



Defendant Trey Garrison is a resident of the State of Texas and maybe served with service of process by serving him at 4311 Oak Lawn Dallas, Texas 75219.

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atky

Defendant D MAGAZINE PARTNERS, LP d/b/a D- MAGAZINE; ALLISON MEDIA INC.; MAGAZINE LIMITED PARTNERS, L.P.; DMAG, INC. can be served by serving their agent for service Allison Media, Inc. at 4311 Oak Lawn Dallas, Texas 75219.

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**JURISDICTION AND VENUE**

Venue is proper in Dallas County under §15.002 and 15.035 of the Texas Civil Practices and Remedies Code, as all or a substantial part of the events giving rise to this claim occurred in Dallas County. Further, one or more Defendants reside in Dallas County.

**FACTS**

In, the spring of 2006 Albert Pagan, a/k/a Nicola Novelo hereinafter "Pagan", was transferred to Central Patrol Division because he had been involved in a violent confrontation on duty in uniform with Dallas Police Officer Ricklik. Officer Ricklik accused Officer Pagan of assaulting him including choking him on duty while both officers were in uniform. For reasons which are not apparent in IAD files related to this offense, the Police Department failed to take any disciplinary action against either officer. However, Officer Pagan was placed in the Early Intervention Assistance Program because of his violent tendencies. Shortly after being transferred to Central Patrol Division, Officer Pagan began having confrontations with other officers on duty and in particular Officer

Schoelen. Officer Pagan on more than one occasion made threats against the Plaintiffs.

On November 11, 2006 Chief Kunkle and the City of Dallas received an anonymous complaint against Plaintiff Schoelen. Although state law prohibits the investigation of anonymous complaints Chief Kunkle and the City of Dallas initiated an investigation of the anonymous complaints against Plaintiff Schoelen. This unlawful investigation was conducted by Lt. J.C. Keough at the direct instruction and or request of Chief Kunkle. Even though Plaintiffs Nelson and Stecker are not named in the anonymous complaint, Lt. Keough and Chief Kunkle began investigating Plaintiffs Nelson and Stecker as well. Chief Kunkle failed to inform the Plaintiffs of this unlawful investigation for several months and failed to provide the Plaintiffs a copy of the complaint within a reasonable period of time as required by State Law. Defendants continued the unlawful investigation until February 28, 2007 when Plaintiff Stecker filed a complaint against officer Pagan. Plaintiff Stecker alleged in his complaint that Pagan had confronted him while on duty and in midst of an arrest. Plaintiff Stecker further alleged that Officer Pagan had approached him in an uncontrolled and violent manner and interfered with his lawful arrest of two intoxicated individuals. A portion of the confrontation was observed by and corroborated by Sgt. Clifton. When Plaintiff Stecker took out a complaint against Pagan, instead of investigating Pagan for his violent confrontation Chief Kunkle instead continued his unlawful investigation against Plaintiffs, but now under the control number assigned to Plaintiff Stecker's complaint against Pagan. Chief Kunkle did so even

though Lt. J.C. Keough had reported on February 2, 2007 "After reviewing all of the aspects of the arrests there were no findings to indicate that Senior Corporal Schoelen violated any laws, Department rules, or policies." And "In conclusion, during the inquiry, no concrete evidence could be found to sustain any of the allegations in the letter." And "Without a signed complaint against Senior Corporal Schoelen listing specific incidents, I don't believe that this matter can be investigated any further." On February 20, 2007 Defendant Pagan sent a letter to Lt. J.C. Keough alleging very similar complaints to those contained in the anonymous letter. Lt. Keough continued to investigate Plaintiffs and expanded the investigation to include issues related to Plaintiffs ticket writing practices. Defendant Pagan then began a campaign to slander and defame the Plaintiffs by and through the Media, culminating in a story being published in June 2007 by Defendant Trey Garrison and D-Magazine, which contained several defamatory and libelous statements that were false. That publication was distributed throughout the month of June, 2007. Some of those false statements accused Plaintiffs of :

1. being a "hornets nest of crooked cops"
2. being a "group of rogue cops"
3. "writing phony tickets"
4. "making false arrests"
5. "trampled people's civil rights"
6. "made the city a worse place to live"
7. engaging in conduct "that's illegal"

8. engaging in a “phony ticket scheme”
9. “abuse of suspects”
10. “falsification of evidence” and
11. “misuse of federal resources to make bogus arrests”.

Each of the above statements were false and Defendants acted with malice in publishing them and/or were reckless about the truthfulness of those statements. In particular for Defendants to accuse the Plaintiffs of making the City of Dallas “a worse place to live” is not only patently false but extreme and outrageous conduct and a prime example of irresponsible and unethical journalism. Further, the allegations that these Plaintiffs were “crooked cops” is a complete and utter fabrication by the defendants without any factual support and another example of irresponsible, reckless and unethical journalism. The allegations made by Defendant Garrison and Defendant D- Magazine that these Plaintiffs were engaged in any kind of criminal conduct at all is false, without any evidentiary support and they knew it was false when they printed it. Defendants made numerous other defamatory statements against Plaintiffs all of which destroyed Plaintiffs reputation, subjected them to public ridicule and caused pecuniary and special damages.

#### **Cause of Action for Libel/Defamation**

Defendants have engaged in a pattern of conduct, resulting in the publication of defamatory and libelous statements against Plaintiffs. A copy of the defamatory and libelous publication is attached as Exhibit “A” to this Original Petition. Plaintiffs at all times were not public figures but rather at the lowest

levels of the Dallas Police Department. Defendants are liable to Plaintiffs for damages caused by their defamatory and libelous conduct. In particular Defendants as set out above engaged in the following conduct:

1. Defendants published statements which they alleged were fact;
2. Those statements referred to the Plaintiffs;
3. The statements were defamatory;
4. The statements were false;
5. The Defendants were acting with actual malice or in the alternative were negligent;

As a direct and proximate cause of Defendants defamatory statements Plaintiffs suffered damages including but not limited to:

1. pecuniary or special damages;
2. loss of employment and/or wages;
3. loss of earnings capacity past and future
4. loss of reputation;
5. mental anguish;
6. emotional distress; and
7. damage to character

#### **Libel Per Se**

Defendants Garrison and D- Magazine with Defendants Lopez and Pagan are guilty of conduct arising to the level of libel per se. On the cover of the story that Defendant Garrison wrote and Defendant D-Magazine published they describe the Plaintiffs as "a hornet's nest of crooked cops". Media Defendants further falsely stated that Plaintiffs were engaged in "writing phony tickets and making false arrests" and "trampled people's civil rights and made the city a worse place to live". The story goes on to lay out allegations that the Plaintiffs engaged in

1. illegal conduct;
2. phony ticket scheme;
3. abuse of suspects;
4. falsification of evidence,
5. misuse of federal resources to make bogus arrests;
6. organized ring of cops running a scheme
7. use of the AIS system to falsify tickets; and
8. abusing women;

The Defendants made numerous other defamatory statements against Plaintiffs without regard to the truthfulness of those statements. A reasonable reader of the article would conclude that the Plaintiffs were engaged in a criminal enterprise, were committing numerous criminal acts including assault, violation of civil rights, falsifying governmental records and diverting federal funds, none of which is true. Those defamatory or libelous statements constitute libel per se. Further in addition to those individual statements, the story as a whole when read by a reasonable reader would conclude that the Plaintiffs were engaged in criminal and abusive conduct. The article comes right out and accuses the Plaintiffs of abusing women. Defendant's Garrison and D-Magazine were reckless regarding their investigation of this story and the veracity of the allegations they made in the story.

As a direct and proximate cause of Defendants defamatory statements Plaintiffs' suffered damages including but not limited to :

1. pecuniary or special damages;
2. loss of employment and/or wages;
3. loss of earnings capacity past and future
4. loss of reputation;
5. mental anguish;
6. emotional distress; and

7. damage to character

**Intentional Infliction of Emotional Distress**

As set out above, Defendants engaged in conduct that constitutes intentional infliction of emotional distress against the Plaintiffs. Defendants acted intentionally or recklessly with regard to the false statements that they were making about the Plaintiffs. Plaintiffs suffered severe emotional distress. Defendants conduct was extreme and outrageous and proximately caused plaintiffs' emotional distress.

**Exemplary Damages**

Plaintiffs also are entitled to exemplary damages for the conduct set out above. Defendants conduct was extreme and outrageous and conducted with malice towards Plaintiffs.

**Demand for Jury Trial**

Plaintiffs contemporaneously with the filing of this suit demand a trial by jury and have paid the requisite jury fees.

**REQUEST FOR DISCLOSURE TO ALL DEFENDANTS**


Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests Defendants disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure. Plaintiff specifically requests the responding party to produce responsive documents at the undersigned law offices within fifty (50) days of service of this request.

WHEREFORE PREMISES CONSIDERED, Plaintiffs request that Defendants be



served with service of process and that after a trial on the merits that Plaintiffs be awarded those damages which they are entitled in equity and in law and specifically those plead and to any other further relief to which Plaintiffs may be entitled to in equity or law.

Respectfully submitted,

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**EXHIBIT A**

**EXHIBIT A**

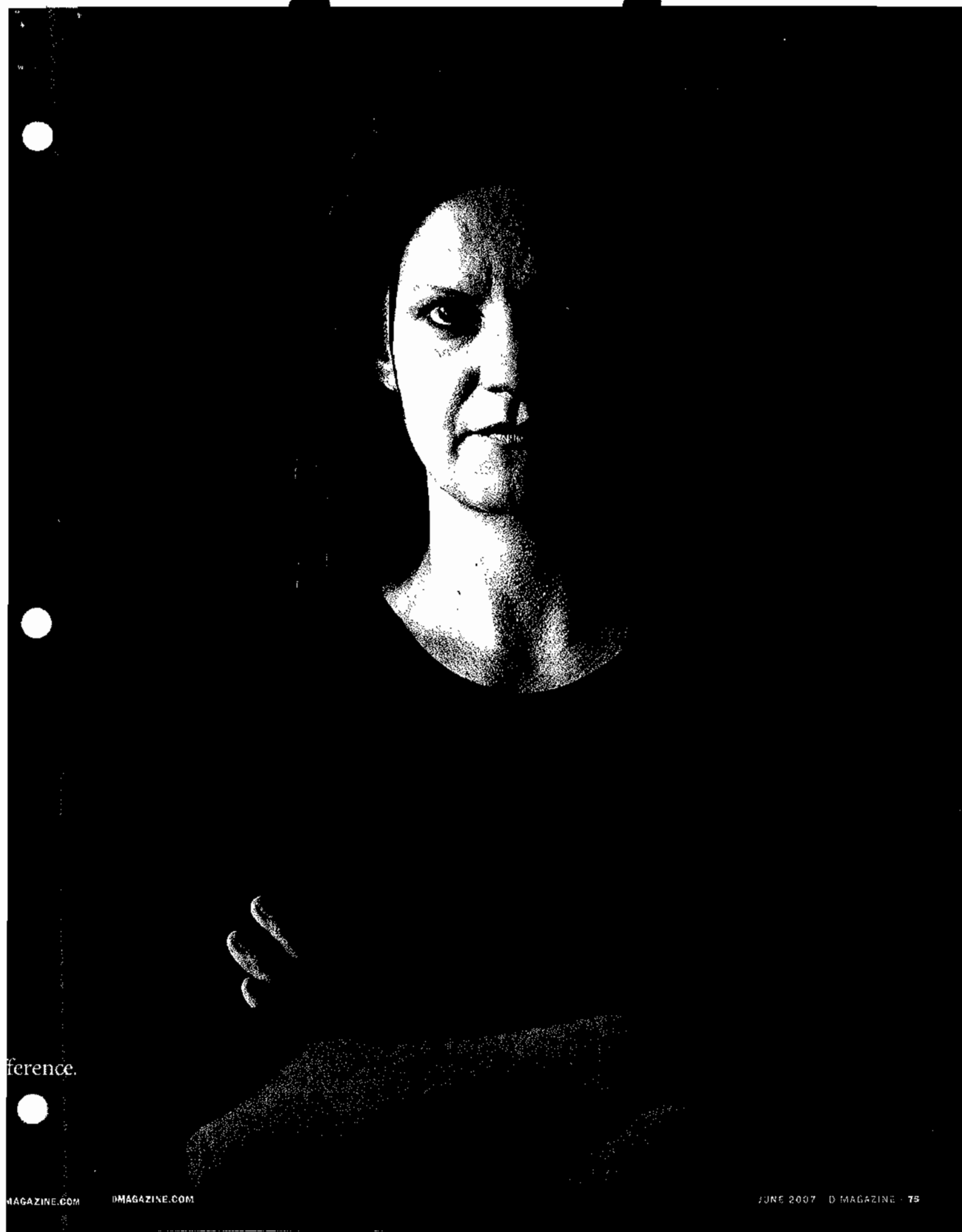
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# One good cop



Why is crime so high in Dallas?  
Because Shanna Lopez got kicked off the force. All she wanted was to make a difference.  
Then she stumbled into a hornet's nest of crooked cops.

By **TREY GARRISON** • Photography by **KEVIN HUNTER MARPLE**



ference.

This is a story about how bad it gets in a city known for having the highest crime rate in the country. It's about a scoring system put in place to lower that crime rate and a group of rogue cops who figured out how to game the system by writing phony tickets and making false arrests. In the process, they undermined the authority of the badge, trampled people's civil rights, and made the city a worse place to live. It's a story about the law of unintended consequences.

It's a story about Shanna Lopez, badge No. 8695, and how stumbling into the scheme during her rookie year ruined her career and her life.

She never saw it coming.

**W**HEN LOPEZ WAS 4 YEARS old, her Arlington home was burglarized. The crook even stole the money out of her piggy bank. When the police came, one of the cops took a few minutes with her. He knelt down in front of Lopez so that he was at eye level, and he took a report on the money she was missing, as if that was as important as everything else the burglar had taken. It was a small gesture, but it meant the world to a 4-year-old.

That's one reason Lopez decided to become a cop. She had no illusions she was going to save the world. But she remembered that Arlington police officer, and she wanted to make a difference.

Lopez gave up a lot for the job. The hours alone helped sink a six-year marriage. At 5-foot-4 and 32 years old, the physical aspects of the job were a challenge. But she's smart and she's got grit. A former photographer for *People* Newspapers (owned by D Magazine Partners), Lopez had enrolled in the Dallas Police Academy on August 5, 2005, after scoring a 93 on her entrance exam. It was hard work, but she shined. After requisitioning a weapon with a shorter trigger to accommodate her small hands, she was a natural on the shooting range. Her year of law school at Texas Southern University gave her a leg up on the more esoteric aspects of police work—the Dallas Police SOP manual and general orders manual constitute two binders about a half-foot thick each.

While her first round of grades had her in the bottom half of her class, she buckled down and her grades improved. On March 17, 2006, she graduated from the academy in the top third.

A week before graduation, her husband Ernesto moved out. She thought it would be best if Ernesto served as primary caregiver of their 6-year-old son, Micah, during this time. Ironic, really. Another reason Lopez signed up with the Dallas Police Department was the security the job and its pension would provide for her husband and son. It's no secret the city's pension fund for uniformed personnel is generous to a fault.

And then there was the excitement the job offered. She's not embarrassed to admit that the thrill attracted her, too. Lopez has a photographer's eye and a gift for recalling details. She remembers that first night when she knew she was going to love being a cop.

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ON MONDAY, MARCH 20, 2006, HER SECOND night on the job after graduating from the police academy, Lopez was still figuring out the best way to adjust her pistol belt so it didn't dig into her ballistic vest and her back when she was sitting in the patrol car. Then, on Interstate 35, a Suburban blew by, doing more than 110 mph. The rookie was so startled that she nearly screamed.

At the wheel next to her sat Senior Corporal Vickie Ann Stonaker, badge No. 6006, Lopez' supervisor for the night. Stonaker explained that the Suburban was one of the

"smooths," an unmarked unit leading up the surveillance team they were tailing, and had broken Stonaker's first rule: never bog patrol on less than a full tank. It was not playing catch-up to the surveillance target a few miles ahead, which was also being tracked by a helicopter unit. The surveillance target's boyfriend was a suspect in a stabbing murder at the Silver City strip club.

Rookies are warned that real police work is nothing like television, but that night she also got to search vehicles and ride lights and sirens. And already she was working surveillance for homicide. How cool was that?

But then there was the one call they got on Live Oak and Bennett to help two male cops search a female suspect, something only female officers can do. Stonaker cursed under her breath when she got the radio request. When they reached Senior Corporal Jeffrey Nelson, badge No. 4090, and Senior Corporal Timothy Stecker, badge No. 5638, Stonaker told her trainee to stay put in the car, which she did not park at the arrest scene.

When Stonaker got back in the unit with Lopez—Lopez eager with questions, as she had been all night—Stonaker cut her off. She looked Lopez right in the eye. "Just understand, if I order you to stay in the car, you do it and you don't ask questions. There are just some arrests, some situations, you don't want your badge number associated with," Stonaker said. But she didn't elaborate. That's how Lopez recalls it.

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THE POLICE ACADEMY IS SEVEN AND A HALF months of grueling class work, fieldwork training, and physical fitness. A battery of psychological tests prior to admission is supposed to weed out those not mentally fit for the responsibilities of law enforcement, but no academic simulation can fully determine if cops can hack it on the streets. They may not have the gumption, or they may have a sadistic streak, or they may have any other number of flaws you don't want in someone wearing a badge and a gun. So after graduation, rookies work as probationary police officers and go through three seven-week phases and one three-week phase of on-the-job training during which they ride with field training officers or FTOs. With

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each phase progression, the rookie takes on more responsibilities—going from observer to lead responding officer under the watchful eye of an FTO. During this probationary period, a rookie can be terminated for any reason, and their contract says they have no appeal. The idea is to weed out those unsuited to police work without the department getting bogged down in lawsuits from every trainee who couldn't cut it.

Lopez's first training phase was with Senior Corporal David Kattner, badge No. 5885. The two got along well, working the overnight first watch out of Central Division, which covers almost 14 square miles of urban area downtown, Uptown, and in East Dallas. Kattner, a husky guy in his late 30s, had a wry sense of humor, a sharp mind, and he wasn't afraid to mix it up on the streets. He expected Lopez to do half the work from day one and treated her like a full partner instead of an apprentice. She took copious notes on everything he taught her. He was the first experienced officer with whom she'd spent any time. So as far as she knew, what he did was the Way It Was Done.

It was not unusual for the pair to get calls from male officers needing assistance in searching a female suspect. They sometimes took three or four calls a night to assist three of Kattner's buddies—Stecker, Nelson, and Senior Corporal Al Schoelen, badge No. 4142. The three were "old heads," or veterans. Nelson was an intense former military man with a mean streak and experience in interrogations. Stecker, on the other hand, laughed easily and seemed grounded. Schoelen was mercurial and spoke with a nasally voice. Schoelen almost always rode alone.

Schoelen, Stecker, Nelson, and Kattner often dealt with people whom Lopez came to know as the usual suspects—mostly street people, prostitutes, and hustlers. The old heads knew them on a first-name basis. One night early in Lopez's training phase, in a parking lot at a 7-Eleven on Fitzhugh Avenue, Nelson put a prostitute in the back of his patrol car. Lopez sat in front. As Kattner stood inside the store sipping his Monster energy drink, Nelson proceeded with what he called "64 questions." It was really a series of insults to demoralize the woman.

"Give me the four reasons why you hate to f--- niggers." "Give me the four reasons you

hate to f--- spics." "What are the three things you like to do every day?" And so on.

After releasing the woman, Nelson told Lopez, "They know the routine. They do what we tell them. You break them down like that, and they'll do anything you want. They'll come when you snap your fingers."

Lopez learned to steer clear of Nelson and Stecker whenever she could. One night in the station locker room, she bumped into Stonaker. Lopez told her that she now understood that cryptic warning about having her badge number associated with certain situations. Stonaker nodded and told Lopez that she didn't know the half of it. She just needed to be careful.

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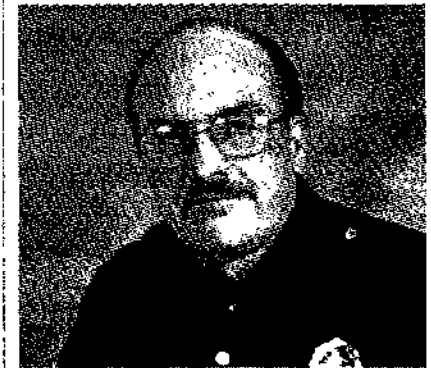
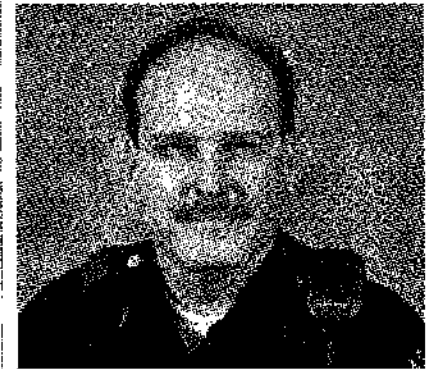
LOPEZ'S SECOND TRAINING PHASE BEGAN IN early May. She was assigned to Senior Corporal Gary Robert Burch, badge No. 6093. Where Kattner was effusive and loud, Burch was reserved and by-the-book. He could nearly recite the general orders and SOP manual from memory. A college-educated military veteran, Burch was known around the precinct as a loner. He showed up, did his work, and got the heck out of there when his shift ended. He didn't socialize, and he didn't get involved with department politics. He was tough on Lopez but fair in his written evaluations of her work. Once she got to know him a little better, Lopez found Burch had a dry sense of humor that most of his fellow cops didn't get. And it was Burch who, indirectly, ended Lopez's career with the DPD.

It happened one night at Herrera's on Maple. Lopez and Burch were eating dinner, talking shop. Lopez asked if Burch was certified to use the AIS system—a county database of criminal records. Burch shook his head, and Lopez said that it seemed like a useful tool since Kattner used it to write so many tickets.

Burch put his fork down. "What do you mean?" he asked.

Lopez explained what she saw during her first training phase. Often, as she was prepping and inspecting their squad car before their shift began, Kattner would spend the time browsing the AIS, hunting for names of women who'd been busted for prostitu-

see COP on p. 163



**FOUR OF A KIND:** (from top) David Kattner, Timothy Stecker, Jeffrey Nelson, and Al Schoelen are under investigation by the DPD.

## COP

continued from p. 77

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tion or other street crimes. Then he'd write them tickets for infractions like "pedestrian in the roadway." Kattner would tell Lopez, "I think I saw her doing that yesterday, didn't you?" And he'd write the ticket. While Kattner had a notepad in his shirt pocket with the names of prostitutes and other street-level criminals he regularly saw, he needed the AIS to pull up details to complete citations—date of birth, address, and other personal information.

Burch pushed his plate away and looked Lopez in the eye. "That's illegal," he said.

Lopez couldn't have been more confused. "But we did it every day," she said. Kattner had bragged to Lopez that he was the No. 1 ticket writer for Central Division, first watch. That was how her FTO did it. How could it be illegal? Burch looked troubled, but he didn't talk about it anymore, and Lopez didn't force the issue. These were all experienced cops with years of service, and it just wasn't her place to question how things were done. She just wanted to get along and get through her probationary period.

But not long after that dinner at Herrera's, Lopez's evaluations started slipping. Burch was a taskmaster, and he seemed to her a little distant. But then that's the kind of cop he was. He wouldn't let her slide on any of the

details and paperwork, which Kattner had always brushed off to focus on the big picture of policing. Making the job even tougher, during the last two weeks of her seven-week phase with Burch, he went on vacation, and Senior Corporal Gayle Kansier, badge No. 4577, took over as Lopez's supervisor. Adjusting to a new FTO was tough, but Lopez made it through her second phase.

On her last night with Kansier, something odd happened. Lopez was getting ready to leave the station after her shift, when a sergeant warned her he'd overheard Kansier "talking s---" about Lopez to Senior Corporal Martin Rodriguez, badge No. 5325, her next FTO.

A couple weeks later, Sergeant Deborah Ann Branton, badge No. 4052, called Lopez in and told the rookie she would have to do four weeks of remedial phase-two training. Rodriguez, her FTO, was in the room, too. He laid into Lopez, telling her she hadn't done anything right. Lopez was stunned. Because in her two weeks in the field with Rodriguez, he'd told her repeatedly that she was doing good work. In the meeting, Rodriguez said Lopez was argumentative and prone to rationalizing her mistakes. During this conversation, Branton said something puzzling. "I've heard you've been going around talking about illegal arrests and other activities by other officers," Lopez recalls Branton saying. Branton had a fol-

low-up question: "Have you ever tape-recorded any of your conversations with your FTOs?"

Lopez was shocked. She felt like her knees might buckle. When Branton dismissed her, she walked out of her office and stood just out of sight, to the side of the door, where she leaned against a wall to steady herself and catch her breath. That's when she overheard Branton tell Rodriguez, "This should be easy. Gayle did a good job of documenting it."

What? She'd only ridden with Kansier for those two weeks when Burch went on vacation. A good job of documenting *what*?

Lopez did her four weeks of remedial training with Stonaker, and she was careful to do it both by the book and by Stonaker's commands. She was even awarded a commendation for an assist in an arrest on Lower Greenville of a hit-and-run suspect who fled on foot after being placed in custody by another officer.

But she wondered the whole time why they were making her jump through hoops. Did they think she was a snitch?

Two days after receiving that commendation, on September 26, at 2 PM, Lopez was called into another meeting with Branton and other senior officers. She was placed on administrative leave, pending consideration for termination. She was told to report in civilian clothes to the precinct, where she would perform secretarial tasks every day.

Lopez never got her final evaluation of her performance record—which department rules require—but was told her supervisors didn't have faith in her ability to be a police officer because she wasn't aggressive enough in initiating stops, writing tickets, and making arrests. The system was set up to weed out people who couldn't cut it as a cop. Her bosses told Shanna Lopez she didn't cut it.

But public records tell a different story. Activity reports from the month of July for Central Division, first watch, sector 180, show that Lopez answered more calls, worked more accidents, made more arrests, assisted in more arrests, and wrote three times more citations than the sector average. Her numbers were almost as stellar for August. In the two months leading up to Lopez's demotion, she'd been a superstar.

Two weeks into her administrative assignment, given little else to do at the precinct, Lopez began pulling up her own activity records on a police computer. Sergeant Branton saw what she was doing and told Lopez that she had to sit out the rest of her



**Shanna Lopez (center, at her graduation) says: "I want to be vindicated. I want to let them know that they can't get away with it."**

administrative leave at home. In an October 11 letter signed by Deputy Chief Brian Harvey of Central, Lopez was instructed: "You are to remain at your residence, during your duty hours and be available by telephone. You are allowed one hour for lunch from 12 PM to 1 PM, during which time you are not considered on duty."

This wasn't how you dealt with a cop who wasn't aggressive enough in initiating stops or who didn't write enough tickets. This was how you'd handle someone who you thought would steal supplies from the office. Or maybe get too curious and dig through incriminating records.

Today, Lopez thinks she has it figured out. That night at Herrera's, without even meaning to, she'd snitched on Kattner for using the AIS to write illegal tickets and pad his activity reports. In hindsight, if she'd realized what was going on, she admits she would have simply kept her mouth shut. Maybe that wouldn't have been fair to the street people Kattner was writing tickets for, but cops don't snitch on other cops.

Lopez thinks that after that dinner, Burch took the information to Branton — not because he was a snitch himself, but because he was following the rules. Branton, who is good friends with Kattner, and another sergeant who watches out for the old heads, Sergeant Walter Clifton, badge No. 4016, decided Lopez had to be run out. And so they did it. Nice and neat. They even tried to goad her into signing a resignation with the promise that nothing negative would be reflected on her Texas peace officer's license. But dismissed during probation? Even if she wanted to apply for a job in another city's police department, no one would hire her.

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THAT'S WHAT LOPEZ BELIEVES. IF IT WERE just her word, it wouldn't amount to much. After all, she is a disgruntled former employee, and her official dismissal indicates she couldn't hack it. Kattner, Stecker, Schoelen, Nelson, Branton, Rodriguez, and Clifton would all probably say the same thing, if they hadn't refused to talk to *D Magazine* for this story.

But it's not just Lopez's word. There are records, lots of them. Arrest and citation records show a pattern of activity consistent with Lopez's allegations. And other cops have come forward to talk about the Central Division cabal of old heads, their phony ticket scheme, abuse of suspects, falsification of

evidence, and misuse of federal resources to make bogus arrests. Lopez had barely scratched the surface—as did a March 2007 story in the *Dallas Morning News* that arose from a rare "blue on blue" complaint that went public about Nelson, Stecker, and Schoelen. The *News* story simply said that the three had been accused of misconduct. It didn't mention anything about an organized ring of cops running a scheme. The story did, however, contain a remarkably candid admission from Dallas Police Chief David Kunkle about the three accused. "At Central," Kunkle said, "the vast majority of officers don't like working around these guys. They don't like their gruff style."

It goes far beyond their style of police work, though. Dallas cops are evaluated in large measure based on their daily activity reports. Almost any activity is given a single point—one point for a ticket written, one for an arrest, one for a felony arrest, one for a gun seized, one for seizure of drugs, and so on. On a good night, an honest cop will rack up 10 to 15 points. He can do it by being a ticket-writing machine. He can do it by making a single big bust during a traffic stop, finding drugs and illegal weapons, along with whatever tickets may have necessitated the stop and the felony arrest. However the points are scored, the better your numbers, the more quickly you can advance. They say it's not a quota system, but it is. It makes going after the small-time offenders as important as going after the serious criminals. It makes cops more reluctant to arrest for DUIs, since the process takes hours but only results in a single point. And it creates a lot of incentive to cheat. In October 2006, for instance, CBS Channel 11 broke a story that five senior patrol officers in Central were inflating their numbers by falsely claiming to have assisted in each other's arrests.

Jail overcrowding also breeds cheaters. A single misdemeanor charge or even two isn't necessarily enough to take a suspect in. Neither is a single misdemeanor warrant. The jail captain will just turn the cop away at the door. But an outstanding warrant coupled with a few misdemeanors? That's the ticket into Lew Sterrett.

So Kattner and his buddies would use the AIS to dig up names of low-level criminals on their beat, then write them tickets for misdemeanors—pedestrian in the roadway, manifesting for the purpose of prostitution, possession of drug paraphernalia. And the cops would put on the tickets

"refused to sign" or "signed at large," the latter being a very rarely used option for police who witness or have recounted to them a misdemeanor but, for whatever reason, can't stop the perpetrator. Lopez says that Kattner called the scheme "seeding the field." Tickets would get mailed out, but the alleged criminals rarely got them. They were transients, moving from crack house to crack house, or they had phony addresses in the AIS. So, of course, they failed to appear in court, and—bingo—the ticket would turn into an arrest warrant. Couple the warrant with a few new misdemeanor charges, and it's a ride to county—and bigger activity numbers for the arresting officers.

A survey of citations written by Kattner, Schoelen, Stecker, and Nelson from February 2006 through July 2006 shows an inordinate number of tickets issued "at large" or "refused to sign"—nearly a quarter of the more than 1,000 the four officers wrote. While there is no baseline average, that amount shocked several veteran officers *D Magazine* spoke to, who say they may have written a handful in their entire careers.

★

THE WHOLE THING SICKENED 25-YEAR VETERAN Officer Nicolo "Nick" Novello, badge No. 9002, who transferred into Central Division in late 2006. It culminated with an incident in late February 2007, when Novello says he watched Stecker arbitrarily snatch a suspect off the street on Lower Greenville, accusing her of public intoxica-



**WHISTLE-BLOWER:** Nick Novello took complaints about fellow officers public. "Everyone will think I'm a rat," he says.

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Novello, Bronx with movie and streak, says just writing "at large." Signing of the Wtle, Novello mark out or tion), and it

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tion. That's the time period when he went public with charges against Nelson, Stecker, and Schoelen.

Novello, a burly Puerto Rican from the Bronx with an accent right out of a Scorsese movie and self-admitted melodramatic streak, says their tactics go a lot further than just writing bogus tickets and signing them "at large." Sitting in his home, with a painting of the World Trade Center over his mantle, Novello lays it out. The four officers all mark out on a Code 58 (routine investigation), and it goes from there.

"They freelance. They create the criminal scenario, manipulate the variables, and they nullify probable cause. They detain these people and manufacture the reasons. Snap—they're going to jail," Novello says. "They're generating activity numbers on the backs of the disenfranchised—the whores, the street-level drug users, the people no one cares about. Meanwhile, there's real crime happening out there. But they just get off on abusing these women. These guys take your personhood. They keep you perpetually dirty."

It's the same scheme Lopez describes, even though the two don't know each other. And Novello's account jibes with those of other cops who talked to *D Magazine* but refused to use their names for fear of retaliation. They all say they regularly saw the four cops writing tickets off the AIS and the department "hook books." What's more, other officers claim they've seen Nelson forcing people to sign blank citations.

"[Nelson] pulled a number of black women over and sat them down and said, 'Sign the f---ing ticket,'" says one younger officer who didn't want his name used. "What are they gonna do?"

Two prostitutes *D Magazine* found whose names pop up regularly on the four officers' arrest and citation records corroborate the stories. They say the cops searched them and others without putting them under arrest. They have been forced to sign citations for offenses they never committed.

One female officer says that she regularly refused to answer calls from Stecker, Nelson, Schoelen, and Kattner for female suspect searches. Half the time, she says, they wanted searches for women who weren't actually charged with anything—making the search illegal. "Most of us didn't want to search for them," she says. "We'd get there and ask what they were under arrest for, and they'd pull us aside and say nothing. A lot of us went to the

lieutenants and sergeants and said we're not searching for them anymore. We were summarily ordered to, anyway."

It doesn't just hurt these street people, Novello says. It affects good police officers, undermining the authority of the badge worn by cops who are actually doing their job. And, worse, the disregard for civil rights infects rookies who think that's the way police work should be done.

"By and large, people submit to the authority of the badge because they believe they will be treated fairly," Novello says. "When they make the authority of the badge illegitimate, they make our jobs harder. You read the bulk of their arrest reports and you're going to read where people make amazing incriminating statements. 'Oh f--- you, they're my drugs.' Oh, how convenient. You got a confession."

Novello, the only cop willing to talk on the record, says he knows he's not trusted by fellow officers because he went public. And he doesn't fault other officers for wanting anonymity, or for refusing to speak out. He blames the senior officers for that. "This is a miasma. It stinks. It's a total failure to supervise. If I'm wrong, I need to be terminated and prosecuted. If I'm right, you got a Pandora's box with a s--- storm coming out of that," he says. "Why? For numbers. Every number has a face. Are you aware of the lives you ruin? Why doesn't it matter? Why? Because they're whores? Black? Brown? This system is a bounty on the citizens of Dallas.

"Oh, I'm burned. Everyone will think I'm a rat. For me, it's a question—I fear him who can take both the body and soul. I'm not going to stand before God and give a lame excuse as to why I know people are going to jail and having their lives defined by illegal arrests. We can't give chase after an on-sight felony, but we can keep beating down these same nobodies? It ain't right."

★

A SPECIAL FIVE-LIEUTENANT PANEL, ALONG with the Internal Affairs and Public Integrity departments, is investigating specific incidents in Novello's allegations. The investigation is expanding to include the scheme that Shanna Lopez stumbled into, primarily focusing on Nelson, Stecker, and Schoelen, but also Kattner and their various supervisors. As of press time, Nelson, Stecker, and Schoelen had all been placed on administrative duty. (Just like Lopez was back in September 2006.) Kattner was placed on

restricted duty but returned to normal duty after just 24 hours.

In addition, materials regarding the alleged civil rights violations have been turned over to the Dallas field office of the FBI, which, as usual, declines to say whether the bureau is investigating.

A member of the investigation team from the DPD Public Integrity unit says the whole activity-points system is to blame. But he says he doesn't know whether Public Integrity, Internal Affairs, or the five-lieutenant panel will go so far as to identify the root cause. "This system is what created these guys," the investigator says. "What's alarming is how many more of them are probably out there."

Lopez is still trying to get a job in law enforcement. She says it is difficult to get a job with her peace officer's license carrying a notation for a less-than-honorable discharge from the DPD.

A calendar on her desk has a handwritten note for the days when she has to check in with the Texas Workforce Commission to continue receiving unemployment payments. Meticulously written bill amounts and their due dates line the left side of the calendar. Her police scanner provides background noise. She keeps her personal sidearm, a compact SIG P239, within close reach. She admits she's a little paranoid now, but she also knows that what she's helping to uncover could cost a lot of lifelong cops their jobs and their lucrative pensions. They won't be happy about it.

Her father says she needs to give it up. He believes she was railroaded, but there's nothing she can do about it. She's a solid photographer, and she could always go back and finish law school. But she doesn't want that. She wants two things.

"All this time, I've had no one. No one believed in me," Lopez says. "It just looked like I couldn't hack it. But I don't want to let that stand. I want to be vindicated. I want to let them know that they can't do this and get away with it."

But she knows that even if she were vindicated and reinstated, she wouldn't be welcome among Dallas cops. She's a rat. She broke the blue wall of silence. But she says she's willing to put up with that. Because more than vindication, she wants something for her son.

"I want to make that little bit of a difference again," she says. "I want my son, Micah, to see that the good guys do come out on top." ■