

Incident Report FORT WORTH POLICE DEPARTMENT

09-71988

Supplement No
ORIG

Modus Operandi

Premise Type

Bar, lounge, tavern

Suspect Action

Had been drinking

Crime Code(s)

OTHER

Narrative

On June 27, 2009 at 2334 hrs, I, Officer K. Gober ID 3656, working as B318, assisted Sgt. Morris, B310 to assist TABC Agent Christopher Aller #386 and TABC Agent J. Chapman #454 to do bar checks. Also along were FWPD officers (J. Ricks ID 3484, M. Marquez ID 3655, J. Jensen ID 3731, J. Back ID 3863 and Officer J. Moss - T319).

The listed locations are public places and have been known to over-serve alcohol to patrons who are already intoxicated to a degree they are a danger to themselves and others:

- #1. 160 W. Rosedale "Rosedale Saloon" - See related Case 09-71930
- #2. 150 W. Rosedale "Cowboy Palace" - See related Case 09-71930
- #3. 651 S. Jennings "Rainbow Lounge" - See related Case 09-71128

In relation to Location #3, "Rainbow Lounge":

Earlier in the day:

On 06/27/09, Sgt Vence Autry told Sgt Morris, when Sgt Morris came on-duty at 1500 hours, that the reported owner of the Rainbow Club at 651 S. Jennings had called or came by to see him earlier. The owner had asked him if everything was okay at his club, since police were in his parking lot last night. Sgt Autry said that he was unaware of a problem, as he works day shift. Sgt Autry told the owner that one of the biggest problems is the over-serving of alcohol. The owner told Sgt Autry, "Well, when they are too drunk, we always walk them to their car."

Sgt. Morris had spoken to the reported owner of the Rainbow Club on Friday, 06/26/09 at 1530 hours, when he called NPD 2 to speak to the on-duty sergeant. The owner asked Sgt Morris if everything was okay at his club. He told Sgt Morris that officers were in his parking lot the night before. Sgt Morris said that he was unaware of any violations yet, but that he would check with officers. (Sgt Morris later found that the arrest from Case 09-71128 was related to the Rainbow Lounge, showing that they have been over-serving patrons.) The owner invited Sgt Morris and officers to come by the club anytime, and said that they are always welcomed guests. Sgt Morris said that he was to scheduled meet with TABC and have officers check local bars, and that officers would come by and check the club on Saturday, 06/27/09. The owner asked Sgt Morris if he needed to do anything to prepare, and Sgt Morris told him just to see that his staff is not over-serving alcohol to patrons.

The Bar Check of Location #3, "Rainbow Lounge":

After checking locations #1 and #2, all officers then went to 651 S. Jennings to the "Rainbow Lounge" since Sgt. Morris had received a complaint about the over-serving of alcohol from TABC Agent Christopher Aller, Officer M. Marquez, and Officer J. Back, from their arrest on 06/26/09. See Related Case 09-71128.

Summary of the arrests:

While inside the lounge, officers observed six subjects who exhibited signs of intoxication (strong odor of an alcoholic beverage on their breath and person, slurred speech, bloodshot watery eyes and unsteady balance), and arresting officers felt the subjects were a danger to themselves and others. These subjects were escorted outside by officers and placed under arrest for General Complainant Citations (Public Intoxication 80.02). One subject (CIT1, Gibson, Chad w/m 12/06/82) was released to MEDSTAR to be taken to JPS for treatment of alcohol poisoning and his head injury from falling while vomiting.

Details of arrests:

As officers pulled their marked patrol units into the parking area, and on the street, an employee of the Rainbow Lounge working the front door attempted to run inside the lounge. TABC agents gave him verbal commands to stop and he continued to attempt to make entry. TABC agents were able to stop the employee as he was making

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entry into the door. The employee was detained outside the lounge by FWPD Officers J. Jensen and J. Moss while TABC agents and FWPD went inside. Note: Officer J. Ricks stayed with the patrol van in the side parking lot, south of the bar, which had ten arrested persons from the earlier bar checks inside of it.

There was a w/m leaning against the outside wall of the bar, as his balance was unsteady. He (ARR3 Taylor, Joshua w/m 10/06/85) had strong odor of an alcoholic beverage on his breath and person, slurred speech, and bloodshot, watery eyes. He was placed under arrest for PI by one of the TABC Agents and was told to sit down so he would not fall down.

I along with Sgt. Morris, TABC agents, Officer Back and Officer Marquez went inside for investigative purposes. Officers noticed that several men and women were reaching their hands out to touch officers, and moving their bodies in a sexually suggestive manner, and positioning their bodies as they were sexually interested, dancing in front of officers.

I was walking behind Sgt Morris and a white female wearing a white shirt and blue pants (ARR1 Crosby, Rene w/f 04/06/86) jumped away from the bar with a glass beer bottle in each hand, and towards Sgt Morris and leaning her hips forward and making physical contact with Sgt Morris' left buttock in a sexually explicit manner with him from behind. I grabbed Crosby by the back of her shirt and pulled her away from Sgt Morris for Sgt Morris' safety. As I turned Crosby around, I noticed that her eyes were bloodshot and watery, and I smelled a strong odor of an alcoholic beverage coming from her person. Crosby was unable to control her balance as she was escorted outside. Once outside, I had her sit by the wall with the other ARRS. I then issued GC # G735181 to Crosby, and she repeatedly said, "What is this for?" I told her it was for public intoxication, and she said, "I am at a bar!" She said, "I don't understand." I told her that she knew what she had done. Crosby said, "I was just having fun with him."

As TABC agents and officers re-entered the bar, TABC Agent J. Chapman asked me to help him get ARR2 Dylan Brown, who was very intoxicated, holding a beer in one hand and a cigarette in his other hand at the back of the bar under the canopy in the VIP area. I approached Brown, had him put the cigarette and beer down. Agent Chapman assisted me in handcuffing Brown to take him outside.

As I was walking behind Mr. Brown, while removing him from the bar, I felt my gun being pushed on, and turned around to see a male (ARR5 Maczas, Jose w/m 06/03/78) behind me. I felt my gun again being pushed, I let go of Mr. Brown, and I spun around and grabbed Maczas' right hand, moving it away from my gun, and I saw Maczas leaning his hips forward and making physical contact with my right leg, as if he were having sex with me from behind. Maczas' eyes were bloodshot and watery, and I smelled a strong odor of an alcoholic beverage coming from his person.

I told Maczas to put his other hand behind his back, at which time Agent Chapman assisted me with him. I told Maczasto place his other hand behind his back, at which time, he tried to pull his right hand away. Agent Chapman grabbed his left arm and we escorted Maczas outside to handcuff him. I stayed outside with the prisoners from this point forward, along with Officer Marquez.

Officer Back observed a subject standing in the entrance to the VIP area at the back of the bar, under the canopy and by the restroom, who was displaying several signs of intoxication (strong odor of an alcoholic beverage on his breath and person, slurred speech, bloodshot watery eyes and unsteady balance). Officer Back approached the subject, later identified as (ARR4 Armstrong, George W/M 11/30/67). Officer Back asked Armstrong how much he had to drink, Armstrong replied "I just got here man" and then Armstrong kissed two of his fingers and then blew a kiss at Officer Back. Officer Back then asked Armstrong again how much alcohol he had consumed, he stated "I just got here man, I have had about two drinks." Armstrong then kissed his fingers again and again blew another kiss at Officer Back.

Officer Back then made contact with Thompson, Lindsey W/F 02/02/86, who was standing next to Armstrong, and asked her to help with Armstrong. At that time, Thompson told Armstrong to "just go and sit down." Armstrong refused at that time. Officer Back then advised Armstrong he was under arrest for Public Intoxication and was told to place his hands behind his back. Officer Back then grabbed Armstrong's wrist in an attempt to place handcuffs on him. Armstrong immediately tensed up and began actively resisting a lawful arrest. Officer Back struggled to gain control over Armstrong, who was pulling his wrist away. Officer Back struggled with Armstrong until both

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Officer Back and Armstrong both fell to the ground. At that time, Officer Back was out of breath and was trying to call for help on the radio, but was unable to, due to Armstrong still trying to break free from Officer Back's grasp.

Officer Back finally gained control enough to call for help on the radio. At that time, several officers came to the scene and struggled to gain control of Armstrong, due to him still actively resisting officers. After about one minute of struggle, with Armstrong Officer Back and other officers assisting him to gain control of Armstrong and placed handcuffs on him and walked Armstrong out the front door of the Rainbow Lounge. While Officer Back was walking Armstrong out of the club, several people were yelling "You fucking homophobic! You asshole!" and were displaying their middle finger in protest.

Officer Jensen responded to assist Officer Back after he had called for help over the police radio with the altercation with Armstrong. Shortly after Armstrong was placed in handcuffs and escorted outside, TABC Agents Aller and Chapman were attempting to put (CIT1 Gibson, Chad w/m 12/06/82) into handcuffs. This was near the bathroom, in the same area where Armstrong had been arrested. Gibson had reached toward TABC Agent Aller's groin area and tapped Agent Aller's testicles with his hand. Gibson was not cooperating with either of the TABC Agent's verbal commands. TABC Agents tried to place Gibson in plastic flex handcuffs.

Officer Jensen assisted TABC Agents with their arrest of Gibson, as they were trying to detain him. TABC officers and Officer Jensen together, could not get the flexcuffs properly placed on Gibson for his safety. Gibson continuously tried to pull his arms inward and tried to turn. Gibson would not put his hands behind his back. TABC Agent Chapman had Gibson's left arm while TABC Agent Aller had Gibson's right arm. Officer Jensen utilized a pressure point under Gibson's nose (from FWPD Academy training) trying to gain compliance. Gibson was heavily intoxicated, due to alcohol, and would not obey any officer commands to place his hand behind his back.

Agent Aller pulled Gibson to the ground by his shoulder, due to the fact that the plastic flexcuffs could not be placed on Gibson's wrists properly, and Gibson was still resisting arrest. Gibson was then placed in regular handcuffs by TABC Agent Chapman. Gibson did not hit his head on the ground. Gibson was escorted out of the Rainbow Lounge by TABC Agent Chapman, assisted by Officer Jensen. Gibson was escorted to the rear door of the police wagon. At the police wagon #C104, Gibson was placed in TABC Agent Chapman's flexcuffs and told to calm down.

Officer Jensen then left the TABC Agents with their prisoner, Gibson, so he could assist at the front of the Rainbow Lounge with crowd control. TABC Agents maintained care, custody, and control of Gibson. TABC Agent Chapman later informed officers that Gibson had been staggering and started to vomit. Gibson was instructed by TABC Agents to sit down. Gibson refused to sit down, but then leaned forward to vomit, and fell to the ground with his hands still back behind his back in the flex handcuffs. Gibson hit his right side of his head on the concrete in the parking lot. Sgt Morris and I both called for MEDSTAR to make the scene.

Agent Chapman later told Sgt Morris that he was writing Gibson's name and information in his notebook, when Gibson fell to the ground, and was not able to grab him in time. Immediately after this, TABC Agents informed Fort Worth officers that Gibson was in need of medical treatment, due to alcohol poisoning and his hitting his head on the concrete during the fall. Gibson continued to vomit and lay on the ground. Gibson was taken out of the flex handcuffs, by order of Sgt Morris, so Gibson could receive medical attention. Gibson sat up on his own, and continued to vomit on himself and the ground. Gibson was asked what he had to drink at the club by TABC Agents, so they could advise MEDSTAR of what he had consumed. Gibson replied, "Sprite and Vodka".

As officers were assisting the arrested persons into the patrol van ARR (Gibson, Chad W/M 12-06-82) was sweating badly and began vomiting. Med-Star 46 was contacted and made the location (Times enroute 0223 hrs arrived 0225 hrs).

Note: Photographs were taken of Gibson and applied to a CD for the report, and attached to this report, and then placed in the Central CIU box located at 1000 W. Magnolia. Gibson was issued a General Complaint Citation (G778549) for PI and transported to John Peter Smith Hospital for treatment by MEDSTAR.

All arrestees were taken to the patrol van except for Taylor, who was transported by Officer Marquez, and Crosby who was placed in my car, patrol unit 147-1338, to keep her separate from the males. On the way to jail, Crosby continually hiccupped and burped, and became very verbally abusive.

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Afterwards, all subjects were transported to 350 W. Belknap and released to Mansfield detention officers in good condition. I was asked by Taylor, while at the jail, to ask for a cell away from other prisoners. He was very polite, and was afraid of other prisoners fighting him, since he is gay. I told the Mansfield on-duty sergeant of the request, and he said that he would do this for Taylor.

No further information at this time and no CSSU were notified.

Sgt. Morris