases were placed in separate boxes and placed on shelves in the Property Room to be retained.

“The department Property Room has an inactive prisoner cell room that contained Handguns, Rifles, Shotguns, Live Ammo and three large metal empty storage cabinets. This gun room was in total disarray with various long guns piled on top of each other. Investigator Anthony Smith and I spent 10 hours one day removing the three metal cabinets and numerous guns. We removed all of the live ammo stored in dozens of boxes for handguns and had the ammo transferred to the department Training and Firearm facility. The transfer of the ammo and the removal of the metal cabinets permitted investigator Smith and I to organize the rifles and shotguns in an orderly fashion and to remove dozens of boxes of handguns from the Property Room to the designated Gun Room. Corporal Hess's



assistance on this date was to remove the three metal cabinets to another location. The ammo was transferred by deputy personnel. On this date investigator Smith and I separated rifles and shotguns marked as Recovered Property placing them in a specific area in the Gun Room and notifying Corporal Hess that he should call the owners to release the guns.

“On another separate date in January, 2016 investigator Anthony Smith spent the day reorganizing items stored in the outer property storage building that was in total disarray.

“During the review of the dozens of items stored in boxes in the Property Room investigator Smith and I found dozens of items in paper bags with Barcode Labels reported as DNA Evidence that were stored in boxes with other items of evidence. This DNA evidence was apparently mishandled by the submitting deputies who failed to attach a laboratory Submission Form for the evidence to be transferred to the DNA laboratory. Corporal Hess also failed to recognize this error when he logged the evidence and placed it in the property room without contacting the submitting deputy to inform the deputy to process a Submission Form. I reviewed the mishandled DNA case reports finding that the majority were for felony offenses of burglaries, thefts and robberies. This DNA evidence was separated into separate boxes and placed on shelves in the Property Room. Corporal Hess was notified informing him that he should contact submitting deputies to properly process this evidence.

“During the 3 1/2 weeks investigator Smith, corporals Black and Owens and I reviewed and processed logged items for dozens of reported offense cases corporal Hess did not assist us with the computer reviews of cases. Corporal Hess did remove boxes of items we processed from the conference room marked as Purchasing and Destroy, taking the boxes to the outer property storage building.

“Dozens of items logged as recovered stolen property logged in the Property Room by corporal Hess should have been released to owners and not stored for days, weeks, months and years. I also learned that a metal storage cabinet in the Station 1 property room contained over \$100,000 of currency from numerous sources. This currency should have been transferred to a secured banking facility.

“At the conclusion of my assignment in the Property Room I returned to my office and entered supplement reports to every offense case related to the dozens of items we released to owners.

“During my assignment in the department property room I was never told by Constable Mark Herman or Captain Michael Combest that I would be in charge of corporal Chris Hess, corporal Todd Black or corporal Don Owens or their duties while we were working on the Property assignment. All four of us were of the same department rank, Corporals. Deputy Investigator Anthony Smith was subordinate. Corporal Hess informed me that he would work with us, but that each day he had to process new incoming evidence that would consume the majority of his daily time. Due to corporal Hess lack of initiative over the years he has been assigned as the department property manager, I was determined to be productive for the time I was assigned to the property room.”

\* Interview of Chief Donald Steward:

On March 24, 2016 I interviewed Chief Steward about the meetings held between Constables Herman, Cpl. Lacher and Cpl. Hess regarding the property Room. Chief Steward said there was two meeting held at different times and he and Captain Combest were both present. Steward said at no time did Constable Herman tell either one of them that Lacher would be in charge during the reorganization or clean-out of the property room.

Chief Steward provided the following statement:

“Corporal Black over the Internal Affairs Division asked me to provide this statement in reference to two meetings: one with Cpl. C. Hess and the other with Cpl. M. Lacher. Myself, Captain M. Combest and Constable Herman were present in both meetings.

“In January 2016, Constable Herman held a meeting in his office with Cpl. Lacher requesting his assistance to help reorganize and clean out old property in the property room. The property became overcrowded and had not been maintained. During this meeting, Cpl. Lacher agreed to assist in this endeavor and was told to help in any way he could. Subsequently, a second meeting was held with Cpl. Hess where he was advised of the reorganization and that

Cpl. Lacher would be assisting him in the task. At no time was Cpl. Lacher or Cpl. Hess told by the Constable or anyone else that he was in-charge of the assignment or in-charge of Cpl. Hess.”

\* Interview of Dena Arosell Human Resource Supervisor:

On March 23, 2016, Dena provided me with a statement regarding the request for purchase order to burn evidence/drugs. Dena stated on three occasions Cpl. Hess requested a purchase order (PO) for the destruction of drugs, drug paraphernalia and other items. Dena stated on the recent request both Cpl. Hess and Cpl. Lacher requested a PO at different times.

Dena provided the following statement:

“This is statement is being made at the request of Cpl. Todd Black in reference to Request for Purchase orders for Clean Harbors in La Porte, Texas. Upon research for any and all request for purchase orders I located the following information:

“On March 23, 2007, a purchase order (P120294) for the destruction of drugs was issued by Chief Clerk Sheila Roush (retired). An email reflects that Captain Staton probably requested the PO for drugs at \$1.32 a pound, with \$500.00 minimum. However on May 22, 2007, Cpl. Hess transported drugs and ballistics vest to the burn site estimate at 300 pounds although the actual burn was 500 pounds. Ms. Roush left a note on estimate that old ballistic vest were also burned. On July 5, 2007, Ms. Roush did an addendum to Purchase Order P120294 adding additional funds to the PO in the amount of \$261.44 due to the overage of 200 pounds from the initial estimate of 300 pounds.

“On April 15, 2010, Cpl. Chris Hess requested a quote from Clean Harbors for the destruction on approximately 800 pounds of drugs; also scheduled the destruction of old ballistic vest which was free of charge per Mike Khatri with Clean Harbors. On April 19, 2010, Ms. Roush confirmed a request for a purchase order (P172673) for the destruction of drugs at \$1.50 a pound, with an estimate of 800 pounds. “Upon receipt of the invoice, Ms. Roush completed an addendum to the PO in the amount of \$342.77 due to the overage of 200 pounds from the initial estimate of 800 pounds.

“On September 10, 2012, Cpl. Chris Hess sent me an email requesting a Purchase Order (P206419) for the destruction of drugs and drug paraphernalia with the approximate weight of 750 pounds at \$1.80 a pound. On October 24, 2012 Cpl. Hess and witnesses took burn items to the burn-site. Upon receipt of the invoice an addendum to the PO was completed in the amount of \$2,388.76 due to the overage of 1,130 pounds.

“On or about January 6, 2016, Cpl. Chris Hess and Cpl. Mike Lacher (at separate times) came to me requesting a Purchase Order (P258099) for the destruction of drugs and drug paraphernalia with the approximate weight of 1000 pounds at \$1.80 a pound. On January 15, 2016, Cpl. Hess and witnesses took burn items to the burn-site. Upon receipt of the invoice an addendum to the PO was completed in the amount of \$906.79 due to the overage of 340 pounds.”

\* Interview of Jana McCown, Former First Assistant District Attorney of Williamson County and Instructor.

I located Jana McCown, instructor of the class Cpl. Hess stated he took regarding the HSC. In Ms. McCown’s profile, it stated she is “... an expert in evidence destruction laws.” On March 23, 2016, I spoke to her by phone (512-635-7575), which was recorded (Black.McCown 3.23.16). She confirmed years ago being an instructor for “TAPEIT” and taught HSC to law enforcement officers. She stated the only exception of destroying drugs without a court order is if it falls under section 481.160 “Destruction of Excess Quantities” provided that steps are followed as outlined in the code. She clarified “... the rules of the department” is defined as the policy or rules governed by the agency. I asked her if she knew of any exception to destroy property that has not been adjudicated other than the section of Destruction of Excess Quantities. She stated no. It is her belief the student (Cpl. Hess) misunderstood the application of the HSC.

\* Executive Summary:

This investigation was precipitated after a HCDA Investigator requested evidence in a 2013 case with Cpl. Hess.

Hess explained that the drugs in that case had already been destroyed. As a result, Captain Combest ordered Hess to research all cases where marijuana and/or narcotics evidence had been destroyed to determine how many cases were open when evidence was destroyed. Once Captain Combest received a list, which was later validated by Deputy A. Smith, it prompted this Internal Investigation. The results are noted in Captain Combest's complaint to which was presented to Hess for response. Furthermore, the Harris County District Attorney's Office launched a criminal investigation.

During this investigation, Hess denied any responsibility or culpability regarding the wrongful destruction of evidence/drugs whether through incompetence, negligence or the misunderstanding of law. Hess knew drugs were being destroyed in open cases and justified the destruction based on his interpretation of the HSC. He claims that Cpl. Lacher was in-charge during the clean-out and stated he followed Cpl. Lacher's directive/order to destroy drugs whether or not the case had been adjudicated. Cpl. Lacher stated during the clean-out he did not research any drug cases and would never destroyed any evidence in an open or pending case. In fact, Lacher instructed Deputy Smith to return any evidence back to the property room if the case was in an open/pending status; "that we are not going to get rid of it."

Nowhere in the HSC does it allow for the destruction of drugs without a court order in any case that has not been adjudicated, which was confirmed by the instructor, Jana McCown. Furthermore, Cpl. Lacher was not put in charge as Hess claimed during the clean-out, which was confirmed by Cpl. Lacher and verbally and in written statements by Captain Combest and Chief Steward. The notion that Hess even tries to distant himself from responsibility of his primary function as the Property Room Manager is ludicrous. He's responsible to know the law/s and required to follow departmental policy related to evidence of all kinds; stored, released or destroyed. His claim that he was simply following Cpl. Lacher's direction/order is nothing more than an attempt to deflect from his own inadequacies. He relied on the HSC, which he misunderstood, and the so called order that Cpl. Lacher was in-charge that he doesn't even realize blame within himself. Cpl. Hess did, in fact, know or should have known he destroyed property in cases that were open that violated policy/s and state law/s. Further in an interview he became concern when he knew property had been destroyed by stating "... I know the stuff (drugs) went out without a court order" and then stated "where do we go from here"

This investigation determined the actions of Corporal Hess have jeopardized the integrity and disposition of several drug cases that are in an open/pending status. Cpl. Hess, as the primary custodian manager of the property room, is ultimately responsible for any and all property and the disposition of same. Cpl. Hess had the duty to preserve any and all property until the court requested it or a case is disposed of.

~~Cpl. Hess violated the Pct 4 departmental policy of "Destruction of drugs and narcotics" when he knew evidence was not handled accordingly.~~

~~Cpl. Hess' actions are unbecoming of an officer and have brought discredit upon himself, the department, and has adversely affected the operations of the department.~~

\* Finding and Conclusion:

Allegation One: Improper Destruction of Evidence from Property Room  
o Texas Penal Code 37.09 Tampering with or Fabricating Physical Evidence

Cpl. Hess admits during a recorded interview/s he was unfamiliar with the HSC and how it applies to the destruction of drugs. He only read bits and pieces of the code, he stated it overlaps and is hard to understand and he has a misunderstanding of its interpretation. Hess does not take any responsibility for drugs being destroyed and in his statement he said he was not to blame, denying he did anything wrong.

Further, Hess told IA investigators during the clean-out he wanted to "hold back" open 2015 cases/drugs, but Cpl. Lacher insisted for them to be sent off for destruction. Hess wanted to hold them back because the DA's office might need the evidence, but said he knew they could be destroyed anyway based on the Rule and/or Law of the HSC. Hess knew or had knowledge that at least some of these "hold back" cases had not been adjudicated.

Hess knew or should have known that the destruction of evidence when a case had not been adjudicated is

prohibited.

Therefore, the investigation produced a preponderance of evidence to prove the allegation of misconduct did occur and classifies this allegation as Sustained. In doing so, Hess violated the following law/s or Harris County Pct 4 Policy/s:

- Texas Penal Code 37.09 Tampering with or Fabricating Physical Evidence

(a) A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:

(1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding.

(b) This section shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.

(c) An offense under Subsection (a) or Subsection (d)(1) is a felony of the third degree, unless the thing altered, destroyed, or concealed is a human corpse, in which case the offense is a felony of the second degree. An offense under Subsection (d)(2) is a Class A misdemeanor.

(d) A person commits an offense if the person:

(1) knowing that an offense has been committed, alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in any subsequent investigation of or official proceeding related to the offense; or

(2) observes a human corpse under circumstances in which a reasonable person would believe that an offense had been committed, knows or reasonably should know that a law enforcement agency is not aware of the existence of or location of the corpse, and fails to report the existence of and location of the corpse to a law enforcement agency.

- P & E 2.13 Conduct and Behavior - Members, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon themselves and/or the Department.

- P & E 2.01 Abide by Laws - Members of this Department shall abide by the Laws of the United States and the State of Texas and the general orders and rules of conduct of the Constable Department, Precinct 4.

- P & E 212 Performance of Duty - Members shall perform all lawful duties as may be required of them by competent authority, whether or not such duties are specifically assigned to them in any rules or duty manual.

- Allegation Two: Harris County Policy/s:

- Property & Evidence Policy 42.002 Destruction of Drugs and Narcotics

Cpl. Hess admits once this IA investigation was launched, he read the policy for the first time in recent memory. In an interview with IA investigators, Hess acknowledged verbally that he failed to adhere to Property & Evidence policy 42.002 regarding the procedure for the destruction of drugs, which is required by policy to know. Further, he acknowledges that the "stuff" drugs went out without a court order and asked "where do we go from here". However, in his written statement he denied he violated the policy.

Therefore, the investigation produced a preponderance of evidence to prove the allegation of misconduct did occur and classifies the allegation as Sustained. In doing so, Hess violated the following law/s or Harris County Pct 4 Policy/s:

- P & E 2.13 Conduct and Behavior - Members, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon themselves and/or the Department.
- P & E 4.15 Completing Official Reports - Members shall make reports promptly and accurately, that will conform with specifications of the Department. Members shall complete necessary reports before going off duty, unless otherwise directed and/or authorized by a supervisor.
- P & E 4.19 Responsibility to Know Laws and Procedures - Members shall learn and thoroughly understand the laws and statutes they are charged with enforcing, and all standards and procedures established by this Department. They shall be especially well informed concerning the duties and procedures governing their specific assignments.
- S.O.P 42.002 Property & Evidence Room:

#### THE FOLLOWING PROCEDURE WILL BE USED WHEN PROCESSING DRUGS AND NARCOTICS FOR DISPOSAL.

I. The offense report and case files will be reviewed and the name of the defendant obtained.

- A. Disposition of the defendant's court case will be researched on JIMS.
- B. A printout will be made of the final disposition details of the defendant's case, including identification of the court in which the case was tried.

II. A motion and order will be drawn up to request the drug and/or narcotics be authorized for destruction.

A. The JIMS printout, the motion, the order, and a copy of the offense report will be forwarded to the Assistant District Attorney assigned to the court of jurisdiction for review.

B. After the Assistant District Attorney presents the motion and order to the judge, he/she will return the order to the Property Room Evidence Technician.

C. If the motion is granted and the order is issued by the judge, the order will be scanned into the Laser fiche system, and the destruction of the drugs and/or narcotics will proceed as defined in Section III.

D. If the motion is denied by the judge, the Property Room Evidence Technician will review the paperwork and determine if the reason the motion was denied reveals any remedy. If so, he/she shall take corrective action and resubmit the amended paperwork. If not, the offense report relating to the drugs and/or narcotics will be supplemented to reflect the denial of the motion and the drugs and/or narcotics will remain in the Property Room until such time as an order can be obtained.

III. Destruction of the Drugs and/or Narcotics

A. Drugs and/or Narcotics that have been ordered destroyed will be collected and stored in the Property Room in a segregated area designated for that purpose.

B. When the area is filled, the Property Room Evidence Technician will transport the drugs and/or narcotics to the designated destruction facility.

C. The Property Room Evidence Technician will remain at the facility and witness the destruction of all of the drugs and/or narcotics. He/she will obtain a receipt identifying each case's drugs and/or narcotics as destroyed from the facility operator. Both the Property Room Evidence Technician and the facility operator will sign the receipt.

D. The Property Room Evidence Technician will scan the receipt into the Laser fiche system and supplement all reports relating to the drugs and/or narcotics destroyed, noting name of the court ordering the destruction, the date and time of destruction, the name and address of the facility where destroyed and the name of the facility operator.

\* Additional Findings:

~~There are three instances where Corporal Hess was untruthful during this investigation.~~

1) Corporal Hess stated Constable Herman told him in a meeting that Corporal Lacher was in charge during the clean-out of the property room. This is refuted by The Constable, Chief Steward and Captain Combest who were present during the meeting. It is also refuted by Corporal Lacher in a written and verbal interview that he was never told by anyone that he was in charge.

2) ~~Corporal Hess stated he did not request a purchase order for the destruction of drugs during the clean-out. H/R Supervisor, Dena Arosell of Pct 4 stated verbally and in a written statement that Hess did make request for a P.O. during the clean-out and on (2) previous occasions.~~

3) Corporal Hess stated he told Lacher that cases involving drugs were open and Lacher told him to go ahead and destroy the drugs anyway while the opportunity existed. Cpl. Lacher denies Hess made this statement at all. In fact, Lacher said that Hess told him that the DA's office never asks for the drugs and let's get rid of it while we have the opportunity. Deputy A. Smith stated verbally and in a written statement Lacher instructed him to research cases and if any case was in an open status, to send it back to the property room; "that we are not going to get rid of it." It would be reasonable to believe that if Lacher told Smith to send open cases/drugs back to the property room to be retained, he would have told Hess the same.

Therefore, the investigation produced a preponderance of evidence to prove the allegation of misconduct did occur and classifies the allegation as Sustained. In doing so, Hess violated the following law/s or Harris County Pct 4 Policy/s.

2.18 ~~Truthfulness~~ - Members are required to be truthful at all times, whether under oath or not, in giving testimony, or in connection with any legal official order received, or in connection with official duties.

\* Interview of Chris Hess:

On Tuesday, April 5, 2016, I met with Corporal Hess for a follow up interview where I presented him with an acknowledgment form/complaint regarding the additional findings of truthfulness. Hess showed up around 9am, read the complaint before signing it. He was given a copy and asked to respond in writing to the allegations by 9am the next day.

On Wednesday, April 06, 2016 Corporal Hess presented his statement regarding the following questions asked; although, he failed to completely answer some of the questions or changed the verbiage. In question 1, he now says Constable Herman "needed Cpl. Lacher to be in charge of the cleaning out of the Property Room". Before he repeatedly said he was told Cpl. Lacher was in-charge. In question 2, he never discussed if he obtained P.O.'s on 2 previous occasions.

"CPL. CHRISTOPHER T. HESS' ADDENDUM STATEMENT  
AS TO ALLEGED VIOLATION OF POLICY 2.18; TRUTHFULNESS

COUNTY OF HARRIS §  
§ I.A.D. Control No.16030804  
STATE OF TEXAS §

"Before me, the undersigned authority for the State of Texas, on April 6th, 2016, personally appeared Christopher T. Hess, who, after being duly sworn, deposes and says :

"My full name is Christopher T. Hess. I was hired on with the Harris County Constable's Office, Precinct Four, as a full time employee in May of 1992. I have been assigned to the Cypresswood Property Room since January 2002. My personal information is on file with the Human Resources Division of the Harris County Constable's Office,

Precinct Four.

"For any and all purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights prescribed by law. Further, I rely specifically upon the protection afforded to me under the doctrines set forth in GARRITY VS. NEW JERSEY, 385 U.S. 493 (1967), and SPEVACK VS. KLEIN, 385 U.S. 511 (1967), should this statement be used for any purpose other than as expressed herein.

"I have been informed that under the Penal Code of the State of Texas, Section 37.02 : A person commits the offense of "Perjury" if, with the intent to deceive and with the knowledge of a statement's meaning, he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

"On April 5th, 2016, I was ordered by Cpl. Todd Black in the Internal Affairs Division to respond to the following questions as they are presented to me in written form pertaining to the alleged Violation to Policy 2.18: Truthfulness.

"I hereby submit my responses as follows:

"QUESTION NO. 1: Corporal Hess stated Constable Herman told him in a meeting that Corporal Lacher was in charge during the clean-out of the property room. This is refuted by the Constable, Chief Steward and Captain Combest who were present during the meeting. It is also refuted by Corporal Lacher in a written and verbal interview that he was never told by anyone that he was in charge.

Response: During the meeting Constable Mark Herman, Chief Donald Steward and Captain Mike Combest were all present when Constable Mark Herman told me that he needed Cpl. Mike Lacher to be in charge of cleaning out the Property Room. Cpl. Mike Lacher assumed and maintained control and command of the Property Room Clean-out.

"QUESTION NO. 2: Corporal Hess stated he did not request a purchase order for the destruction of drugs during the clean-out. H/R Supervisor, Dena Arosell of Pct. 4 stated verbally and in a written statement that Hess did make request for a P.O. during the clean-out and on (2) previous occasions.

Response: The request of the Purchase Order was made by Cpl. Mike Lacher. He went to the office of Dena Arosell to obtain it. Any related action involving the order on my part after that was at the direction of Cpl. Mike Lacher. Previous purchase orders may have been obtained by me.

"QUESTION NO. 3: Corporal Hess stated he told Lacher that cases involving drugs were open and Lacher told him to go ahead and destroy the drugs anyway while the opportunity existed. Cpl. Lacher denies Hess made this statement at all. In fact, Lacher said that Hess told him that the DA's office never asks for the drugs and let's get rid of it while we have the opportunity. Deputy A. Smith stated verbally and in a written statement Lacher instructed him to research cases and if any case was in an open status, to send it back to the property room, "that we are not going to get rid of it." It would be reasonable to believe that if Lacher told Smith to send open cases/drugs back to the property room to be retained, he would have told Hess the same.

Response: I never told Cpl. Mike Lacher that any of the drug cases were open, as I had not done any research on the cases and had no knowledge of any particular case status. Nor did I ever tell him to destroy anything. I did not make the statement that "the DA's office never asks for the drugs." On the contrary, the DA's office regularly makes inquiries about drug cases. Cpl. Mike Lacher gave me the directive to get rid of all the drug evidence. I never made a statement about "getting rid of it while we had the chance." Deputy Anthony Smith was assigned to research property other than drugs and none of the drugs left the property room for any research.

---

"CHRISTOPHER T. HESS  
Badge No. 04261

"SWORN TO and SUBSCRIBED before me by Christopher T. Hess on April 6th, 2016.

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"Notary Public in and for  
The State of Texas"

\* File Content:

Complaint of Captain Combest  
Chris Hess's Statement (1) and acknowledge form  
Chris Hess's Statement (2)  
Chris Hess's Statement (3)  
Captain Mike Combest's Statement  
Chief Donald Steward's Statement  
Mike Lacher's Statement  
Dena Arosell's Statement

image0701 (handouts from an HSC class that Chris Hess provided)  
42.002 Property Room Destruction of Drug (Pct 4's policy)

Audio Recordings:

Combest.Lacher 03.03.2016  
Black.Owen.Hess.Combest 3.21.16  
Hess.Black.Owen.3.17.16 (2)(pt 2)  
Hess.Black.Owen.3.15.16  
Hess.Black.Owen.3.15.16 (2)(pt1)  
Hess.Black.Owen.3.17.16(1)  
Smith.Black.Owen.3.14.16  
Black.McCown 3.23.16

Validated Destroyed Prop. Ref complaint

Email from HCSO Quentin Thigpen

**Supervisor Recommendation:**

04/12/2016 - Entry BY Asst. Chief M. Combest:

On the date of 04/07/2016, I completed my review of the investigation completed by Cpl. T. Black and Cpl. D. Owen (Internal Affairs Division). I am in agreement with the investigative findings as prepared by them and on this same date, sent the findings to Lina Garcia (Assistant County Attorney) with the Harris County Attorney's Office for review along with the recommendation that employment be terminated. On the date of 04/08/2016, I spoke with Lina Garcia and she verbally informed me that there is sufficient cause for the termination of employment. A written Disciplinary Action (10003025) has been prepared to be presented to Cpl. Christopher Hess. A memo containing this same information has been prepared for scanning into his personnel file along with the employee action and notice of complaint referenced above.

\* File Content:

Complaint of Captain Combest  
Chris Hess's Statement (1) and acknowledge form  
Chris Hess's Statement (2)  
Chris Hess's Statement (3)  
Captain Mike Combest's Statement  
Chief Donald Steward's Statement  
Mike Lacher's Statement  
Dena Arosell's Statement

image0701 (handouts from an HSC class that Chris Hess provided)  
42.002 Property Room Destruction of Drug (Pct 4's policy)