



INTER-OFFICE COMMUNICATION

TO: Joel Moreno, Chief of Enforcement

FROM: Andy Pena, Captain, Office of Professional Responsibility

SUBJECT: C09-012 (Aller/Chapman)

DATE: 10-30-09

Employee:	Agent Christopher Aller #386	Agent-Trainee Jason Chapman #454
	Enforcement Division	Enforcement Division
	Fort Worth District Office	Fort Worth District Office

In compliance with your instructions, I have conducted an investigation and submit this report.

SYNOPSIS

In the early morning hours of Sunday, 06-28-09, Agents Christopher Aller and Jason Chapman, acting in conjunction with Fort Worth officers, went to three establishments in Fort Worth that are licensed under the Alcoholic Beverage Code: The Rosedale Saloon located at 150 W. Rosedale, Cowboy Palace located 160 W. Rosedale, and the Rainbow Lounge located at 651 S. Jennings. It was reported that the purpose of this activity was to detect and take appropriate action regarding criminal conduct or administrative violations of the state alcoholic beverage laws. In fact, several subjects were arrested by police for alleged crimes related to intoxication.

At the Rainbow Lounge, agents assisted city officers during the arrests of Jose Macias and George Armstrong, who were charged with Public Intoxication. In addition, agents became involved in a physical altercation with Chad Gibson. During the altercation, Gibson allegedly resisted arrest and was taken to the ground by officers, handcuffed and removed from the bar. Once outside and in the custody of agents, Gibson fell to the ground and was injured seriously enough to require transport to a hospital by emergency medical technicians. He was charged with Assault-by Contact and Public Intoxication. These interactions are the focus of this investigation.

The agents involved in the operation are also accused of targeting the Rainbow Lounge because of its largely gay and lesbian clientele. They claimed the police raided the bar because it was the 40th anniversary of the New York Police Department's raid on a popular Greenwich Village gay bar called the Stonewall Inn.

BACKGROUND

Agent Christopher Aller

- Joined TABC on 04-04-04
- Stationed at Dallas District Office
- Transferred to Fort Worth District Office on 10-15-08

Agent-Trainee Jason Chapman

- Joined TABC on 04-01-09
- Stationed at Fort Worth District Office

OPR Case No. C2009-009

- Policy and procedure investigation of Rainbow Lounge incident
- Agents Aller and Chapman were accused of violating TABC policy while assisting the Fort Worth Police Department with the bar inspections
- The investigation was completed on 07-31-09
- The allegations against Agents Aller and Chapman were sustained
- Agents Aller and Chapman were terminated on 08-29-09

TIMELINE

The following is a timeline by the Fort Worth Police Department of the Rainbow Lounge incident.

First Rainbow Lounge Incident

- On Friday, June 26, at approximately 12:45 a.m., Fort Worth Police officers, along with a TABC agent, encountered an individual leaving the Rainbow Lounge.
- According to the police report, officers observed this individual attempting to unlock his car in the parking lot. He appeared to be intoxicated. Officers asked him to return to the bar and find a ride home.
- The officers and agent left the area to answer calls for service.
- Thirty minutes later officers returned and found this same individual passed out behind the wheel of his car in the 700 block of May Street, which is one block east of the Rainbow Lounge.
- On Saturday, June 27, officers attended roll call (3:45 p.m.) at the beginning of their shift (4:00 p.m.) where they discussed the arrest of the individual from the previous night leaving the Rainbow Lounge.
- During roll call, officers also discussed the Rosedale Saloon and the Cowboy Palace as having significant issues with serving alcohol to intoxicated patrons.
- Based on this discussion, the supervisor (Sergeant Morris) made the decision to conduct premise checks on those three locations that night, which led into early Sunday morning (June 28).

Officers Return to Rainbow Lounge

- On Saturday, June 27, at 11:30 p.m., five Fort Worth officers, one Fort Worth sergeant, and two TABC agents met in a nearby parking lot and held an informal briefing. It was determined that officers would go to the Rosedale Saloon and the Cowboy Palace first, then to the Rainbow Lounge.
- A total of five Fort Worth Police marked units, including a prisoner transport van, and one TABC black Ford Crown Victoria was used to go to the locations.
- On June 28, at approximately 12:14 a.m., officers arrived at the Rosedale Saloon and the Cowboy Palace.
- One Fort Worth traffic officer arrived in a marked police unit at 12:15 a.m. to assist.
- There were nine Public Intoxication arrests made. They were placed in the transport van.
- At approximately 1:28 a.m., officers and TABC agents arrived at the Rainbow Lounge. They were in six marked Fort Worth police cars, one prisoner transport van and one black unmarked TABC unit
- Five Fort Worth officers, one Fort Worth sergeant, and two TABC agents entered the bar.
- Two Fort Worth officers and one TABC agent went to the back patio and encountered an individual who appeared to be intoxicated. He was escorted outside to the prisoner transport van, but later released after determining he was not a danger to himself or others.
- A Fort Worth officer returned inside and encountered an individual (believed to be George Armstrong) next to the steps that lead to the VIP room. According to the officer's observations, this individual appeared to be intoxicated and had to be held up by a female friend.
- The Fort Worth officer directed the subject to sit down due to his condition; however, he refused.
- The Fort Worth officer attempted to arrest and handcuff him; however, he resisted and a physical struggle ensued. During the struggle, the officer and the subject bounced off the walls and went through the men's restroom door.
- At 1:56:48 a.m., the officer called for help over the police radio.
- At 1:57:01 a.m., the officer called for help a second time over the police radio.
- The Fort Worth officer pulled the individual out of the men's restroom and placed him on the floor in the hallway.
- Backup officers arrived and the individual was handcuffed and escorted outside.

The Arrest of Chad Gibson

- TABC agents were seen struggling with an individual just outside the men's restroom. This individual was later identified as Chad Gibson.
- A Fort Worth officer applied an infra-orbital pressure point technique (the officer used the base of his palm to press upward on the area between Gibson's nose and upper lip) in an attempt to gain compliance from Gibson, however, it was unsuccessful.
- The TABC agents took Gibson to the floor where he was handcuffed and then escorted outside.

- Witnesses said Gibson was walking on his own power.
- A TABC agent stated Gibson vomited, then lost control of his balance and fell, hitting his head on the ground (He was still handcuffed).
- A witness stated he saw Gibson standing outside the prisoner transport van in handcuffs with one TABC agent when Gibson fell to the ground hitting his head.
- There are conflicting stories among witnesses as to whether Gibson received his injuries during his arrest in the hallway.
- Paramedics were summoned to assist Gibson, who was transported to the hospital for treatment of alcohol poisoning and a head injury.
- Gibson was subsequently charged with Public Intoxication and Assault.

Arrests Continue

- One female was arrested for Public Intoxication after a Fort Worth officer observed her with a glass beer bottle in each hand leaning her hips forward making physical contact with a Fort Worth police sergeant.
- The officer pulled her away by the back of her shirt. According to the officer, she had bloodshot, watery eyes, a strong odor of an alcoholic beverage coming from her breath, and was unable to control her balance.
- This individual admitted to physically making contact with the sergeant and stated she was only playing around with him.
- While assisting a TABC agent with another Public Intoxication arrest, a Fort Worth officer felt someone pushing up against his gun. The officer turned and observed a male patron with bloodshot, watery eyes and a strong odor of alcoholic beverage coming from his breath. This individual was arrested for Public Intoxication and escorted outside to the prisoner transport van.
- One other individual was observed by a Fort Worth officer swaying back and forth against the outside wall of the bar.
- The officer stated this subject's balance was unsteady and he had a strong odor of an alcoholic beverage on his breath. He was placed under arrest for public intoxication by one of the TABC agents and escorted to the prisoner van.
- On June 28, seven people were placed in handcuffs and/or flex cuffs and escorted outside. One individual was released. The other six were charged with Public Intoxication with an additional charge of Assault by Contact for Chad Gibson.

Although not included in the timeline, it was reported that approximately 20 patrons were placed in plastic handcuffs during the incident.

The above information appeared in the Dallas Voice print edition on 08/21/2009.

INVESTIGATION

The following information was derived from written statements and transcribed interviews by TABC Internal Affairs investigators.

On Saturday, 06-27-09, TABC Agents Christopher Aller and Jason Chapman began their work day at 5:00 p.m. and proceeded to the Fort Worth office to prepare for their

assignment. On this day, Aller and Chapman were assigned to work together with Aller in the lead (driver) and Chapman referred (passenger). They were scheduled to work the Red Bull X-Fighters Motocross special event at the Fort Worth Stockyards. Due to their assignment, Aller and Chapman were dressed in their special event uniform – a gray polo shirt with a red and white TABC seal on the front upper left portion of the shirt and STATE POLICE in bold lettering on the back. They wore khaki pants with their agency badge attached to the front of their duty belt. On this night, they would be in Aller's unit, a black 2005 Ford Crown Victoria with Texas registration, [REDACTED].

According to the operational plan for the special event, Agents Aller and Chapman were scheduled to work the event with Fort Worth Agents Charles Applewhite and Shawn Miller. Their assigned shift was to begin at 5:00 p.m. and end at 12 Midnight. Sergeant Terry Parsons was listed as their supervisor for the event. The event objective was to identify minors in possession of alcoholic beverages and to identify individuals furnishing the alcoholic beverages to minors. In addition, agents were to concentrate on cases involving public intoxication and disorderly conduct.

Agents Aller, Chapman, Applewhite, and Miller met at the office and then proceeded to the Mercado Juarez restaurant at 1651 E. Northeast Drive and IH-35 for supper. Approximately 15 minutes later, Sergeant Parsons arrived at the restaurant to join them. After supper, the agents, minus Sergeant Parsons, made their way to the Fort Worth Stockyards to begin their special event assignment.

Aller said he arrived at the Stockyards at approximately 6:30 p.m. and drove through the parking lot looking for violations. They checked the identification of several of the attendees, but everything was in order. No cases were made on the contacts. After doing that for awhile, he parked their unit and went inside the Stockyards with Agent Chapman to conduct foot patrol for the remainder of their shift. They made contact with some individuals regarding marketing practices, but again, there wasn't enough to file a case. Aller recalled it was a very hot night and the crowd was large (he believed approximately 45,000 in attendance), but there were no incidents to report. They did, however, assist with a medical situation and crowd control during an escort of the Dallas Cowboy cheerleaders.

At approximately 11:00 p.m., Aller said he telephoned the other agents working the event and learned they had just left the location. Aller and Chapman decided to do the same, leaving before the event and their assigned shift was scheduled to be over to beat the crowd out of the Stockyards and not get stuck in traffic.

Aller and Chapman made their way to a nearby QT convenience store, located at 28th and Beach to meet Agents Miller and Applewhite. After a cup of coffee, Aller said he remembered his conversation with Fort Worth Police Sergeant Richard Morris on Thursday (06-25-09) about contacting him if he had time to conduct some follow up inspections at the bars on Rosedale Street. According to Aller, Sergeant Morris informed him that this area on Rosedale Street was a major concern of his based on the number of drunks his officers encounter in the bars. Aller said he was aware of the high drunk count in the area because he had been called to this area two to three times in the past five months. According to Aller, this Rosedale area was also known for its high availability of illegal drugs.

Aller said he telephoned Sergeant Morris to let him know he was available if he still wanted to check the bars. Aller recalled Sergeant Morris agreed and set a meet time of midnight at the Family Dollar store parking lot, located at 800 Rosedale Street. Aller said Agents Miller and Applewhite offered to help, but Aller informed them their help wasn't needed.

Aller said he and Chapman left the convenience store parking lot at approximately 11:30 p.m. and drove to the VIP Room (bar) on Victory Street to see if it was open, but it wasn't. They looked in the trash cans on the lot to see if there were signs of alcoholic beverages and found some empty liquor bottles with no tax stamps. They left this location and next set up on a drive-through beer store for a short period before making their way to meet Sergeant Morris.

At approximately 12 Midnight, Aller said they arrived at the well-lit, but empty parking lot and noticed Sergeant Morris in his patrol unit. Aller said he pulled up next to Sergeant Morris' unit and learned that Morris wanted to inspect the Rosedale Saloon and Cowboy Palace. Chapman said a decision would then be made about where to go after the first two bars were checked. The agents said several units and a transport van arrived a short time later.

According to Fort Worth Police records, Sergeant Morris and Officers Jensen, Marquez, Ricks, Back, Gober, and Moss participated in a bar check detail within the Baker district on 06-28-09. The listed locations on the report were public places known to over-serve alcohol to intoxicated patrons. The list included (1) Cowboy Palace located at 150 W. Rosedale, (2) Rosedale Saloon located at 160 W. Rosedale, and (3) Rainbow Lounge located at 651. S. Jennings.

Agents Aller and Chapman believed, and the Fort Worth Police Department later acknowledged, that this was a Fort Worth Police bar check operation being conducted under the supervision of Sergeant Morris with the assistance of Agents Aller and Chapman. Agents Aller and Chapman believed they would be handling the administrative violations and the police officers would be handling any criminal violations found during the inspections.

Aller indicated he had been a part of bar inspections conducted by Fort Worth officers in the past and they were different in style than the inspections conducted by TABC. Aller said the police inspections usually consisted of several officers entering the bar and fanning out to look for obviously intoxicated patrons and minors. This was somewhat in contrast, according to Aller, to the TABC inspections he conducted that consisted of one agent handling the compliance portion of the inspection by contacting the owner, checking paperwork, discussing training opportunities, etc., while the second agent watches his partner and monitors the crowd for violations. If there were violations that needed to be addressed, they would be handled accordingly. If nothing was found, the agents would then leave. In the case of an inspection of a new bar where violations were found, Aller said, depending on the violation, he would consider a warning or education. If the violation was for Public Intoxication, he would first consider finding the subject a ride home and if nothing was available, arrest would follow, which he said was a discretionary decision on his part. Aller acknowledged the difference on this night was he and Chapman were not leading the operation, but rather, were assisting the Fort Worth officers.

Sergeant Morris began the operation by instructing the officers to make their way to 150 and 160 Rosedale to check the bars at that location (Rosedale Saloon: MB 535382 and Cowboy Palace: MB 572887). The caravan of patrol units traveled approximately six blocks to the first inspection location and arrived at approximately 12:30 a.m.

Chapman said Aller drove into the parking lot shared by both locations and parked between the bars. The Cowboy Palace, which is a Hispanic bar located at 160 W. Rosedale, was the first bar to be inspected. As the officers approached the entrance, security personnel had a male subject sitting outside on the ground with a crowd of people around him that claimed he had been hit in the face. Aller also noticed Fort Worth officers speaking to patrons in the parking lot and at the front door that appeared to be intoxicated. They would later be arrested by the officers for Public Intoxication.

Aller said he and Chapman were monitoring the crowd when they noticed security guards escorting a male subject out of the bar that was involved in the fight with the subject sitting on the ground. As the subject neared the individual sitting on the ground, he suddenly attacked him. Officers quickly moved in to stop the assault and placed the attacker on the ground to arrest him. Aller saw the subject resisting Officer Back's attempts to place flex cuffs on him, so Aller took out his standard issued steel handcuffs, bent down, and handcuffed the individual. The subject was then lifted to his feet, flex cuffs were placed on his hands, and Aller's handcuffs were returned to him. The subject was placed in the transport van.

Chapman said he entered the bar single file behind other officers to inspect the location. Officers fanned out and began looking for administrative and criminal violations. While monitoring the crowd, Chapman said he observed a patron that appeared to be intoxicated. He alerted the Fort Worth officers to the subject. Upon contact, the officers arrested the subject for Public Intoxication and escorted him outside without incident. Chapman also made his way outside and noticed there had been additional arrests.

After completing their inspection of the Cowboy Palace in approximately 20 to 25 minutes, Aller said Sergeant Morris instructed the officers to walk through the parking lot to the Rosedale Saloon, located at 150 W. Rosedale. Aller said Fort Worth officers entered the bar first, followed by him and Chapman. Due to the high drug use in the area, Aller said he checked the men's restroom first, but there was no one inside. He then walked back into the bar area and stood by the front door monitoring the crowd for possible violations.

As he monitored the crowd, he noticed a subject approaching him that appeared to be intoxicated. Aller said he alerted nearby Fort Worth officers of the subject and they approached the individual. The subject was arrested for Public Intoxication.

Chapman stated everything was okay inside so officers made their way outside to check the parking lot. This is when he assisted a Fort Worth officer place handcuffs on an intoxicated subject found laying on the bed of a truck. Chapman claimed this was accomplished without incident.

After completing the inspection of the Rosedale Saloon in approximately 10 minutes, Aller stated Sergeant Morris instructed officers to proceed back to the original meet

location at the Family Dollar store on Rosedale to begin the booking process of each subject under arrest. The officers arrived back at the meet location at approximately 1:00 a.m. to begin their paperwork. Agents Aller and Chapman stood by as Fort Worth officers identified, searched and processed each of arrested subjects.

According to Fort Worth arrest reports, the following subjects were arrested during the inspections at the Rosedale Saloon and Cowboy Palace.

<u>Name</u>	<u>Date of Birth</u>	<u>Charge</u>
1. Eduardo Tamez	(12/14/1985)	Public Intoxication
2. Earacio Valdez	(05/05/1975)	Public Intoxication
3. Ismael Valdez*	(01/25/1987)	Public Intoxication
4. Jose Tamez	(12/13/1985)	Public Intoxication
5. Sarifan Landan	(09/23/1985)	Public Intoxication
6. Armando Hernandez	(08/16/1972)	Public Intoxication
7. Enrique Ramirez*	(12/19/1984)	Public Intoxication
8. Angel Agusta-Cruz	(07/15/1982)	Public Intoxication
9. Pablo Turcios	(11/02/1975)	Public Intoxication

*Additional charge of Prohibited Substance in Correctional Facility (Cocaine)

As the identification process continued, Aller said he noticed a male subject he believed was homeless and intoxicated walking toward the group of officers. Aller then noticed a second male subject approaching the first subject from behind. The approaching subject suddenly stopped and turned around after apparently noticing there was police presence in the parking lot. Aller said officers spoke to the first subject and determined he was possibly an emotionally disturbed person, but was not intoxicated.

Chapman said he rode with Sergeant Morris to locate the suspicious subject, but lost sight of the subject in the darkness. They, however, noticed another subject that appeared to be intoxicated. Chapman stated the subject was contacted and arrested for Public Intoxication. According to Fort Worth records, the subject was observed walking in the 700 block of Jennings Avenue with his pants down and staggering. It was determined the subject was intoxicated and arrested. He was identified as Kenneth Hansberry (B/M, DOB:06/03/1961).

With the booking process now complete at approximately 1:15 a.m., Sergeant Morris said, "Hey, let's go to the Rainbow Lounge." Morris asked Aller if he and Chapman could assist and Aller agreed.

Chapman overheard some of the Fort Worth officers commenting that the Rainbow Lounge was over-serving their patrons, but he never heard anyone say anything about targeting the location because it was considered a gay bar.

Aller said he overheard Officer Marquez comment about the intoxicated patron at the Rainbow Lounge that was arrested on early Friday morning (06-26-09) and then heard someone say that it was a location that hadn't been inspected. In OPR Case No. C2009-009, Officer Marquez and Agent Aller, along with Officer Back and a civilian rider stopped at the bar on Thursday night to conduct an inspection of a new location on the

(Fort Worth Police) beat, but they couldn't enter the bar without a supervisor on the scene. This is when Aller said he learned the Rainbow Lounge was a gay bar.

The supervisor on duty, Sergeant Morris, was unavailable so the officers left without inspecting the location. While officers were in the parking lot, they noticed an obviously intoxicated patron exiting the bar and making his way to his vehicle. Officer Back made contact with the subject and instructed him to go back inside the bar to find a way home. The subject, identified as Roger Goode (W/M, DOB:04/19/1962) complied, but would later be found sitting half-naked and very intoxicated in his car in the 700 block of May Street, near the Rainbow Lounge. He was arrested for Public Intoxication and transported to the jail.

Aller stated no one made any comments about targeting the Rainbow Lounge because it was known as a gay bar. According to Aller, the bar was going to be checked because of the intoxicated patron on Thursday night and because it had never been inspected by Fort Worth officers or TABC agents.

Fort Worth Police Department reports revealed the following conversations between two supervisors and the owner of the Rainbow Lounge. According to a police report (09-71988), on 06-26-09, at 3:30 p.m., Sergeant Morris reported that the owner of the Rainbow Lounge telephoned the police department to find out if everything was okay at his club because officers were at that location the previous night. Morris told him he was unaware of any problems, but he would check with his officers. The owner then invited Morris and his officers to come by the club anytime because they were invited guests. Morris informed the owner that he had a planned meeting with his officers and TABC to check bars, including the Rainbow Lounge, on Saturday night (06-27-09). According to Morris, the owner asked if he needed to do anything to prepare for the inspection and Morris reminded him to ensure his staff is not over-serving alcohol to patrons. (arrest reports)

Morris later learned that an early morning Public Intoxication arrest made by his officers on 06-26-09 (Case 09-71128/Roger Goode) was linked to the Rainbow Lounge for over-serving alcohol. Morris also learned from Sergeant Vence Autry, that on 06-27-09, the reported owner of the Rainbow Lounge contacted him to check if everything was okay at his club. Autry informed the owner that he was unaware of a reported problem, but he explained that one of the biggest problems officers were having was the over-serving of alcohol to customers. According to Autry, the owner replied, "Well, when they are drunk, we always walk them to their car." (arrest reports)

Aller realized the Rainbow Lounge was a new licensed premise (permit date of 06-08-09, but opened the next day) with no complaints on file with TABC. However, in this case, it didn't cause him any concern that he was participating in an inspection of a new bar with such a large show of force--utilizing a transport van and several officers to enter and search for intoxicated patrons because it was a Fort Worth operation and he was only assisting.

With instructions on where to proceed, the officers left the meet location and traveled to the Rainbow Lounge to conduct their third inspection of the night. Aller recalled it was just a block or two away from where they were staged and upon his arrival, he parked on the street in front of the bar. As he came to a stop, he noticed an individual

(bouncer) outside that began to make his way quickly to the front door in what appeared to be an attempt to alert the patrons of arriving officers.

Aller said Agent Chapman exited the unit and stopped the individual before he could enter the bar. At approximately 1:30 a.m., officers made entry through the front door and fanned out in different directions. Aller said he noticed it was a large crowd (estimated at 150 patrons). As he made his way through the crowd, he didn't hear any inappropriate comments by officers or patrons directed at each other.

As he made his way to the patio area, Aller said he noticed a Fort Worth officer near the VIP area speaking to a patron about how much he had to drink. Aller then looked back and noticed Officer Back walking behind him. Aller also noticed Chapman making his way toward the patio.

Chapman said the crowd became silent when the officers entered the patio, which prompted Officer Back to ask why it was so quiet. Chapman recalled a patron responded, "Cause we are all twenty-one." Chapman heard Officer Back ask who made the comment. A young male subject replied it was him. Chapman said Officer Back then ordered the subject to follow him outside and the subject complied.

While this was going on, Aller approached a shirt-less individual that was seated at a table with several people around him that appeared to be intoxicated. Aller said he identified himself to the individual with name and agency and asked the subject how much he had to drink. The subject answered he had just arrived at the bar. Aller said he asked the subject to step outside because it was loud and dark on the patio and outside the bar is a safer location to investigate for intoxication. The subject complied.

Aller said a crowd of people at the patio asked him what was going on and he explained that he was going to check the individual's intoxication level. To that they replied, "Man, that's bullshit." As he started to make his way back inside from the patio, Aller noticed Officer Back was speaking to a very tall individual, who was also asked to step outside.

Walking behind this subject (never identified), Aller recognized his balance appeared to be fine. Once outside, Aller again noticed the subject's balance was good and his speech was fine. He exhibited bloodshot eyes, but the subject said he had been in the sun all day. There was an odor of an alcoholic beverage, but he admitted drinking two beers. After asking a few more questions, Aller determined the subject was not intoxicated, so he was allowed to return inside the bar. Aller then noticed Fort Worth officers had two or three intoxicated customers outside that were under arrest. Aller also observed other patrons being brought outside that appeared to be under arrest.

After releasing the subject, Aller decided to remain outside in front of the bar to speak to Sergeant Morris. Morris told him that he spoke to the bar owner on Friday and during their conversation, the owner informed him that he has his staff escort intoxicated customers to their cars to ensure they get out safely. According to Aller, Morris said that comment, along with the intoxicated patron arrested on Thursday night, were the reasons for the bar inspection that night.

Meanwhile, Agent Chapman made his way back into the main bar area and stood in the VIP area monitoring the crowd. This is when he noticed a male patron walking near him

with his eyes partially closed that was bumping into people. Chapman noticed the subject raised a can of beer and drank half of it in one swallow. This is when Chapman alerted a nearby police officer of the subject. The officer and Chapman approached the subject and noticed he exhibited bloodshot eyes, his speech was slurred, and there was a strong odor of an alcoholic beverage on his breath. These cues led to the subject's arrest for Public Intoxication by city officers.

Just then a male subject approached Chapman that was angry about his friend's arrest. Chapman explained why the subject was under arrest and tried to calm him down. A female then came up to get the subject away from him. After that, Chapman walked around the bar monitoring the crowd, when two females approached to ask what was going on. Chapman said he informed the ladies that officers were there to ensure drunken patrons were not being allowed to drive away from the location.

After speaking briefly to another male subject, Chapman said he noticed officers were having problems restraining a subject that was resisting in the VIP area. Chapman said he walked up and executed, as did a Fort Worth officer, a joint (wrist and elbow) lock maneuver on the subject to get him under control. The subject (Jose Macias, W/M, DOB:06/03/1978) was arrested and escorted outside, where he was secured with plastic hand restraints and placed in a seated position on the side walk.

With both agents now outside, Aller said an officer suddenly ran up and announced that someone came over the radio requesting help inside. Sergeant Morris, Chapman, and Aller ran into the bar searching for the officer. Chapman said he quickly made his way to the restroom hallway where he saw two Fort Worth officers on the floor attempting to restrain a male subject that was resisting. The subject was on the floor in a prone position facing the back wall. Chapman observed the subject pulling his hands away from the officers and tucking them underneath his body. Chapman stated the officers were heard ordering the subject to stop resisting. To help, Chapman said he reached down to grab the bottom of the subject's pants and pulled up to get the subject to flatten out.

While this was going on, Aller checked the patio area, but everything was calm. He re-entered the bar and made his way to the restroom hallway because he noticed the crowd was looking in that direction. When he reached the hallway, he observed a male subject on the ground in a prone position with two or three Fort Worth officers attempting to arrest him. Aller said Agent Chapman was on his knees holding down the subject's ankles or calves to prevent the subject from kicking officers.

Aller noticed the subject was resisting the officers' attempts to place handcuffs on him by actively pulling his hands away from the officers. Aller made his way along the wall to the back of the hallway, facing out toward the crowd to provide light at the subject's hands so officers could see what they were doing. Aller then turned his attention toward two customers in the VIP area, next to the hallway, that were commenting about "homophobia" and were saying, "Hey, leave him alone. He didn't do nothing."

The agents reported the subject eventually complied with instructions to stop resisting arrest and was handcuffed and lifted to his feet. Aller and Chapman did not see any signs of injury on the subject and there was no indication in the area where the arrest took place to suggest the subject was injured. Officer Back took control of the subject

and escorted him outside. He was later identified as George Armstrong (W/M, DOB: 11/30/1967).

Aller said he made his way to the front end of the hallway and then stopped to let a long line of patrons go by on their way to the restrooms. He was positioned with his back to the VIP area and across from the ladies restroom. Aller saw two male subjects approaching on their way to the men's restroom, one leading the other. They were walking single file, with the left hand of the subject in back resting on the right shoulder of the subject in front. As they approached from his left to right, Aller saw the subject in back use his right hand to reach to the left and across his body to slap a male subject's genital area with the back of his hand. This same subject then immediately turned toward Aller and again used the back of his right hand to hit him in the genital area.

Aller reacted by approaching the subject and saying, "Hey, State Police." With his right hand, Aller grabbed the subject's right hand and brought it behind his back to control and detain him. Aller said the subject appeared to be shocked and reacted by pulling away. Aller then grabbed the subject's right elbow with his left hand and used his left forearm to push against the subject's back as leverage.

Aller indicated the subject was actively resisting arrest by pulling his hands away from him. This led Aller to walk the subject to the wall between the men's and ladies bathroom. He then placed him up against the wall with his face in the direction of the entrance. Aller recalled this is when Agent Chapman arrived to assist with the arrest.

Chapman stated as Armstrong was being escorted toward the front door, he looked back toward the hallway and noticed Aller struggling with a male subject near the restroom area. Chapman saw Aller had the subject by the right hand and was trying to control him. Chapman said he moved in to help by grabbing the subject's left hand. To try to get the subject under control, Chapman said, "I did attempt to give him a little shot in the abdomen to get him under control a little better but I missed." Chapman said he then used a wrist lock and elbow control technique to control the subject, but it proved to be unsuccessful. The subject continued to resist efforts to arrest him by pulling his hands apart during the handcuffing process.

Aller said he repeatedly (8 to 10 times) asked the subject to relax (stop resisting), but the subject refused to comply. Aller said a Fort Worth officer, later identified as Officer Jensen, came to assist and tried to apply some plastic handcuffs, but the subject continued to resist. After a long one minute struggle, Aller said the officers were able to secure the subject's right hand in a flex cuff. Officer Jensen assisted the agents in pinning the subject up against the wall to keep him off balance. Chapman also tried to get the subject off balance by pushing his left leg out and away from his right leg to get them as spread out as possible and thus off balance, but this also proved unsuccessful in stopping the resistant behavior of the subject. This is when Officer Jensen reached around to the front of the subject's face and applied a pressure point procedure by pushing up against the bottom of the subject's nose, causing the subject's head to tilt backwards. Chapman described Jensen's technique as reaching around to cup his hand under the subject's chin and pull back with the head. This technique proved to be unsuccessful.

Aller realized efforts to control the subject enough to place handcuffs on him while standing were not enough, so he decided to get him off his feet. Aller said, "This isn't working," and then looped his right arm from front to back and around the subject's right arm to secure it. Aller said he then stepped back with his left leg and motioned to the officers to take the subject to the ground.

Aller said he was in complete control of the subject as he was slowly brought to the ground in a prone position facing the entrance. In fact, Aller recalled he first went down to a knee and then the subject followed. Aller said he was positioned to the right of the subject and Chapman was to the left of the subject. The Fort Worth officer was not involved in the takedown, but he continued his assistance by attempting to place the flex cuffs on the subject. Aller said Chapman then took out his steel handcuffs and secured the subject.

Chapman said he heard someone (believed to be Officer Jensen) say to take the subject to the ground and then everyone suddenly began to move to the right and down to the ground. He recalled landing on the lower half of the subject's legs and realized he was in a very vulnerable position with his back exposed to the people behind him. He quickly pushed off the subject's legs and buttocks to get himself up. Once he regained his balance, he reached down and was successful in handcuffing the subject with the help of assisting officers.

Aller said the takedown was a safe and recognized police technique to gain control of a resistant party. In this case, both agents said the technique was successful and denied the takedown was a "body slam" and denied the subject hit his head. After successfully handcuffing the subject, the agents said he stopped resisting and was considered under control. The subject was then lifted to his feet and escorted outside on his own power by the Fort Worth officer and Chapman, followed by Aller.

When the subject was lifted to his feet, Aller and Chapman reported no visible signs of injury on the subject and there was no sign of injury, like blood, on the floor where the arrest took place. They also recalled the subject did not complain of injury.

The subject was taken into custody for Assault-by contact and escorted outside under his own power to also be evaluated for suspicion of Public Intoxication.

On the way out, Aller said a female patron cussed at them and called the officers "bigots." Aller believed the Fort Worth officer stopped to speak to her about the comments.

After exiting the bar, officers led the subject to the transport van in the south parking lot for identification and to begin the booking process. Aller said the subject was not seen stumbling as he walked, but his balance was somewhat unsteady, going side to side. Chapman stated he had to grab the subject's arm to guide him during his walk to the van.

When they reached the transport van, the subject came to a stop. He was standing upright on his own power and wasn't leaning on anything to keep himself up.

While observing and speaking to the subject, Aller and Chapman observed indicators consistent with intoxication:

- His speech was extremely slurred
- His balance was unsteady (swaying back and forth)
- His eyes were glassy, bloodshot and partially closed
- There was a strong odor of an alcoholic beverage on his breath

Chapman recalled the subject grinning and calling him “sugar” several times outside, which led him to believe he was not injured.

Aller said he positioned the subject against the van so he could lean against it while the steel handcuffs were replaced with flex cuffs. Aller said he had to bend the subject over slightly because the handcuffs were placed on his hands with the key holes at the bottom. When the handcuffs were replaced, Aller said he turned the subject over to a Fort Worth officer for processing. It was at this time that Aller believed the subject was now in custody of the Fort Worth Police Department because the charge against him was criminal and Fort Worth officers, he believed, were handling any criminal charge stemming from the inspections. Aller also believed the Fort Worth Police Department should handle the assault case and list him as a witness, instead of him filing the charge as the arresting officer and also the victim.

Aller said Sergeant Morris then instructed him to get his information to the processing officer. Aller gave the officer a business card and stated the subject was being charged with Public Intoxication and Assault-by Contact.

Aller then received a call from Agent Shawn Miller about a request for assistance at a bar by a Fort Worth officer in another district. Aller made his way to his patrol unit so he could hear better and be able to take down Miller’s information. He then approached Officer Marquez, who was seated in his patrol unit for help in identifying the requesting officer and location. Aller said the requesting officer contacted him and Aller then contacted Agent Miller with the information. Aller recalled Sergeant Parsons telephoned about another request for TABC assistance. Aller informed him that he hadn’t heard of the second call, but he had been in contact with Miller and they were on their way to assist officers at a house party.

Aller then informed Sergeant Parsons that he and Chapman were assisting Fort Worth officers with bar inspections and there were 15 persons under arrest for Public Intoxication from three locations. After his conversation with Sergeant Parsons, Aller decided to monitor the bar’s front door area to ensure officers exited safely.

While Aller was taking care of his business, Chapman said the processing officer walked away, leaving him and the subject alone. This is when he began to collect information from the subject and learned his name was Chad Gibson (W/M, DOB: 12/06/1982). Chapman recalled Gibson, who was leaning against the back of the van, stepped back from the vehicle and said he was going to be sick. Chapman, who was standing only a few feet from Gibson, then noticed Gibson bent over facing him and began to vomit. Chapman said he reacted by stepping back to keep the vomit from landing on him.

Chapman looked down for a second and when he looked back up toward Gibson, he saw Gibson rise up and turn to his right, as if trying to collect himself. This is when Chapman said Gibson, who was still handcuffed from behind, suddenly began to fall. Chapman said he reached out to grab Gibson, but he couldn't reach him in time. Chapman saw Gibson fall forward to the ground, striking the front right portion of his forehead on the concrete pavement. Chapman described the "popping" sound of Gibson's head striking the ground equal to two pieces of wood violently coming together.

Chapman said he quickly went to Gibson and asked if he was okay. Chapman then called for Sergeant Morris and requested an ambulance. According to Fort Worth Police Dispatch logs, a request for MedStar EMS was received from an officer on the scene at 2:05:47. At 2:06:01, an officer reported that they have a subject on scene with alcohol intoxication that may also have a bruised head.

Gibson was placed in a recovery position, which Chapman described as laying up on his right side so he could breathe after vomiting. Chapman made sure Gibson was breathing okay and then checked him for injury. Chapman saw abrasions and bruises to the right side of Gibson's face. He then noticed that Gibson began to vomit again.

Chapman stated he saw no indication prior to Gibson beginning to vomit that he was in some sort of distress requiring special attention. While he couldn't predict what was about to happen, Chapman said he felt somewhat responsible because the vomit caused separation between them just before Gibson fell. Chapman knew if he had been closer, maybe he could have caught him or at least slowed him down, but he just never thought Gibson was going to fall down.

Soon after Aller ended his call with Parsons, he said Sergeant Morris approached to say the subject he arrested, that Chapman was watching, collapsed onto the parking lot and was vomiting. Sergeant Morris also informed him an ambulance had been dispatched to the scene. Aller quickly made his way to Chapman and noticed Gibson was laying on his right side on the ground near a large pool of vomit. Aller asked Chapman what happened and learned Gibson had fallen and the ambulance had been requested.

Aller then ran back to his unit to retrieve a pair of cutters to cut the flex cuffs off so Gibson could be more comfortable and because the resistance had stopped. It was obvious to Aller that Gibson was in some sort of distress because he continued to vomit and just appeared to be violently ill. Sergeant Morris suggested Gibson could be suffering from alcohol poisoning due the amount of vomit. Aller also noticed some sort of contusions and road rash-like injury near the hairline and temple area of Gibson's right side. In addition, Aller noticed what he believed could be small drops of blood on the ground near Gibson.

After the flex cuffs were removed, Gibson got himself up into a sitting position. Officer CM Duer filled out the information for the charges and identified the subject as Chad Gibson. Sergeant Morris reminded Aller to give the processing officer a business card and then instructed one of his officers to take photographs of the subject. Chapman recalled Gibson smiling to the camera when his picture was taken. Morris then suggested officers should attempt to find a friend in the bar to go with Gibson to the

hospital. Aller approached the bouncer and asked him to check inside for a friend. The bouncer checked and informed Aller that the friend was gone.

As Chapman sat with Gibson waiting for the ambulance to arrive, Gibson thanked him for taking care of him. During their conversation, Gibson claimed to have been drinking Vodka and Sprite and when asked how much he had to drink, he replied, "a lot."

The ambulance finally arrived and Gibson was turned over to the paramedics. Chapman informed the attendants that Gibson was intoxicated and had fallen to the ground and hit his head, but was cooperative.

Aller saw Gibson stand up on his own and was assisted onto a wheeled stretcher. Gibson was then loaded into the ambulance and transported to John Peter Smith Hospital in Fort Worth.

After the bar closed (2:00 a.m.), Aller saw Officer Back speaking to the owner. Officer Back then signaled for Aller to come to his location to speak to the owner. Aller said the owner wanted to know how to deal with intoxicated subjects that refused to leave. For example, he said the individual arrested by Fort Worth officers (Armstrong) in front of the men's restroom had been thrown out three times that evening by bar employees, but found a way to re-enter the bar each time.

Aller discussed the entrances and exits of the location with the owner and spoke to him about some options to better control his business. Aller said the owner then asked him to go back inside the bar to speak to the employees and scare them about selling to drunks. Aller refused, but he did inform the owner of training programs TABC offers to retailers such as SAVE and MAPS and gave him a business card with Agent Staci Ducote's name on it (she is involved with education). Aller said the owner appeared sincere about wanting training and learning how to operate his business without violating the law.

Aller said the owner also didn't appear to be angry and never questioned how the bar inspection was conducted.

According to Fort Worth reports, the following subjects were arrested during the inspection. (Arrest records)

<u>Name</u>	<u>Date Of Birth</u>	<u>Charge</u>
1. Rene Crosby	04/06/1986	Public Intoxication
2. Dylan Brown	02/11/1986	Public Intoxication
3. Joshua Taylor	10/06/1985	Public Intoxication
4. George Armstrong	11/30/1967	Public Intoxication
5. Jose Macias	06/03/1978	Public Intoxication

Chad Gibson was cited for Public Intoxication and Assault-by Contact and released to EMS personnel for transport to John Peter Smith Hospital.

Aller said he and Chapman left the bar and returned to the Fort Worth office to complete some paperwork. In his weekly, Aller said he wrote that he assisted Fort Worth officers

at three locations and the police department had arrested 15 individuals for Public Intoxication. Aller also noted the owner of the Rainbow Lounge may call to complain, but more likely for training opportunities.

Sometime on Sunday (06-28-09), Aller received a call from Agent Applewhite about the Rainbow Lounge arrests being on the news. Aller said Sergeant Parsons then contacted him to find out what happened the previous night. Aller recalled Parsons asked if he informed him of the bar inspections with Fort Worth officers. Aller answered he did not. Aller told Parsons, "I didn't know about it. I mean I didn't plan it."

Aller and Chapman denied officers targeted the bar or used excessive force during their contact with patrons at the Rainbow Lounge.

Aller concluded, "I violated some policy issues. I did not violate anybody's Constitutional rights. Nobody was abused, violated; we weren't there because of their sexual orientation. I'm very apathetic. I could care less." The inspection of the Rainbow Lounge, he said, "had nothing to do with it being a gay bar."

Chapman concluded, "Chris (Aller) and I, we conducted ourselves in a professional manner. We had some hiccups on policy. There's no two ways about that and that's my responsibility..."

Sergeant John Busby

On Sunday, 06-28-09, at approximately 12:30 p.m., Busby received a telephone call from Fort Worth Dispatch about contacting Fort Worth PD Captain Cordell. Busby contacted Cordell and was advised of the media attention his agency was receiving regarding the inspection at the Rainbow Lounge. Cordell believed the media attention was also going to hit TABC. Cordell informed Busby that Agent Chris Aller assisted the police department with inspections of some bars that resulted in several intoxicated patrons being arrested. During the inspection at the Rainbow Lounge, Cordell advised one of the patrons "grabbed Agent Aller by the testicles." The patron was arrested by Aller and charges were filed by the police department. According to Cordell, at some point, the arrested person fell and hit his head. He was released from custody for medical attention.

Cordell advised Busby that the gay and lesbian community was upset and was planning a protest because they believed the Rainbow Lounge was targeted and raided on the eve of the anniversary of the "Stonewall Inn Raid" that occurred in New York on 06/28/1969. (According to news reports, New York police raided the then mafia-run bar to root out gay and lesbian patrons that were allowed to dance and drink. The patrons fought back with protests and riots on the streets of New York City for several days marking the beginning of the gay liberation movement in America.)

Busby followed Cordell's phone call with calls to his chain-of-command and to Sergeant Parsons about the information learned during the conversation with Captain Cordell.

Sergeant Terry Parsons

On Sunday, 06-28-09, at approximately 12:45 p.m., Parsons received a telephone call from Sergeant John Busby inquiring about a subject that had been arrested at the Rainbow Lounge on early Sunday morning and was transported to the hospital by ambulance. Busby informed him that Agents Aller and Chapman worked a bar detail operation with the Fort Worth Police Department after their special event assignment. During the bar check, a male subject in TABC custody fell to the ground outside and was injured.

Parsons telephoned Aller and learned he and Chapman participated in a bar check detail with city officers. Aller stated when officers entered the club to conduct the inspection, someone "groped" Sergeant Morris in the groin. According to Aller, the subject was arrested for Public Intoxication and taken outside. While outside, Aller told Parsons that an officer inside the club called for assistance, which prompted officers to go back inside to help. Aller stated when he reached the location of the struggle, there were several officers already on scene and the situation had been settled.

Aller told Parsons that he was standing in a short hallway inside the bar watching some of the patrons when he observed two male subjects walking in his direction. Aller stated the subject that was following (Chad Gibson) was seen reaching out and striking the groin of another male. This same person, according to Aller, then reached out and struck him in groin with his hand. This is when Aller said he grabbed the subject. According to Aller, the subject resisted arrest. Agent Chapman and a Fort Worth officer arrived to assist and the obviously intoxicated subject was handcuffed and walked outside. Aller advised Parsons that the subject was arrested for Public Intoxication and Assault.

Parsons said he then telephoned Agent Chapman. According to Chapman, he and Aller were asked to assist the Fort Worth Police Department with a bar check operation after they completed their special event assignment. After inspecting bars on Rosedale Street, Chapman said Sergeant Morris asked and they agreed to assist with an inspection of the Rainbow Lounge. Chapman told Parsons that a male subject hit Aller in the groin, which led to his arrest. Chapman indicated that the subject (Chad Gibson) resisted arrest and it required both agents and a Fort Worth officer to get him under control.

Chapman said he was gathering information from the subject outside when the subject began to vomit. Chapman moved back and away from the subject to keep the vomit from landing on him. This is when Chapman said he saw the subject suddenly collapse to the pavement. Chapman said he tried to catch the subject, but it happened so quickly that he didn't have time to reach the subject before he fell. Chapman said he immediately called out for help and requested EMS make the scene.

Chapman said the subject vomited several more times before EMS arrived. According to Chapman, in the end, the subject was thankful that he stayed with him and apologized for giving officers a hard time.

The following information was derived from transcribed interviews of the Fort Worth officers involved in the bar check operation. The interviews were conducted by investigators of the Fort Worth Major Case Unit. A statement by Officer J. Ricks was not included. It should be noted that the below listed officers and Officer Ricks were also interviewed by the Fort Worth Internal Affairs Unit. Those transcribed interviews were not provided to TABC investigators.

Sergeant Richard Morris (B310)

Morris said he was at the Rainbow Lounge on the night of the inspection, but didn't witness the arrest of Chad Gibson. Morris said he monitored the arrest of a resisting subject (George Armstrong) inside the Rainbow Lounge by Officer Back and then walked outside with officers during the escort. He recalled Back stayed inside to speak to a female witness. While outside with the arrested person, Morris said a TABC agent (Chapman) informed him that his prisoner (Chad Gibson) had fallen, hit his head and was throwing up. According to Morris, this is the person Agent Chapman had arrested for grabbing Agent Aller's testicles.

Morris made his way to the south parking lot and saw Gibson laying on his right side on the ground, still secured with the plastic cuffs. Morris said Chapman told him Gibson was very intoxicated and was asked to sit down, but Gibson refused. Chapman was writing Gibson's name in his notebook when Gibson said he had to throw up. This is when Morris said he learned that Gibson fell over and hit his head on the asphalt. He then started to throw up. Morris said this is when Agent Chapman came to get him and he (Morris) made his way the location.

Morris said he immediately notified Med Star (EMS) and then ordered that the flex cuffs be cut off Gibson's hands. Morris then requested that photographs be taken of Gibson. He said Officer Jason Ricks was working the computer in the transport van, but he didn't know if he saw anything.

Morris said Gibson did not complain of injury and the scratches and bruises on his face looked superficial. This caused him to believe it wasn't that serious. To the contrary, Morris was concerned about the possibility of alcohol poisoning due to the amount of vomit by Gibson. Gibson did, however, appear to get better and better after each vomiting episode.

Morris said he later learned Agents Aller and Chapman had to take Gibson to the ground, but it was his understanding that the agents grabbed Gibson by the shoulder and pulled him to the ground, but he did not hit his head. He learned Officer Jensen was involved in assisting the agents with Gibson's arrest.

Morris said it was his decision to only issue a citation to Gibson for Aller's charges so he could be released to EMS. Morris said he spoke to Agent Aller and asked him if Public Intoxication was the only charge he wanted to file against Gibson, or did he also want another charge because of the lewd conduct by Gibson against him. According to Morris, Aller told him Public Intoxication would be the only charge. While Aller said he was offended by Gibson's conduct, it wasn't a "big deal" to him. He just wanted to make sure Gibson was okay. This led Morris to believe there was only one charge of Public

Intoxication issued against Gibson. Morris believed Officer Duer, who was at the Rainbow Lounge, but was not part of the inspection team, issued the citation to Gibson.

Officer J.K. Jensen (B311)

He was first interviewed on 06/29/09. He claimed to be outside the Rainbow Lounge on the night of the inspection when he was called to assist Officer Back with a subject that was resisting arrest. He entered the bar and helped by placing handcuffs on a subject, identified as George Armstrong. As they escorted Armstrong outside, Jensen said he looked back to his right and saw Agents Chapman and Aller struggling with a subject. Jensen said the agents had the subject, identified as Chad Gibson, up against the wall and it appeared they were having trouble handcuffing Gibson.

When he reached the officers, Chapman asked if he had any flex-style plastic handcuffs. Jensen pulled some plastic cuffs from the side of his belt and handed them to Chapman. Jensen said he then held Gibson's left arm against the wall as Aller held Gibson's right arm against the wall. Chapman was trying to get Gibson's hands in the cuffs. This whole time Jensen said Gibson continued to disregard commands by officers, he continued to turn around, and he continued to resist attempts by officers to place handcuffs on him. He was also yelling and cursing at the officers.

Jensen said attempts to place the plastic cuffs on Gibson failed, which prompted Aller to grab Gibson's right shoulder and pull him to the ground. Jensen said Gibson was not slammed to the ground, but rather, the maneuver was a controlled takedown.

At that moment, Jensen said Chapman pulled his steel handcuffs from his duty belt and handcuffed Gibson. Jensen said Gibson was brought to his feet and escorted outside to the transport van (C104).

During his escort outside, Gibson kept saying to Jensen, "You don't have to treat me like this honey." Jensen said he didn't see any sign of injury on Gibson. Upon reaching the van, Jensen said Aller and Chapman stayed with Gibson to take down some needed information. Jensen said he didn't know why Gibson was being arrested, but after being around him for awhile, he determined Gibson was "heavily intoxicated." Jensen said he noticed the following cues from Gibson: he wouldn't listen to commands, his speech was extremely slurred, his eyes were really bloodshot, he was drooling, and he was staggering around.

It was during this time that Jensen said he made his way to the front of the bar to assist officers with traffic control. Sometime later, Jensen was instructed by Sergeant Morris to take photographs of Gibson's injuries because he had fallen. Jensen said Gibson had his handcuff's taken off and was seen smiling and throwing up on himself.

Jensen noticed injury to the right side of Gibson's face down by his cheek and his upper head, but Gibson wasn't complaining of injury. Jensen also noticed that Gibson's demeanor was different than it was inside the bar. He was now cooperating with officers.

In a follow-up interview on 07/16/09, Jensen was questioned about a photograph taken inside the bar that depicted an arrest believed to be Chad Gibson. Jensen identified

himself in the photograph as the officer wearing blue rubber gloves to the right of the subject on the ground. He said the officer across from him and on the left side of the subject was Officer Back. He stated the TABC agent that was seen kneeling down on the left side was Agent Chapman and the agent standing was Agent Aller. He didn't know the identity of the white male subject standing with his back to the camera, but he believed it was a bouncer for the club.

When asked if the arrest was of Chad Gibson, Jensen answered no. He said it was a photograph of the George Armstrong arrest. He was sure of this because he assisted in Gibson's arrest with Agents Aller and Chapman. Officer Back was not involved in Gibson's arrest. He said he also spoke to Agent Aller, who informed him that he (Aller) was not involved in the Armstrong arrest, which seemed to be confirmed in the photograph, which was in contrast to his heavy involvement in the Gibson arrest.

Jensen said the Gibson and Armstrong arrests took place in almost the same area of the hallway, but the circumstances were different. For example, he recalled entering the bar to assist Back with Armstrong, who he said were already on the ground. He also remembered Armstrong was wearing a dark colored shirt. In the Gibson arrest, he saw the two TABC agents struggling with Gibson, who he said was up against the wall in the hallway. He first was alerted to this incident as he assisted Back in escorting Armstrong to the front door. He looked back toward the hallway and heard the agents commanding Gibson to put his hands behind his back. He also observed Gibson turning on the agents, pulling his hands inward away from the agents and trying to push himself away from the wall toward the agents. This is when he went over to assist.

When asked how he placed Gibson's head against the wall, Jensen said, "I grabbed him, I guess, kind of by the neck and that's when he was, you know, kind of pushing back and that's when I pushed him and told him you need to calm down, you need to stop resisting." Jensen said the force he used to push Gibson's head against the wall would not have caused him any injury. It was done to gain compliance by Gibson. This is when Agent Chapman asked for some flex cuffs.

Jensen recalled the struggle to get Gibson's hands secured in the cuffs as difficult because Gibson repeatedly pulled away as Chapman tried to get the left cuff seated properly around his wrist (the right cuff was seated). This is when Jensen said he decided to try a compliance technique called an infra-orbital pressure point technique. He reached around to the front of Gibson's face with his right hand and pressed up and back under Gibson's nose. He kept the technique going for six to eight seconds before deciding to stop because it wasn't working. Jensen said Agent Aller grabbed Gibson's right shoulder and pulled Gibson down in what he called a "controlled" movement. Jensen said he still had a hold of Gibson's left arm, but he fell to the right side of Gibson, which was between the VIP steps and Gibson. Gibson's left hand was secured and he was lifted to his feet and escorted toward the front door. During the escort, Jensen said patrons were making rude gestures at officers and calling them homophobes and using profanity. Jensen said he felt Gibson trying to resist the escort, but it quickly stopped and he complied. Jensen said Gibson did not appear to be injured at this point. When they reached the transport van, Jensen saw Gibson swaying, but was standing straight up and on his own power. Jensen then left Gibson with the agents.

He first became aware Gibson had been injured when Sergeant Morris instructed him to get a camera to photograph Gibson's injuries. He said Gibson had visible injury to the hairline area and to the right cheek.

Officer J.M. Back (B317)

Officer Back was first interviewed on 06/29/09. He said he was part of a bar check detail on 06-27-09 that entered the Rainbow Lounge to look for people that had too much to drink and were a danger to themselves. He recalled that he was inside the bar writing down the name of a female witness (Lindsey Thompson) in an earlier incident when he looked to his left (north) and observed three officers, including one TABC agent, had a subject up against the wall. They were attempting to hold him up against the wall because he was "actively resisting and fighting."

Back said he quickly finished writing the lady's information, put his pad away and made his way to help the officers. When he reached the location, the officers were still struggling with the subject, but he felt like there were enough officers already engaged, so he stood by just in case. He saw that the subject appeared to be intoxicated and could see there was spit coming out of his mouth and hanging from his lips. Back said the officers eventually handcuffed (plastic cuffs) the subject and walked him out.

After they escorted the subject outside, Back returned to speak to Thompson for a short period and then walked outside. He was speaking to some of the other officers and one of the bouncers when he learned that Med Star had been summoned so he walked around the building toward the wagon and noticed the same male subject that had just been arrested in the bar was on the ground and laying on his right side with a blank stare on his face. Back got closer to the subject and asked the attending officer (he believed it was a city officer) if the subject was breathing. The subject was given a nudge and then responded, "I'm breathing, I'm breathing." It appeared to Back that the subject was just severely intoxicated.

According to Back, he didn't see how the subject actually got to the ground, but he was still in handcuffs. He was on his side so he wouldn't aspirate on his vomit and had a small "strawberry" on his right side of his forehead, near the hairline. Back did not remember the subject complaining of injury.

Officer Back was re-interviewed on 07/16/09. In this interview, he was questioned about a photograph of an arrest that occurred in the back hallway of the club. In the photograph, Back stated saw two TABC agents in khaki uniforms and one Fort Worth between them. There was also an arm with a blue rubber glove and a white male subject standing between the camera and the struggle.

Back stated the photograph was the end of a long struggle he had with George Armstrong. He recalled the incident occurred to the east of the hallway and near the corrugated tin wall, and near the corner of the VIP lounge. Back said he was the officer to the left of Armstrong, who was in a prone position. He could not remember the officer with the blue rubber gloves, but the white male subject was the lead bouncer in the club.

Back stated the Armstrong incident started when he noticed Armstrong and bar employee, Lindsey Thompson, standing at the entrance of the VIP lounge. Back said

he was speaking to a patron at the pool tables when he noticed Armstrong appeared to be swaying and had unsteady balance. To determine if he was intoxicated, Back said he walked up to Armstrong and asked him how much he had to drink. Back said Armstrong didn't respond. When he asked Armstrong again, Back said Armstrong kissed two of his fingers, pointed them at him and blew him a kiss. Back said he just "blew it off" and asked Armstrong again how much he had to drink. This time, Armstrong commented that he had only been in the club a short period of time and asked why he was being questioned. Back instructed him to find a seat or a person to take control of him because he was intoxicated and if he refused, he was going to jail. Back said Armstrong refused. He then looked at Thompson to see if she would help, but she didn't do anything.

This is when Back said he grabbed Armstrong's arm and he tensed up. Back told him to relax, but he didn't and started to resist arrest. Back described what happened next as a struggle with Armstrong in the hallway. Back said he had a hold of Armstrong's left shoulder with a hand also on his right collarbone area. Back recalled Armstrong wasn't very big, but he was strong. They continued to bounce off the walls until they reached the men's restroom door that was open. This is when Back said Armstrong pulled him into the restroom. Back could see there was urine all over the floor, so he pulled hard on Armstrong to get him headed in the direction of the door because he didn't want to take Armstrong down inside the restroom.

Back said he used all his strength to get Armstrong back into the hallway and this is when he lifted him up and threw him to the ground. Back said he landed on top of Armstrong and commanded him to stop resisting because he was under arrest for Public Intoxication. Back realized he was running out of energy and Armstrong was not going to stop, so he reached for his radio microphone and called out for help. Back didn't see anyone coming so he called out again. Back said he eventually saw Officer Ricks approaching him, but he couldn't identify any other officer assisting him. Back remembered Armstrong's left arm was behind him, but his right arm was loose. Back said Armstrong would flex and stiffen this arm to keep it from being secured. Back said Armstrong was eventually cuffed, lifted to his feet and escorted outside by a Fort Worth officer and he believed a TABC agent was also involved in the escort. Back indicated his struggle with Armstrong took about one minute to a minute and a half. At this time, Back said he approached Thompson to take down her information.

As he was taking down Thompson's information, Back heard a commotion and looked to his north and saw three officers struggling with Chad Gibson. There was one TABC agent and a Fort Worth officer and a third officer he couldn't identify. He saw that Gibson was resisting arrest---he was actively struggling by thrashing his arms and legs around.

Back was questioned regarding how sure he was about what he saw during the arrests of Gibson and Armstrong. He responded that he was 90% sure. He did, however, indicate that the amount of energy needed to arrest Armstrong may have affected his memory somewhat. He was heavily involved in the arrest of Armstrong, but was not involved at all in the arrest of Gibson. He acknowledged that the photograph that he was shown of an arrest in the hallway showed him involved in the arrest. This is why he believed the photograph shown throughout the media and internet was of George Armstrong, not Chad Gibson.

Officer M.J. Marquez (B314)

Marquez was at the Rainbow Lounge on the night of the inspections. He was outside with the van waiting for officers to bring him patrons under arrest for being intoxicated. Marquez said he first saw Chad Gibson when he was sitting on the ground behind the van with handcuffs on. Marquez noticed there was vomit on the ground next to Gibson. He observed Sergeant Morris in the immediate area and heard him calling for an ambulance, but he didn't see a TABC agent.

Officer K. Gober (B318)

Gober said he was at the Rainbow Lounge on the night city officers and TABC agents conducted their inspection, but he didn't see Chad Gibson. He was in his patrol unit with the video camera on because of a female prisoner also in the vehicle. He learned of Gibson's arrest when Officer Jensen came to his unit and asked for his camera so he could take photographs of Gibson and his injuries.

Officer J.B. Moss (T319-Arrived at Rosedale bars to assist Baker units with inspections)

Moss was at the Rainbow Lounge on the night of the inspection, but he had no contact with Chad Gibson and did not witness his arrest. He only had contact with arrested person, George Armstrong.

Officer C.M. Duer (Arrived at Rainbow Lounge to assist Baker units)

Duer said he arrived at the Rainbow Lounge at approximately 1:30 a.m., but was not a part of the original bar check detail. Duer said he was escorting an arrested subject to the van when he saw a male subject (Gibson) lying on his side. Duer indicated he was not involved in Gibson's arrest.

Duer said he later heard Gibson fell to the ground while he was being interviewed by TABC agents. Duer said Sergeant Morris instructed him to issue a citation to Gibson for Public Intoxication. Agent Aller then approached and requested he also include a charge of Assault by Contact. Duer said the paperwork process with Gibson took place while Gibson was in a seated position without handcuffs on. Duer recalled Gibson appeared to be extremely intoxicated and threw up several times.

Duer said Gibson was able to give him the necessary personal information in a calm manner and never complained of injury. Gibson was transported to the local hospital in lieu of going to jail.

The following witness information was obtained from transcribed interviews by the Fort Worth Major Case Unit, the Fort Worth Internal Affairs Unit and the TABC Internal Affairs Unit.

Arrested Persons

Chad Gibson

Gibson said he arrived at the Rainbow Lounge on Saturday night at about 11:30 p.m. He remembered being at the bar with his friends; Matt Meador, Chris Hightower, Casey Crosby, Russ (LNU), and Maria (LNU). During the night, Gibson recalled consuming four or five Yeager shots and one normal drink. He admitted being intoxicated. (LNU means last name unknown)

Gibson told detectives it was “a couple of hours” after he arrived at the Rainbow Lounge that he believed officers entered the bar. He remembered buying his friends some drinks, but beyond that, he had no memory of any contact with police at the bar. He didn’t remember being put up against a wall, taken to the ground, or arrested by officers. He did hear that his best friend, Matt Meador, and others at the bar saw the whole incident.

The next day he awoke in the hospital’s ICU and learned of his injury. Gibson said, “It’s on my brain and like right above my brain.”

George Armstrong

Armstrong said he had been at the club approximately 25 minutes before he noticed Fort Worth officers and TABC agents “storm in.” He believed there were eight officers in all. He was at the back of the bar with his only drink for the night in his hand when he flashed a peace sign to an approaching city officer. He said the officer, identified as Officer Back, grabbed him and threw him to the ground with heavy force. Armstrong said he slid approximately 10 feet before the officer fell on top of him. Armstrong said Back placed his arms behind his back high enough to cause some shoulder pain. He was zip tied, lifted to his feet and pushed to the front door. He was then walked to the transport van and issued a citation for Public Intoxication before being placed in the paddy wagon.

Armstrong noticed police detaining other patrons. He said that he read in the newspaper that the Fort Worth Police Department claimed their officers were not involved in his arrest, when in fact, they were very involved. It just appeared to him that the police were there to show “who’s boss.” Armstrong said he didn’t have a complaint against the actions of Agents Aller or Chapman, only against the officer (Fort Worth) that attacked him.

After he was released from jail, he walked the three miles back to the bar to get his car and then drove to the hospital. Armstrong said there was severe bruising and pain throughout his shoulder and back. Armstrong said he did not see any contact between the police and Chad Gibson.

Dylan Brown

Brown said he was in the VIP lounge on the night of the inspection having a drink with a friend when he was approached by three Fort Worth officers. They pulled his arms behind him and zip tied his hands. Brown said he was told that he was being arrested for Public Intoxication, although he had only consumed one alcoholic drink. Brown said the officers did not offer him any sobriety tests and when he requested them, the officers declined. They walked him outside and placed him in a police unit. Brown said officers then took him out of the unit and walked him to the transport van, where he sat inside for about 30 minutes with no air-conditioning. At the jail, he asked Officer Back if he could loosen the zip ties because his hand hurt, but Back said no. Brown's hand continued to hurt for a long period of time.

Josh Taylor

Taylor said he arrived at the Rainbow Lounge on the night of the inspection at approximately midnight. He didn't see the officers enter the bar, but he did see them walking around. The first encounter he witnessed between police and patrons involved his friend that was standing next to him. He said the police approached his friend, spun him around and arrested him on the spot.

Taylor then spoke of *his* arrest by a Fort Worth officer. According to Taylor, after his friend was arrested, he approached the officer about the arrest. Taylor asked why his friend had to be arrested when he had a designated driver. Taylor said the officer didn't answer, but instead, arrested *him* for Public Intoxication. Taylor claimed he only had two mixed drinks prior to his arrest. In fact, Taylor stated his arresting officer did not evaluate him in anyway. The officer didn't look into his eyes and didn't smell his breath. Taylor stated he was then zip tied. After exiting the club, Taylor said he was told to stand on the sidewalk in front of the building and did so for approximately 20 minutes. He was eventually loaded into a police unit and transported to the jail.

Taylor acknowledged that the arresting officer didn't mistreat him; however, he believed that overall the officers came in with a show of force that made it seem like they were there to arrest people, instead of conducting a routine inspection as they have claimed.

Rainbow Lounge Employees

David Schrock, Jr. (Owner)

He was outside and at the front of the club on 06-28-09 at approximately 1:30 a.m., when he noticed a black Crown Victoria driving up to the club at a high rate of speed. The vehicle locked its brakes and smoked the tires as it came to a stop. Schrock instructed his security officers to get the driver out of the car because at the time he believed the driver could be drunk. He then noticed a subject (state officer) making his way under the chain to the front door. Schrock observed other police units, including a paddy wagon arriving on the scene. This is when Schrock went back inside his club.

Schrock indicated the Rainbow Lounge is his first bar, but he believed a TABC inspection would be conducted differently than what occurred on 06-28-09 based on his

conversation with a female agent at the local TABC office. She informed him that agents would look behind the bar, ask for some receipts, inspect the labels on the liquor bottles, and generally take a look around before moving on. According to Schrock, this is not what happened on the night officers visited his club. They came in like there was a fight somewhere in the club and when his manager (Randy Norman) asked what was going on, a Fort Worth officer told him to “shut the fuck up and sit down.”

Schrock said the forcefulness of the officer’s entry continued as they walked through the crowd, pushing through people and knocking drinks out of their hands. He then noticed the officers fanned out in different directions. The officers were seen approaching patrons, tapping them on the shoulder and telling them they were drunk. One that he could remember involved a customer that comes to the club on Friday and Saturday nights to dance. He dances in a very crazy way, which must have caused the officers to believe he was intoxicated because they approached him, kicked his feet out wide and put him on the ground. The officers told him he was drunk and proceeded to zip tie him. They must have released him because he was later seen back in the bar. All total, Schrock believed there were 20 patrons zip tied and taken outside.

What made the officer’s action more unreasonable to Schrock was the fact that 20 patrons were taken outside, but only seven were arrested. The rest of them were released and told to leave. This caused them to leave without closing out their drink tabs. Schrock then noticed Chad Gibson and his friend coming down the steps of the VIP lounge holding hands. Gibson and his boyfriend turned right into the hallway leading to the restrooms. He said Gibson had been having fun with his friends all night drinking and was drunk, but he was now drinking water. Schrock described a shorter, bald state officer approached the couple and chopped down (karate chop) to separate the hands. The officer then grabbed Gibson’s left arm and his hair and put him up against the wall. The officer was heard informing Gibson he was under arrest and when Gibson turned around in an obvious attempt to question their actions, the officer pulled hard on Gibson’s hair. This is when Gibson’s friend backed away.

Schrock could hear Gibson’s friend asking the officer what was wrong. It was then that Schrock observed the officer grab his radio microphone and call for backup, as if he thought Gibson was resisting, which Schrock said was impossible because Gibson’s head was pulled all the way back and he was facing the ceiling. All he saw Gibson doing was turning his head to the left to look back at the officer to ask what he did wrong. Schrock said the officer could be heard telling Gibson to stop resisting several times. Schrock said Gibson was not resisting arrest. In fact, Schrock said Gibson wasn’t “fighting or anything.”

This is when the Fort Worth officers arrived to help. They came in and placed Gibson up against the wall, pulled his arms behind him and then took him down to the ground. The tall blonde Fort Worth officer was the first to strike Gibson, followed by more officers. They held him up against the wall until the remainder of the officers arrived. When they did, they hit the group with such force that the TABC agent also lost his footing and went to the ground on top of Gibson. This is when a photograph was taken of the restroom hallway with the officers on top of Gibson that was publicized in the media.

Schrock saw the officers handcuff Gibson and lift him to his feet. Schrock didn't see any blood on Gibson, but he did look dazed and confused. He was then quickly taken outside. Schrock said he walked outside and noticed Gibson near the paddy wagon zip tied at the hands and feet. He was also laying face first on the concrete with the foot of a Fort Worth officer on the back of his neck. This is when a Fort Worth officer told him to go back inside and if he came outside again, he would arrest him for interfering. Schrock said he could not tell if Gibson was bleeding.

Schrock said there were important people in his club that night that do not want to be identified or give a statement because they hold top jobs in Fort Worth and are not completely "open."

Randy Norman (Manager)

Norman was on duty on the night Fort Worth officers and TABC agents arrived to conduct an inspection at approximately 1:30 a.m. Norman said he was standing at the end of the main bar near the front door when the officers came through the door. Norman said Chad Gibson and his partner were walking back from the restroom holding hands when a Fort Worth officer walking past them used both his hands to strike the couple's hands to get them separated. Norman said a TABC agent (Chris Aller) grabbed Gibson and forcibly pushed him against the restroom hallway metal wall. A second agent (Jason Chapman) came to assist the first agent. Norman did not see Gibson resisting the officers.

Norman then observed the agent grab Gibson's hair and pulled his head back as he continued to push Gibson against the wall. Norman also noticed the agent kicking Gibson's feet wider and wider. This is when Norman heard Gibson ask what he had done. The agent then grabbed Gibson and took him to the ground. Norman said Gibson struck his head on a little stair step leading to the VIP area.

Norman said there were three officers (1 Fort Worth and 2 TABC) dealing with Gibson. He said the two TABC agents landed on Gibson and had him held down. Norman saw one of the agents use his elbow to push down against Gibson's neck. The agents then used the plastic cuffs to secure Gibson. He was then lifted up by his arms. Norman saw the officers push down on Gibson's shoulders to get his head down and walked him outside the bar. Norman believed he saw a scratch and some blood above the left eye of Gibson as they walked him outside. Norman believed this was very unnecessary and appeared to be too rough.

During the night, Norman recalled he spoke to Gibson and didn't notice any signs of intoxication. In fact, Norman saw him drinking water. Norman said he didn't see the arrest of George Armstrong. Norman said he fixed the dent to his wall caused when Gibson was pushed against it by officers.

In a second interview by the Major Case Unit, Norman said he was standing at the main bar right before you get to the VIP area. He was asked to confirm if he actually saw Gibson coming out of the men's restroom before he had contact with police. Norman said this was a correct statement. Norman claimed that Gibson exited the men's restroom and was approached by a TABC agent who pushed him up against the wall between the men's and women's restrooms. There was a second TABC agent that

arrived to assist. Norman then saw one of agents kick Gibson's feet wider apart. This was followed by Agent Aller spinning Gibson around and throwing him to the ground, causing him to strike his head against the VIP step. He then saw a Fort Worth officer exit the men's restroom. Norman said he did not witness the arrest of George Armstrong.

In an interview by Fort Worth Internal Affairs investigators, Norman said it was approximately 1:30 a.m. on 06-28-09 when Fort Worth officers and TABC agents entered his club to conduct an inspection. His doorman came to him about the officers' presence in front of the bar. Norman recalled the officers came in so fast that they knocked a drink out of a patron's hand that was standing at the end of the main bar. Norman said the officers also didn't stop to identify themselves. According to Norman, the officers walked up to patrons and started pushing them down. They were eventually arrested.

Norman believed there were six Fort Worth officers and two TABC agents involved in the raid. He said there was also a paddy wagon at the location. In the six years he has been in the bar business, he has been a part of city and state inspections and the one that occurred on this night was no comparison. On a normal inspection, the officers come in and identify themselves to him. They inspect the liquor and ask for the receipts for the purchases of the liquor. They ask for the bartender's social security number to make sure they were TABC certified and he has seen them approach patrons to check their identification. On this night, the officers never asked for or contacted a manager to let them know what was going to take place and never did anything to indicate it was a routine inspection. Instead, Norman said the officers immediately started to arrest people.

Regarding the arrest of Chad Gibson, Norman saw him coming from the men's restroom with a bottle of water and holding the hand of his significant other. Norman said he saw a Fort Worth officer approach them and use his hands at the direction of the State officer to strike the couple's hand to break them up. A Fort Worth officer then grabbed Gibson and put him up against the wall and pulled his hair back. Gibson said the officer started kicking Gibson's legs apart as Gibson asked what was going on. This is when Norman saw other arriving officers take Gibson to the floor, landing on Gibson. Norman said Gibson hit his head on the metal portion of the wall and also on a stair area.

At the end, Norman said Agent Aller came back into the bar and informed his staff that they did everything right that night. He then told them that he didn't hold the fact they were gay against them. Norman found this comment odd coming from the officers. Norman was at a loss for how this was being considered a normal inspection by officers when his patrons were beat up and arrested.

Yamil Ramirez (Assistant Manager)

Ramirez stated at approximately 1:30 a.m., he was working outside in the patio area when he noticed three or four uniformed Fort Worth officers and four or five officers with STATE POLICE on the back of their shirts. Ramirez said the uniformed officers had zip ties tucked in their belts, but he didn't see the state officers carrying any. Ramirez later observed four individuals taken outside with zip ties on their wrists.

Ramirez didn't witness the arrest of Chad Gibson and didn't know he had been taken outside that night. When the bar closed, Ramirez said a uniformed officer spoke to General Manager Randy Norman and then went back into the club to address the employees. The officer said, "I am not gay and I don't have a problem with gays..." The officer continued, "You have a great place here...and we have been to several other locations tonight and this was the last place..."

Kenny Ivy (Doorman/Security)

In his interview by Fort Worth Internal Affairs investigators, Ivy said he has been in the bar business since 1990 and has witnessed bar inspections by city police and TABC that were always handled properly. Officers typically check the liquor license, check the bottles, etc., but this didn't happen on the night of the inspection.

Ivy stated he arrived (1:04 a.m.) at the Rainbow Lounge as the officers were pulling into the parking lot. He saw a TABC patrol unit stop in front of the location and five Fort Worth units also on the scene. The officers exited their units and came up to him in a very rude manner. Ivy said when he walked up to the front door to the bar, the officers rudely told him to get away from the door. Ivy said he was going to open the door for the officers, but they must have believed he was going to tell the owners that police had arrived at their location.

Ivy said a Fort Worth officer grabbed him and shoved him against the brick wall. He was told to stand still against the wall with his hands above his head. He was then searched. Ivy said he told them he was security for the bar, but the officer didn't care and told him to get his ass over there and shut up.

Ivy said the officer also commented that there were under-aged patrons in the club. Ivy told him he was wrong and he had been TABC certified since 1992.

Ivy said the officers then entered the club and started grabbing people. He saw them bring out seven patrons in plastic cuffs he described as being very tight on their hands. Ivy then noticed the officers writing citations to the arrested subjects.

Ivy said he was outside when Gibson was brought out of the bar in handcuffs. When they came to a stop, Ivy said the officers spread Gibson's legs wide to search him. What Ivy claimed he saw was not a typical police-style search of a person, but instead, it appeared to him that the officers were just touching Gibson all over his body. He did not witness Gibson throw up or fall to the ground while outside.

Ivy also wanted to correct what he heard regarding the number of officers at the bar on the night of the inspection. He stated there were 12 Fort Worth officers on the scene, not six as was being reported and this number did not include the two TABC agents.

In his interview by TABC Internal Affairs investigators, Ivy said it was a TABC agent (short, white, chubby) that approached him, looked him in the eye and told him to "get his ass away from the door." Ivy said two Fort Worth officers then grabbed one of his arms and slammed him against the wall. The officers ordered him to put his hands over his head and not say a word. The officers then searched him.

Ivy said he observed officers bring out seven patrons, not 20. He also indicated that he didn't see what took place with Chad Gibson because he was outside the whole time, but he heard that Gibson's doctors and family members have said that Gibson was "shoved into a hole inside." Ivy recalled an officer first brought out a female that he believed was not intoxicated, but they sat her down next to him while officers wrote out a Public Intoxication ticket. Ivy then recalled officers brought a male subject out that was searched all over by a Fort Worth and TABC officer, but not like a police type search. Ivy was also able to see that this subject was not intoxicated, but he probably had three beers in him.

As to Gibson, Ivy said he saw at least three Fort Worth officers and one TABC agent escorting him out of the bar. Ivy said he saw blood coming down from Gibson's face, but he couldn't identify what area of the face. Ivy claimed "it was bleeding pretty bad." Ivy said he has been in the bar business since 1992 and Gibson did not look intoxicated. In fact, according to Ivy, he knew Gibson before the night of the inspection and when he (Ivy) entered the club earlier in the night, he saw Gibson drinking water.

Ivy said the officers walked Gibson around to the side of the building and out of his sight. They must have then called an ambulance. When everything was over, Ivy said he was released and allowed to enter the club.

Derrick Degraw (security)

Degraw was making his rounds on the patio when he noticed officers (2 Fort Worth and 1 TABC) entering the area. Degraw heard someone at the table in front of the bar say, "Hello Mr. Police Officer," which caused two of his friends to laugh at his comment. Within 30 seconds, Degraw stated the three individuals were escorted outside. Degraw said he reacted by exhaling hard, which caused a TABC agent walking past him to stop and place his hands on Degraw's chest. The officer backed him up against the wall and asked how much he had to drink. Degraw explained that he was security for the location. The agent responded that he should have some sort of shirt to identify himself as a security officer because he looked like a patron.

After that, Degraw walked back and forth from the outside to the inside checking if everything was okay. He was outside and by the front steps when he heard one of the officers say they were needed inside. He saw four officers (3 uniformed and 1 TABC) go back inside. This is when his general manager (Norman) asked him to go inside to make sure officers could do what they had to do without interference. Degraw followed the officers in and they went straight to the restroom hallway. He stopped near the women's restroom and saw the officers (2 Fort Worth and 1 TABC) already had Chad Gibson up against the wall.

Degraw saw an officer grab the back of Gibson's hair and pull his head back and then slammed his head into the wall. He said there were now two TABC agents and two Fort Worth officers dealing with Gibson. Three were hands on and there was one TABC agent standing by the back of the wall just watching the incident. He then saw three officers take Gibson down with a lot of force. He didn't see if his head hit anything, but it landed closest to the wall and his feet were in the direction of Degraw.

Degraw saw no movement from Gibson while on the ground. He was being pinned down by his legs and back. Degraw did not see resistance. Degraw recalled there was still one TABC agent standing up against the wall, there was a second TABC officer on Gibson's shoulder and there was one Fort Worth officer with his knee on Gibson's back and a second Fort Worth officer using his legs to hold down Gibson's arms. A photograph of this time was taken by someone behind Degraw that has been widely published in the newspapers and the internet.

After two to three minutes on the ground, Degraw said the officers forcibly jerked Gibson up to his feet. It was at this time that he noticed a "big old mark on his (Gibson) right side." Degraw then noticed two Fort Worth officers securing Gibson's arms before he was carried outside.

Degraw has witnessed bar checks by police and TABC before and described them as organized. The one on this night was not.

In a subsequent interview, Degraw said he was outside when he heard that an officer needed help inside the bar. He followed a group of officers inside to the hallway and noticed that an officer was already in a dispute with Chad Gibson. Degraw saw the TABC officer grab Gibson's arm and pulled him back, which caused Gibson to stumble into the officer. At that point, the officer grabbed the back of Gibson's head and put his face into the wall hard enough to knock him out. The officers then brought Gibson to the ground, sitting on top of him as he landed. When they yanked him up, Degraw saw a bruise to the right cheek of Gibson. Degraw saw the TABC officer that initially put Gibson up against the wall standing against the back of the wall as the other officers were handcuffing Gibson. Degraw then saw Gibson lifted to his feet and taken outside.

In the TABC interview, Degraw added that the officer that first had contact with Gibson stood up and looked on after additional officers arrived to assist in Gibson's arrest. He said the officer was dressed in a gray shirt and was seen with his back to the back wall looking down at Gibson's arrest.

Justin McCarty (Rainbow Employee)

McCarty was at the Rainbow Lounge on the night of the inspection, standing between the pool table and the first booth when officers entered the bar and made some arrests. When he thought everything was over, he observed two Fort Worth officers and two TABC agents enter the bar and make their way into the men's restroom. He next saw them pull Chad Gibson out of the restroom. McCarty was not sure if Gibson was handcuffed when he was brought out. He witnessed a Fort Worth officer apply a choke hold to Gibson and the others pulled his hands up high behind his back. The officers then slammed Gibson up against the wall, between the men's and women's restrooms. McCarty saw a dent on the corrugated wall where he believed Gibson's shoulder hit. McCarty then saw Gibson look back to ask the officers what was going on.

McCarty said there appeared to be a lot of confusion at that point. It looked like the officers (2 Fort Worth and 1 TABC) were trying to get Gibson on the ground, but there were too many legs in the way. McCarty called the officers "ungraceful" in their attempt to place Gibson on the ground. McCarty then saw the officers slam Gibson down hard

to the ground, causing Gibson to strike the right side of his head on the stair step. McCarty said one officer landed on top of Gibson.

McCarty observed one TABC agent with his right knee over the back of Gibson's legs and the Fort Worth officers sitting on Gibson. There was also a TABC officer standing near the scene watching the action. He didn't witness how the officers lifted Gibson or escorted him out because he had moved away from the location based on earlier comments by officers to him to stop interfering with their police activity.

When Gibson was on his feet, McCarty noticed the right side of his face was "really red" and he appeared to be ready to pass out. McCarty noticed Gibson's right cheek was "cut up pretty bad" and he noticed some bruising to the same area. He also saw a "goose egg" on the top of Gibson's head.

McCarty remembered Gibson having a couple of drinks (alcoholic beverages) during the night, but he didn't consider him to be "three sheets to the wind just yet." McCarty said part of his duties on this night was to monitor "over intoxication" and Gibson "never registered on my radar that night."

McCarty did not see Gibson resisting arrest and described his arrest as "really rough" and "unnecessary for a kid that size."

McCarty was sure that no one arrested by the officers on the night of the inspection was stumbling around or slurring their speech. He did, however, acknowledge there were some "boozy girls" in the bar that night that didn't go to jail. McCarty also felt it was odd that no one (police) went behind the bar in a so-called TABC inspection.

McCarty knew who Gibson was before this night and went to visit him in the hospital.

Travis Gordon (Shot Boy)

Gordon was walking out of the VIP room when he noticed Chad Gibson walking with a bottle of water in his hand. This is when he saw a Fort Worth officer and a TABC officer approaching Gibson. They ran up, pushed him up against the wall and asked what he was drinking. Gibson responded it was water. He did not see the officers take Gibson down to the ground.

During a second interview by Major Case investigators, Gordon said he was walking out of the VIP section when he saw two officers (one in a light uniform and one in a dark uniform) had who he first believed was Gibson up against the wall. He then acknowledged he wasn't 100% sure if he witnessed the arrest of Chad Gibson or George Armstrong. He remembered the subject wrestling with officers appeared to be Hispanic (Armstrong) and he recalled Gibson was wearing a white shirt.

David Folkert (Dancer)

Folkert said he was a dancer at the Rainbow Lounge on the night of the inspection. He was outside on the patio when he noticed officers entering the patio area. This is when he re-entered the bar to go to the restroom. When he got close, he noticed a male subject on the ground with an officer with a tan shirt on top of him. The officer had his

knee on the subject's back. The subject was not moving and was not resisting the officer. The subject on the ground was handcuffed. The officer picked the subject up and walked him toward the front door with the help of another officer. Folkert did not see any signs of injury to the subject and did not see anything else because he decided to walk away.

Folkert was re-interviewed on 07/21/09 by the Major Case investigators. Folkert re-stated that as he came around the corner to the VIP area on his way to the restroom, he saw a male subject on the ground with an officer wearing a tan uniform on top of him. Folkert said the subject was on the ground near the men's restroom and was facing toward the back wall. Folkert stated he could not see the subject's face—only his back. He could not identify Chad Gibson or George Armstrong.

Joshua Home (Bartender)

Home said he was assigned to work the main bar on the night of the police inspection. At approximately 1:00 a.m., he noticed Fort Worth officers entering the bar with zip ties in their hands. He stated he has been in the bar business for four years and no one came to him or behind the bar, which he recognized was normal inspection procedures. Home knew of Chad Gibson and knew that he drinks alcoholic beverages during the night, but ends with water. On this night, he did not witness Gibson's arrest. He did, however, recall that some of Gibson's friends came inside the bar looking for Gibson's partner because Gibson had been injured.

In his TABC interview, Home said that his general manager, Randy Norman, asked him to come outside to attempt to identify a subject. When he went outside, he saw Gibson lying on the ground (prone), his hands zip tied behind him and the right side of his face on the pavement with two state officers standing near him.

Home questioned Gibson about his partner, but Gibson was unresponsive. Home said he was then approached by police and told to leave Gibson alone. Home went back inside to locate some of Gibson's friends, but was unsuccessful. Home didn't see any injuries on Gibson and he didn't see any vomit.

Lindsey Thomas (Rainbow Employee)

Thomas realized that many witnesses are confusing the arrests of Gibson and Armstrong, but she is clear on the circumstances of each arrest. Thomas was at the Rainbow Lounge on the night officers entered to conduct an inspection of the bar. On this night, she was assigned to work the VIP door. During her shift, she recalled witnessing the arrest of Chad Gibson. According to Thomas, the arrest took place in a corner area near the men's restroom. She didn't see when they (officers) pulled him out of the restroom, but she looked over in time to see officers push Gibson face first up against the wall. They held him there before taking him to the ground. Thomas said the officers also went down to the ground with Gibson. Everyone landed facing the back wall (opposite the front door), with Gibson in a prone position

She recalled the VIP section shook during the takedown. She then saw officers kicking Gibson's feet apart. She also saw one of the many officers at the scene place his knee on Gibson's neck and appeared to push down to the ground. Gibson was then

handcuffed, lifted to his feet and taken outside by the group of officers. During the escort, Thomas noticed Gibson walking on his own power, but at times, was also being carried.

Thomas was confused because it didn't appear Gibson was resisting before or after he was thrown to the ground. All she could hear Gibson saying was, "What's going on?" This was in contrast to what she had witnessed before Gibson was arrested that included officers using what she described as understandable force against a subject that was resisting.

Thomas believed there were three or four city officers and one TABC agent involved in the arrest. She also believed Gibson was not intoxicated because she saw him drinking water all night.

In a second interview by Major Case investigators, Thomas said she first saw Gibson standing near the men's restroom, but wasn't sure if he was going to or coming from the restroom. She initially believed he was pulled from the restroom by officers. She said it was two city officers and one TABC agent who arrested Gibson. Thomas also added from her first statement that instead of just witnessing officers push Gibson to the wall, she also saw them kicking his feet apart while he was against the wall. She believed it was a Fort Worth officer, not a TABC agent that threw Gibson up against the wall. She couldn't be sure who the officer was, but she also noticed one of the officers had his knee to the back of Gibson's neck while he was on the ground. Thomas said she did not see signs of injury on Gibson when he was lifted to his feet.

In addition to the above, Thomas said she also witnessed what she believed was the arrest of George Armstrong that occurred after the arrest of Gibson. According to Thomas, Armstrong was standing at the VIP doorway with her telling her how crazy everything was when he was approached by an officer. Thomas said the officer just stood there looking at them, as if waiting for a reason to arrest them. Armstrong then brought two fingers up to his mouth and kissed them in the direction of the officer. Thomas said the officer asked Armstrong how much he had to drink. Thomas said Armstrong slurred his response to the officer that he had two drinks.

Thomas said Armstrong did appear to be intoxicated and believed he had been to another bar before coming to the Rainbow Lounge. The officer instructed Armstrong to have a seat, but Armstrong fired back that he didn't need to sit down. The officer then instructed him to go away and find a seat, which led to Armstrong asking if it was illegal to have two drinks. The officer asked Armstrong for the third time to have a seat because it was obvious to him that he had consumed more than two drinks. Thomas said she also asked Armstrong to have a seat and cool off and if he did, she would get him a glass of water.

Thomas said Armstrong responded that he didn't need any "f...in water." This is when the officer grabbed Armstrong's arm and pulled him down from the VIP area and threw him against the dancer's wall. Armstrong was struggling with the officer by pulling his arms away and this is when the officer grabbed Armstrong's arms again and ran him into the wall. Thomas recognized Armstrong was resisting, but she also believed it was too much force for a person his size (small in stature). Since that night, Thomas has

seen Armstrong and he was wearing a sling because his arm was hurt during his arrest. He told her that officers used too much force with him.

Chad Dorman (Employee)

Dorman was standing at the entrance of the VIP lounge when he noticed officers arresting patrons. Some of the patrons turned to look at him for help. Dorman said he decided to get out of the area by making his way to the men's restroom. This is when he noticed two police officers had Chad Gibson up against the wall, between the men's and women's restrooms with his arms behind his back and up near his head. There was a third officer (TABC) that Dorman said came to assist the officers. Dorman guessed the officers didn't have enough strength to handle Gibson standing up, so the agent grabbed Gibson's neck and slammed his head against the tin wall. Gibson was then handcuffed. Dorman said he then walked around the officers to get to the restroom. As he exited the men's restroom, he saw officers in black uniforms "putting" Gibson on the floor. An officer then yelled for him to get back inside the restroom and the door was closed. Dorman never saw Gibson resisting officers and never saw any sign that Gibson was injured (blood) in anyway.

Dorman didn't see officers treat any other patron in a rough manner and he didn't think there were individuals in the bar that were "grossly" intoxicated, with the exception of one person named "Jose" that was the second person arrested that night in the VIP area. Dorman said he heard the first person arrested in the VIP groped an officer, but he didn't know if that was true.

Eric Cartrite (Bar Back/Bartender)

Cartrite recalled he was very busy at the first well (drink location) on the night officers entered the club. Because of this, he didn't witness any of the arrests in the club. He did, however, say that he has been in the bar business for approximately four to five years and has never seen anything like the events that occurred at the Rainbow Lounge. Cartrite said this was not a normal inspection. Cartrite said at the end of the night, a uniformed Sergeant (Morris) came into club with the General Manager, Randy Norman, to speak to the employees. Norman instructed all the employees to gather together to listen to the Sergeant. Cartrite said the Sergeant let them know that they should step back when officers enter the club and don't interfere with them. He used the example of one of their security officers that was nearly arrested that night.

Brian Jordan (Patio Bartender/Doorman)

Jordan was working at the Rainbow Lounge on the night of the inspection. During the night, he drove to a nearby store and on the way, he noticed approximately seven police cars parked in the Dollar Store lot at Rosedale and Jennings. Later, he was at the front door with co-worker, Kenny Ivy, when the officers arrived. Jordan said Ivy attempted to run inside to let people know of the officers' presence. This is when Jordan witnessed an officer in a brown uniform (TABC) run up and grab Ivy. According to Jordan, the detainment lasted approximately 15—20 minutes.

Jordan did not think the inspection by officers was out of the ordinary and believed that the whole thing was being blown out of proportion and the community uproar was based

on a political agenda. Jordan said that the officers were very professional, but he acknowledged that he didn't see anything that occurred inside the club. Jordan stated he was told that Schrock made the comment to officers not to dent his wall as they took Gibson to the ground.

Jordan saw Chad Gibson outside, but he didn't see him fall in the parking lot. He also commented that there was an issue raised regarding the arriving officers damaging some property in front of the club. According to Jordan, it was a combination of officers, patrons and employees entering and exiting the club that was responsible for the damage. While outside, Jordan heard a patron getting "mouthy" with the officers. He heard a comment made towards the officers about their dislike for the patrons because they were gay. Jordan said the officers ignored the comments and continued doing their jobs.

Shane Wells (Dancer)

Wells was at the Rainbow Lounge on the night of the inspection. He was standing by a pool table near a restaurant-like booth facing the restroom hallway when he first saw Chad Gibson. As he spoke to some people, Wells recalled seeing Gibson standing on the first step to the VIP area when he was approached by an officer, who asked how much he had to drink. Wells couldn't be sure, but he believed the officer was wearing something dark. Wells heard Gibson respond that he didn't have to answer. The officer then informed Gibson that he was under arrest for Public Intoxication, to which Gibson responded why since he was only drinking water. Wells then observed the officer bring Gibson down from the steps. He turned Gibson around and slammed him against the wall, near the dressing room door. The two ended up near the men's restroom.

Wells saw other officers, including one wearing a tan uniform, coming to the area to assist. Wells turned to say something to someone and when he looked back, Gibson was face down on the ground with officers around him. Wells said all he could see was Gibson's feet. Wells decided to leave because he was scared they (officers) were going to arrest everyone.

Wells did not see Gibson resisting before or after his arrest, and he didn't appear to be intoxicated. He wasn't stumbling or falling and his speech was clear.

When asked by investigators about interviewing other witnesses, Wells answered, "...I know two people that were standing right beside me and they were drunk and they were like, "oh my memory is all blurred" and I'm like, "Well mine's blurred too at this point," but I wrote down the next day what I saw..."

In a second interview by Major Case investigators on 07/13/09, Wells was asked if he witnessed another arrest in the same area Gibson was arrested either before or after Gibson. Wells said he witnessed an incident before the Gibson arrest, but it wasn't in the hallway—it was in the VIP lounge. He was then asked if he was aware of the George Armstrong arrest and Wells said no.

In an interview to Fort Worth Internal Affairs investigators, Wells said he was working at the club that night as a dancer. He was dancing in the VIP lounge when he noticed a Fort Worth officer walk into the lounge that made his way up to a patron at the bar. The

officer said something to the subject then spun him around to place zip ties on him. The subject was then escorted outside.

Wells decided to make his way to the dressing room so he could get dressed because he was afraid he might get arrested and he didn't want to go to jail in his underwear. When he exited the dressing room, he was standing near the pool tables and the VIP lounge. This is when he noticed an officer he believed worked for Fort Worth approaching Chad Gibson.

Wells wasn't sure, but he believed it was an officer in dark clothing (Fort Worth) that shoved Gibson into the wall. Wells indicated there were bodies moving around really quickly and then he said, "And I guess Chad struggled." After Gibson was taken to the ground, Wells recalled several more officers (Fort Worth and TABC) arrived to help.

Wells exited the club and saw a couple of people lying on the sidewalk. Wells made his way quickly to his car and left the bar. Wells felt like officers targeted the Rainbow Lounge because it was a gay bar.

Thomas Anable (Accountant)

Anable was hired by the Rainbow Lounge owner to provide accounting and tax services for the bar. On the night of the inspection, he was at the bar to conduct a cash count and set up the spreadsheets for closing out registers. He said he arrived at approximately 11:25 p.m. At around 1:05 a.m., he was at the VIP raised platform when he felt some activity behind him. He turned in time to see three officers (2 TABC and 1 Fort Worth) arresting a young man he knew only as "Rocky." Officers were placing zip ties on Rocky's hands as he asked what he had done wrong. The officers responded that he was under arrest for Public Intoxication.

Anable said the arrested person was taken outside as other officers came in to apparently do the same thing. The officers, in groups of three, pushed through the crowd and randomly targeted patrons. They would approach patrons and tap on their shoulders. They would then turn the subjects around, ask them how much they had to drink and follow it up with an arrest. This practice of a group of three officers approaching patrons continued until 1:40 a.m.

At approximately 1:40 a.m., Anable saw a tall TABC officer (Aller) grab Chad Gibson's wrist and spin him around. The agent put Gibson's arms behind his back and up close to his shoulder area. The agent grabbed Gibson's collar and slammed his face first into the pool table. Anable did not hear or see Gibson resisting the officer in anyway. Anable saw the agent handcuff Gibson before he called for officer assistance. Anable then saw the agent grab Gibson's collar and drag him down the steps (VIP) to a more solid floor. The agent then spun Gibson around and slammed him into the door of the dressing room. The agent spread Gibson's legs apart and pulled him to the ground, striking the floor face-first. The agent landed on top of Gibson and was seen straddling his legs. Anable then noticed four officers running through the front door on their way to assist.

The four arriving officers split and went to each side of Gibson. Anable became terrified and decided to leave. When he started toward the door, the "picture" is taken of Gibson

on the ground with the officers on each side of him and the TABC agent (Aller) that arrested him standing against the wall facing the camera. When he exited the club (1:48 a.m.), he noticed four or five people face down and handcuffed on the sidewalk. He went home and took a swim before writing down what he remembered of the events at the Rainbow Lounge.

Anable blamed Agent Aller for the rough treatment and unprofessional conduct officers exhibited during the arrest of the "Hispanic" man and Chad Gibson. He claimed the situation escalated the last seven minutes "beyond the Fort Worth police's expectation" and they were guilty of not stopping the TABC actions.

In a second interview by Major Case investigators, Anable said he was initially in the VIP area, but decided to move down to the floor level to get a better view of what was taking place. It was his opinion that the arrests were turning too rough. For the next 40 minutes, he watched several arrests take place in the bar. He then noticed Chad Gibson standing on the steps to the VIP area. Anable detailed an incident that occurred before the arrest of Chad Gibson. Anable said the tall agent (Aller) made contact with a subject that was drinking a bottle of water. Anable said the officer tapped the subject on the shoulder and informed him he was under arrest for Public Intoxication. The officer spun the subject around, grabbed his collar and slammed him face down on the pool table. The officer zip tied him and escorted him outside.

The next incident was the arrest of Chad Gibson. Anable said the officer walked right up to Gibson and tapped him on the shoulder. Anable could tell that Gibson asked, "Why." The officer shoved the bottle out of the hand of Gibson. The officer then grabbed Gibson's hand and pulled him down the VIP steps. He then grabbed Gibson's arm and pulled it back high behind him. The officer then grabbed Gibson's collar and slammed him against the dressing room door and held him there for four to five seconds. The officer then stuck out his leg and spun Gibson over to his left for a takedown to the ground, landing face first. The subjects were now out of Anable's sight. According to Anable, Gibson did not resist in anyway. He then saw one more TABC officer and three Fort Worth officers running in to assist. This is when Anable told the owner that he was leaving because he was fearful of the actions by the police.

Patrons

Jack Todd Camp

Camp is the artistic director of the Fort Worth Gay and Lesbian International Film Festival. He said the organization held an event at the Rainbow Lounge a few weeks before it officially opened (06-09-09) to introduce the bar to the city. He claimed to have been a regular patron since the Rainbow Lounge opened for business.

On the night (06-28-09) of the inspection, Camp said he was standing at the back of the VIP bar when an officer shoved him aside to reach a person in front of him. The officer tapped the person standing at the bar, told him he was drunk, spun him around and placed handcuffs on him. Camp said the subject was then hauled off. Camp then noticed more officers in the main area of the bar and he heard there were also officers on the patio. He also noticed officers in the VIP area questioning patrons. He then

witnessed four subjects arrested by TABC agents. Camp said the Fort Worth officers appeared to be standing in the background while the agents contacted patrons.

Camp had witnessed bar inspections before and they were very procedural. This one was not. He observed the officers shoving patrons and heard some of them using profanity. According to Camp, the officers looked “hyped up” and their contact with patrons was harassing and confrontational. He spoke of a takedown conducted by one of the TABC agents. According from Camp, the officer slammed a subject onto a pool table. When Camp walked outside, he saw four people under arrest and about six police cars and a paddy wagon. There were some people lying down on the concrete in handcuffs. Camp tried to speak to some of them, but was told to step away and not say anything.

Camp understood this case would turn into a “he said, she said” situation between the patrons and the police. Regardless, he described what the police did on this night as over-reaction and over-aggressiveness. He did not see the takedown of Chad Gibson.

Allison Egert

Egert said she spoke to an officer in the bar when officers first entered and thanked him for his service. The officer responded that they were there because of a complaint by a disgruntled former employee that said people were being over-served. Egert believed this was a lie.

She was in the VIP area when the first subject was arrested. The arrest scared her enough that she decided to move to another area of the bar. She then saw police (one Fort Worth and one TABC) speaking to a young man (Chad Gibson) with a bottle of water in his hand near the dressing room. She saw the officers turn Gibson around to pin him up against the wall. Next, one of the officers threw Gibson to the ground striking his head on the VIP steps. She said Gibson was pinned to the ground by five officers. The officers had their knees on Gibson’s neck and back. When asked to describe the subject she witnessed being arrested, Egert said it was a skinny, white male and then added, “...he just looked like a skinny gay man.”

Egert believed officers were targeting “certain people” (gay and lesbian) in the bar and she was convinced of this because she had been drinking, but described herself as looking “straight,” which she believed gave her some protection with the police. Egert decided it was time to leave because it was “not good.” Everywhere she looked there were patrons being zip tied.

Egert was questioned about the George Armstrong arrest and asked if she witnessed anything. She said she heard of the arrest later, but was not a witness to the incident.

Weston White

White said he arrived at the Rainbow Lounge at approximately 12 midnight on 06-28-09. White did not see the officers enter the bar, but he noticed them once they were inside and walking amongst the crowd. He observed three or four officers (he believed Fort Worth and TABC) pull Chad Gibson out of the men’s restroom and put him up against the wall. Gibson was then zip tied behind his back. White could hear Gibson asking the

officers why he was being arrested. White never saw Gibson resisting or fighting back, but he saw officers throw Gibson to the ground.

Because the music was so loud, White didn't hear the impact when Gibson hit the ground and didn't see when officers took Gibson out of the bar. White did, however, see Fort Worth officers arrest his friend. According to White, officers approached his friend, who was standing near him talking, turned him around and zip tied him behind his back without saying anything to him. He was then escorted outside. White said another friend approached the officers to ask why the subject was arrested when he had a designated driver. White said the officers also walked this person outside.

White did not see officers groped in the bar and did not see any of the dancers making inappropriate movements toward the officers. White said he has witnessed TABC and city police bar inspections in the past and they have always been courteous, friendly and routine. On this night, the inspection was different. Officers came into the bar with zip ties and appeared to be looking to arrest people. He called it a very scary situation.

Ron Wersal

Wersal said he had just completed a charity fundraiser and had been at the club for approximately 20 minutes when he noticed officers entering the building. Wersal was in the back corner of the VIP lounge when he saw a Fort Worth officer approach a patron at the bar. The officer turned the subject around and spoke to him for a few minutes. Wersal then noticed a group of officers, including a State Police officer, speaking to a patron at the VIP lounge step. Wersal couldn't hear what was being said, but he realized it wasn't going well. The subject stepped two to three feet away from the officers in the direction of the restrooms. A struggle ensued and the subject ended up against the wall. After a few seconds, Wersal lost sight of the subject.

After exiting the club, Wersal approached a Fort Worth officer to ask him what was happening. The officer said they were there because of something that occurred down the street. To Wersal, it meant that officers were there to arrest "perpetrators." Wersal said he and his partner made their way a few blocks to a friend's house. Wersal claimed he later saw Chad Gibson placed on a gurney and loaded into an ambulance.

Kyle Trentham

He was in the VIP area of the Rainbow Lounge with friends when he heard a "ruckus" taking place at the front of the bar. He saw Fort Worth officers and what he believed at the time were DPS officers entering the bar. He later learned the officers wearing the shirts with STATE POLICE were actually TABC officers. He noticed the officers were running around very quickly as if looking for something specific or a particular person. Trentham said he heard some officers telling the patrons they were drunk and in some cases, the officers were heard asking the patrons if they were drunk. However, in all these cases, Trentham saw the officers zip tie the arrested persons and take them outside.

Trentham witnessed the encounter between police and an individual he later learned was Chad Gibson. According to Trentham, he saw Gibson stumble down the stairs to the VIP lounge. He then heard officers asking how much he had to drink. Trentham

saw Gibson look back at the officers as if trying to figure out what was going on. He then noticed the state police officers forcibly trying to detain him. Gibson was first slammed against a door in the restroom hallway and then the encounter moved closer to the men's restroom. He said Gibson was wrestled to the floor by the TABC officers.

Trentham observed Fort Worth officers arriving to help the state officers. He heard when the officers slammed Gibson against the tin wall, but he didn't hear when Gibson hit the floor. Trentham noticed Gibson had a dazed look as he was being walked outside by a group of officers. Trentham believed this type of arrest meant officers were looking for people that were obviously intoxicated. This was confirmed as he watched officers approach patrons, tap them on the shoulder and ask if they were drunk. This approach by the officers scared Trentham and others into believing something bad was going to happen to them.

Trentham recalled being at a bar during a TABC inspection and remembered it was very calm and professional. They were not there to scare anyone. In fact, he recalled TABC inspections involved speaking to the manager, looking at the bottles, inspecting the trash cans, checking identification, and informing people what was taking place. On this night, he didn't believe it was a TABC raid because everything was "atypical."

Trentham ended his interview by stating that at the beginning, Gibson was resisting (arrest) because he was confused about who he was talking to because the officer was dressed in khakis and a shirt. He didn't wear a uniform that indicated he had any authority over people. He saw and heard the TABC officer trying to detain Gibson and Gibson responded with "...get off me. What are you doing? I don't know...who the "f" are you? That's the part where I saw him resist."

Wade Hampton

Hampton, who resides across the street from the Rainbow Lounge, said it was approximately 12:30 a.m. to 12:45 a.m. when he decided to visit the bar. He was standing just above the steps to the VIP lounge area facing the dance floor when he observed officers (Fort Worth and TABC) entering the club. He said there was a group of them that made their way to the patio, some went into the men's restroom, and one officer walked up to the VIP area.

Within a few minutes, Hampton noticed officers were making arrests. He then noticed a commotion taking place near the steps of the VIP lounge between police and a subject they were escorting. Hampton said he noticed people heading for the front door. This prompted him to do the same thing, except he stopped when he noticed three to four officers standing near the door. Hampton said he turned around and returned to the VIP area. He felt it more of risk to leave than to stay.

He was leaning on the back of a chair near the steps when an officer with stripes on his shirt (Sergeant Morris) came up behind him and placed his elbow against Hampton's back. Hampton walked away because he believed the sergeant was trying to provoke a reaction from him. At that time, Hampton had consumed one mixed drink and was now drinking a beer, but he decided to go home. Hampton exited the bar and started to walk to his residence. Hampton noticed some people sitting in front of the bar that appeared to be under arrest and the Fort Worth units with their emergency lights on.

Hampton stated that he did not witness the patrons groping or making suggestive movements or comments toward officers.

Sean Goldberg

Goldberg was standing near the pool table inside the Rainbow Lounge on the night of the inspection, but he didn't remember seeing officers entering the bar. At approximately 1:30 a.m., Goldberg said he made his way outside and noticed police units at the location- some parked illegally (double parked) on the roadway. Goldberg made his way across the street to his car and before he got in, he looked back toward the bar entrance and noticed approximately six officers at the entrance. One of the officers (khaki uniform/TABC) grabbed the doorman and pushed him against the wall. He could hear some mumbling, but couldn't tell what was being said. This officer held on to the doorman while the others entered the bar, then he entered last. This was all he said he witnessed that night.

Juan Herrera

Herrera was at the Rainbow Lounge when officers entered the bar to conduct an inspection. He remembered the officers entering with a quick pace and in a single line formation, with Fort Worth officers leading the way. Herrera also noticed that some of the officers appeared to be agitated about something.

Herrera recalled the officers fanned out to different areas of the club and quickly found someone to take outside by first twisting their arms behind their back. Herrera claimed he once managed several clubs in Fort Worth and he always recognized the look of a TABC agent, which usually included a cowboy hat, their badge, and a gun visible to everyone. On this night, Herrera said this operation was entirely different. He did, however, acknowledge that he was so distracted by what was going on that he may have missed the officers making their way behind the bar to check the license and the bartenders.

He didn't know Chad Gibson until after the events took place, but he assumed Gibson was the individual he saw apprehended near the restroom. Herrera noticed officers making their way to the restroom hallway area and eventually into the men's restroom. He then saw Gibson coming out of the men's restroom. Gibson was approached by a city officer. Herrera then saw a group of four officers- two Fort Worth officers and two TABC agents pin Gibson up against the wall. Herrera noticed the officers appeared to be struggling with Gibson, but it also didn't appear to him that Gibson was resisting.

Herrera recalled a city officer had Gibson around the neck area. According to Herrera, the officer reached around to the front of Gibson with his hand around the neck area and pulled back. Herrera said officers were eventually able to place the zip ties on Gibson's hands.

Herrera made his way to the VIP area and began yelling out to the patrons about how officers were mistreating Gibson. Herrera positioned himself so he could take a photograph of the incident, but when he looked toward the area, he noticed that Gibson was already on the floor. He noticed the Fort Worth officer that was hanging on to

Gibson's throat area now had his foot on Gibson's neck. The officer looked up at Herrera and instructed him to leave or he was going to be arrested. Herrera said he never saw blood on the area of the floor where Gibson was arrested, but he felt like the whole incident was handled wrongly by the police. Herrera then decided to make his way to the opposite side of the hallway area toward the front.

As he spoke to his friends about what was happening, he noticed two TABC agents holding on to Gibson's arms as they walked him toward the entrance. Herrera noticed that Gibson was walking under his own power and wasn't staggering. Herrera also noticed there was no blood on Gibson or the area where the arrest took place.

Herrera made his way outside and was standing on the sidewalk in front of the club speaking to other patrons when he noticed Gibson, who was still in handcuffs, standing at the back of the transport van in the south parking lot with an officer to his right writing on a note pad. A short time later, he witnessed Gibson fall to his left side (on the ground). Herrera recalled the officer yelled out for assistance, but Herrera believed no one heard his call for help. Herrera then yelled at some officers near him that the subject under arrest by the van had fallen and needed some help. Herrera said the officers ran to the area to assist. Herrera said officers then approached his group and instructed them to leave the area. On this night, Herrera contended that the inspection conducted by the officers was anything but routine.

Robert Hammack

Hammack said he arrived at the Rainbow Lounge between 10:30 p.m. and 11:00 p.m. When the officers entered the club, he was sitting on a picnic table in the back corner of the patio. He recalled at least two Fort Worth officers came to the patio shining flashlights in people's faces. The officers were being loud and speaking aggressively to the patrons. They asked what was going on and why it was so quiet. Hammack said one of the officers then approached a group of people and grabbed a male patron by the arm and told him to go outside with him.

About five minutes later, Hammack got up and walked back into the main bar area. He saw several officers walking amongst the crowd with zip ties on their duty belts. Hammack then made his way outside and noticed several police units, including a paddy wagon, parked near the club. He did not witness contact between police and the subject he would later learn was Chad Gibson. He left the club at about 1:00 a.m.

In his TABC interview, Hammack said the officers walking through the crowd with zip ties on their belts were TABC agents. He said their conduct felt like harassment and wasn't professional.

Timothy Olson

Olson arrived at the Rainbow Lounge between 10:30 p.m. and 11:00 p.m. He had four or five drinks, with a bar tab of \$28.00. He was outside on the patio just past 1:00 a.m. when he noticed police officers coming to the patio area. There were three officers in khaki uniforms (TABC) and one in a dark blue uniform (Fort Worth).

Olson believed the police were there to check for proper identification. This initially caused him some concern because the bartender had his driver's license to keep his bar tab open. Olson said he went back to his conversation with friends when he heard someone make a comment that sounded like "he's butch." The comment caused a state officer to ask who made the comment. Olson said the patron who admitted making the comment was grabbed by the arm and pulled back inside the bar.

Olson informed his friend that he was going to close out his bar tab because it was time to leave. He entered the bar area and made his way to the men's restroom. As he was walking down the hallway, he noticed two state officers and city officers standing nearby. He then noticed a young kid; he later learned was Chad Gibson, walking toward him. This is when Olson heard someone make a "snotty" comment to the officers that sounded like, "thanks for your service." Olsen wasn't sure who made the comment, but he believed it was said to offend officers.

Olson said officers suddenly grabbed Gibson and slammed him up against wall between the restroom doors. Olson said he didn't want to get involved because he was afraid the officers would turn on him, so he just walked around the group into the restroom. As he started back toward the door, it shut in his face. He opened it up to a state officer telling him to stay inside. Olson then turned to a bartender that was also in the restroom and asked him what they (bar employees) had done to cause the police to be at the club in such a manner. The bartender responded that he didn't know because they had only been open one week.

Olson opened the door a second time and saw a city officer with his knee on the back of Gibson's neck holding him down. He also saw a state officer holding his legs down and a third officer (state) straddling Gibson to try to get him cuffed. Olson could hear Gibson asking why they (officers) were doing this to him and an officer responded, "Stop fighting me." Olson could not understand why it would take three officers to subdue Gibson, who didn't appear to be very big.

Olson also heard a report that there were eight officers, but he actually saw 20 officers in the bar and two paddy wagons outside.

Walter Erick Ensminger

Ensminger was outside on the patio when officers entered the patio area. He said everyone became silent when the three officers (one Fort Worth and two TABC) began shining their flashlights on people's faces, asking them how much they had to drink.

Ensminger said there was a young person behind him quietly asking his friend why the police were so mad. His friend responded that it was because everyone was of age. Ensminger said all of a sudden, the Fort Worth officer ran over to him, shined a flashlight in his face and said, "which one of you fucking said that?" Ensminger didn't respond because for a short period, he thought maybe these were not real police officers. He thought maybe the subjects were given the uniforms for this operation and were preparing to kill them.

Ensminger said the young male admitted to the city officer that he made the comment. The city officer grabbed the subject's arm and informed him he was going to jail. The

officers quickly whisked the subject toward the door. Ensminger followed the group outside to see what the officers were going to do with the subject. When he exited the club, he saw several people lying in a prone position and zip tied on the ground in front of the bar.

Ensminger had spoken to Chad Gibson during the night, but did not witness his encounter with police. Ensminger concluded that everyone was petrified. Everyone kept their hands to themselves and no one was groping anyone in the club.

In his interview by TABC investigators, Ensminger stated there were four officers that “stormed” the patio—one Fort Worth officer, two TABC agents, and one person wearing a black shirt with no markings. Ensminger said the young male told officers it was him that made the comment about under-aged drinkers and then he was taken to the ground.

Ensminger stated the officers approached patrons and stood close to them and used profanity at them. Ensminger said three officers then drug the young male subject out of the patio back into the main bar. He followed because he believed the officers were imposters and they were there to kill people.

James Edmondson

Edmondson said he was exiting the VIP lounge at approximately 1:30 a.m., when he noticed several city officers in uniform and TABC officers. He made his way to the patio and when he arrived, he noticed a male subject in zip ties. As he held the door open for them, Edmondson heard the officer asking the subject how much he had to drink. Edmondson didn’t believe the subject was intoxicated because he was standing clearly on his own and his speech was not slurred and he was responding clearly to the officer. Edmondson said he followed the officer and his subject toward the front door and when he exited the bar (2:00 a.m.), he saw six to eight police cars parked in front of the club. He did not witness the arrests of George Armstrong or Chad Gibson and did not see Gibson outside the bar after his arrest.

Sarah Bryant

Bryant was on the dance floor with some friends when she asked a male subject sitting by himself to join them. He refused to get up because he said police were in the club. A short time later, she made her way to the VIP area and was told by a friend that it would be a good idea to leave since there were police officers in the club. She said no because she wasn’t doing anything wrong and she believed they were there to conduct routine duties. This is when she noticed an officer grabbing a patron and the encounter turning rough between them. The officer had the subject’s arm behind him and high. It also appeared by the look on the officer’s face, that he was struggling with the subject. On the other hand, Bryant didn’t consider what the subject was doing as trying to get away or resisting the officer. It looked more like the subject was stumbling around and the officer was connected to him. She then lost sight of everything when the subject and the officer went to the ground.

Bryant and her friends decided it was best to leave, so they exited the club and made their way across the street. It was there that she looked back toward the sidewalk in

front of the bar and noticed an officer having trouble getting a patron on the ground. The officer, according to Bryant, was not hitting or striking the subject, but was being rough with the patron to get him seated on the ground.

Benjamin Guttery

Guttery said he first arrived at the Rainbow Lounge at around 10:00 p.m., but left and returned after visiting other clubs called The Crossroads and The Stampede. Upon his return, he was on the patio when he noticed officers entering the area. He was speaking to his partner and his partner's nephew at the mini bar when a Fort Worth officer approached with a flashlight in his hand and began shining it at him as he announced that he was looking for under-aged drinkers. Guttery noticed three more city officers in the area and one state officer, who were watching over the area. The officers were shining their flashlights at patrons asking, "Who's under age here, everybody, who's under age?" Guttery then heard the officer behind say, "OOO It got real quiet out here." This is when Guttery responded, "that's because we're all of age officer." The officer turned to face him, made a motion and asked who made the comment. Guttery admitted to the comment by raising his hand, which led the officer to say, "come with me boy."

Guttery, who described himself as 6'8" tall, complied and followed the officer, who he recognized was also tall and strong-looking. Before re-entering the main bar, the officer instructed Guttery to put his hands behind his back because he was under arrest for Public Intoxication. The officer claimed he could smell him when he entered the patio area. As they made their way inside the main bar, Guttery remembered the officer tried to get him to hurry up. When they entered the club, everything was in disarray. There were a lot of scared people packed together against the wall and up near the pool tables.

Guttery recalled seeing Todd Camp, who he said was working security for the club, with a flashlight in his hand and a ruler to measure the dancer's costumes. As he walked past Camp, Guttery informed him the officers were arresting him for Public Intoxication. The officer told him to keep moving and put his knee against Guttery's back to get him going. Guttery also noticed the shocked look on patron's faces as they realized he was in handcuffs and under arrest. After all, according to Guttery, he was known as "Gentle Ben" because he wouldn't hurt a fly.

Guttery was led toward the transport van and after being searched, was told to get into the van backwards. Guttery turned around, tried to step up while he bent down to kept from hitting his head, but it was proving to be too difficult. His arresting officer then pushed him in, which caused Guttery to lose his footing. Guttery said he stumbled back out and fell onto the steps of the van and then onto the concrete. Guttery got up and apologized to the officer for not being able to do what he wanted, but he explained it was difficult, even if not intoxicated, for someone his size to be handcuffed and then told to climb steps backwards to get into the van. Guttery said he was eventually able to get himself into the van and had a chance to sit next to someone named Kenneth. Kenneth told him that he was walking on the street when officers approached him and arrested him for looking like he was drunk.

Guttery then spoke to others that claimed police had arrested them at a bar on Rosedale Street after they burst into the club like they did at the Rainbow Lounge and arrested them for Public Intoxication. Guttery was suddenly taken out of the van and asked by officers if he worked for Bob Hicks (Fort Worth Police Department Fleet & Auto Pound Division Supervisor). Guttery said no, but regardless, an officer cut his zip ties off and informed him that he was free to go. When the releasing officer was questioned by another officer about the release, the releasing officer informed him that Guttery was "one of us."

Steven Torres

Torres said he arrived at the Rainbow Lounge on the night of the inspection at around 12 midnight with his uncle (Ruben) and partner (Ben). They had been to The Stampede before deciding to visit the Rainbow Lounge. The Rainbow Lounge crowd was large and the lighting was low, with fog and laser lights active. Torres made his way to the patio area.

Sometime later, he noticed two TABC officers and a city officer entering the patio area. He recalled the Fort Worth officer asked why everyone was so quiet. When Ben said something about being scared, the officer asked who made the comment and Ben raised his hand. The officer asked Ben, who had consumed three to four drinks that night, to come with him and they went around the corner. The TABC officers also left the area.

When Ben didn't return, Torres decided to close out his bar tab and leave with Ruben. When they exited the club, Torres observed arrested persons sitting up against the building. Torres then asked an officer if they had a tall subject named Ben under arrest. He got no response, so Torres' uncle asked a second officer to check for Ben. With nothing happening, Torres made his way to the paddy wagon, but only noticed police officers standing near it. He did not see anyone in handcuffs.

Torres described Ben to officers and asked if he was in the paddy wagon. One officer took offense to the paddy wagon comment, so Torres replied that's what they call it at the agency's fleet operations. This prompted the officer to ask who he worked for and Torres responded (Bob Hicks). The officer opened the back door to the paddy wagon and Torres noticed Ben sitting on the end of the row. Ben was taken out and his zip ties were cut off with a knife. This is when another officer approached and asked why Ben was being released. Torres heard the assisting officer tell the questioning officer that he (Torres) was one of them. The officer told Ben to go home and not tell Hicks about what happened that night. Torres did not witness the arrests of George Armstrong or Chad Gibson.

Brandon Addicks

Addicks said he was in the VIP lounge area with his girlfriend and other friends at around 12:30 a.m. when he noticed a small group of police officers enter the club. He found it strange that the officers were carrying zip ties, which he recognized from past experience, meant something other than a normal situation. He quickly realized his suspicions were correct. This first incident he witnessed involved a male subject sitting down that was approached by officers. He was told to stand up, they turned him around

and zip tied him without any questions asked. The stunned subject was then escorted toward the front door.

Addicks said his friend, Justin McCarty, who was working security at the club, came up and informed him the police were raiding the bar. McCarty went on to say it's going to be bad and he needed to pay his tab and get out. He then noticed McCarty asking some of the officers what was going on. He next saw McCarty threatened with arrest, which caused Addicks concern because he now knew he had to go, but he knew his girlfriend would refuse to leave.

Addicks noticed Chad Gibson heading toward the restroom area with his hands up in the air. Addicks saw Gibson approached by two TABC officers who spun him around and threw him into the wall. A Fort Worth officer then came to assist. According to Addicks, Gibson was then thrown to the ground. This was followed by a larger group of officers running up to assist. Addicks did not see anything after they went to the ground. He grabbed his girlfriend and walked her outside.

Addicks made sure his girlfriend was gone before he went back to check on the welfare of his other two friends, Monica and Rafael. Their car was in the parking lot, but was blocked by the paddy wagon. This is when he noticed a subject face down on the concrete behind the paddy wagon. He described the subject as a white, possibly a Hispanic male over 200 lbs. Addicks was telling his friends to come with him as a police officer was motioning them to leave. He then went to a friend's house for about an hour before returning to get his friend's car.

Addicks added that the whole situation at the Rainbow Lounge was about officers entering with a very harsh tone and with a sense of immediate justice. There was nothing routine about this inspection and there was no truth to the allegation by officers that patrons groped them upon entry, nor was there any inappropriate contact by patrons or dancers toward the officers. However, after considering what took place, Addicks contended that this was not a gay issue. It was more about officers being too aggressive with the patrons.

Blake Iverson

Iverson was at the Rainbow Lounge when he saw Chad Gibson on the ground in front of the men's restroom with four Fort Worth officers on top of him. Iverson said all he could see was Gibson's legs sticking out as the officers held him down. He didn't see Gibson before he was on the ground and he didn't see him outside after he was arrested.

Kelly Lane

Lane said she arrived at the Rainbow Lounge at approximately 10:00 p.m. on the night of the inspection. At approximately 1:00 a.m., she was standing at the bar with her sister (Kayla Lane) when she looked toward the restroom hallway and saw a Fort Worth officer grab the arm of a man that was either entering or leaving the restroom. She then saw officers (2 Fort Worth and 1 TABC) push a different male subject against the wall and then quickly got him to the ground. Lane said the officers did not tackle the subject, but rather, she described the takedown like a push. Lane did not see any signs of injury

to the subject at this time. She believed officers then placed the plastic handcuffs on the subject while he was on the ground. She saw four officers escorting the subject and three other individuals outside the bar. She later learned the subject was Chad Gibson.

Lane said she decided to leave because one of the officers grabbed her sister's arm and took her outside believing she had called him a name. After speaking to the officer outside, Lane said a supervisor told them to leave. They made their way to the parking lot where their friend's car was parked. This is when she saw a handcuffed subject in a white shirt (Gibson) face down on the ground, next to a parked car. Lane said the subject had his right side of his face on the ground and looked like he was in pain. He was conscious, but wasn't saying anything or moving, and his face looked "screwed up." Lane said she didn't see signs of injury to the subject and didn't see any vomit near the subject.

Lane said she saw two Fort Worth officers and one TABC officer standing near the subject just looking at him. Lane recalled the officers told them to leave. Lane said she tried to explain to the officers that their van was blocking their cars, but was told to leave, so they walked to a friend's house near the bar. When she later went back to the parking lot with friends to get the vehicles, she noticed remains of a substance used to clean up vomit where the subject's head would have been positioned.

Lane was then questioned about another incident (Armstrong) that occurred in the same area of the hallway. She said this incident took place very close to the same time and location in the hallway of the Gibson arrest. In the TABC interview, Lane said she saw an officer approach a male subject (Armstrong) standing next to her in the VIP lounge. She said the Fort Worth officer asked the subject, who was holding a drink in his hand, how much he had to drink. The patron said, "a little." Lane said the officer spun the subject around, zip tied his wrists behind his back and removed him from the VIP area. Lane said she and her sister, Kayla, then left the VIP because it was getting confusing.

Kayla Lane

Kayla, a student at UC-Santa Cruz and sister of Kelly Lane, was staying in Fort Worth with her sister during the summer. On 06-28-09, she was at the Rainbow Lounge with friends to dance and have fun. She was in the VIP section when she noticed Fort Worth officers entering the area. She witnessed an arrest of a male patron standing in front of her. She heard the officers ask the subject if he had anything to drink and when he answered "some," the officers said they would find out and zip tied the subject. Lane explained that the subject was "not acting any more intoxicated than every other patron at any given bar." After this, Lane saw officers make their way into the men's restroom. They pulled out two subjects in zip ties and pulled one male subject to the ground before forcefully removing him. Lane said the subjects were not acting drunk and she found it odd that they appeared to only be arresting males.

As the last officer exited the restroom, she heard some patrons calling the officers "homophobes" and "fucking assholes," which were comments to show how upset they were with the "excessive and aggressive" treatment of their friends and neighbors.

Upon hearing the comment, she said an officer turned toward her and reached out to grab her arm. He then took her outside. Kayla pulled her arm away and told the officer

that she was not responsible for the name-calling. She said the officer didn't believe her and said it was her that was making the calls. The officer then accused her of "stirring up trouble" by talking earlier with a TABC agent. Lane tried to explain to the officer that she had a right to question the agent about what was going on. This is when she said the officer responded, "What we do is right. You can't question when we are doing something."

Lane said her sister and a friend came outside to vouch for her innocence. Lane recalled the officer decided to let her go, but warned that she would be arrested if she stayed in the area. As she listened to the officer, she observed one of the arrested persons get "thrown onto the parking lot pavement and pressed down roughly many times."

She denied police claims that patrons made sexually explicit movements or that a patron groped an officer's crotch.

Douglas Hopkins

Hopkins was at the Rainbow Lounge on the night Fort Worth officers and TABC agents inspected the bar. He was sitting in the VIP lounge, which is a raised area at the back of the bar that overlooks a short hallway where the incidents occurred. At first, he saw several people being detained by the police. This was followed by an incident involving an officer that tapped a patron on the shoulder and when the patron turned around with a surprised look, the officer took his arm and pushed him up against the wall, but they never went to the ground. Hopkins did not believe this was Chad Gibson.

Then, after four or five minutes, he saw three officers falling in the corner of the hallway and "there was obviously some sort of tussle." He said the officers were trying to secure the subject's arms and get him under control, but he couldn't see if the subject was resisting. Hopkins said he had a clear view of the officer on top, who he described as the tallest of them all wearing a State Police shirt. There was a second TABC agent and one city officer also involved in the incident.

Hopkins claimed he didn't see what led up to the arrest and he wasn't close enough to tell if the subject was injured during his arrest. Hopkins learned the next day that the subject was Chad Gibson and he had been injured.

Hopkins said the whole incident was shocking because it didn't seem like there was any reason for the people to be detained or arrested.

In a second interview by Fort Worth Internal Affairs Investigators, Hopkins said he arrived at the Rainbow Lounge at about midnight on the night of the inspection. At approximately 1:30 a.m., Hopkins recalled he was sitting in the VIP lounge when he observed officers entering the club. He said there appeared to be eight officers, some from Fort Worth and some from TABC. He said the officers were being forceful with the patrons. They were approaching the patrons, standing in front of them, grabbing their arms, turning them around, zip tying them and then escorting them outside. There was almost no conversation between parties, with the exception of some officers telling the patrons that they were drunk. Hopkins described how the officers approached the patrons as "targeted and surgical."

Hopkins said he was sitting at the first table in the VIP lounge when he saw an officer (unknown which agency) grab a male subject's arm and push him into the wall. He then noticed two officers making their way to the area to assist. Hopkins said he stood up to see what was going on and when he did, he saw three officers on the ground. They had a subject face down on the ground with his head closest to the back wall. One officer had his knee on the subject's back. Hopkins said he could only see the subject's legs sticking out of the group of officers on top of him. He believed there was one Fort Worth officer and one TABC agent involved. He couldn't see the third officer.

Hopkins believed the officers were trying to get the subject's hands behind his back, but he didn't believe the subject was resisting. He assumed the subject was handcuffed and taken outside. At this point, Hopkins decided to leave the Rainbow Lounge due the possibility he would be arrested. It scared him that he could be beaten and arrested.

Hopkins recalled witnessing a female subject call officers "homophobic pigs." This individual, however, was not arrested by officers. He denied officers were "groped" while in the bar and called the allegation "absolutely insanity."

Jesus Meraz

Meraz stated he arrived at the Rainbow Lounge on the night of the inspection at approximately 1:00 a.m. He was just outside the VIP lounge when he noticed officers entering the bar. He recalled two state officers and city officers pushing their way through the crowd looking for intoxicated persons. The first person he saw dealing with police was a male subject coming back in from the patio. He made a comment as he went by that he was being arrested because he was gay. Meraz didn't take his comment seriously and assumed it was a drug raid and the subject was caught selling drugs.

Meraz then heard a commotion taking place behind him near the VIP lounge. He noticed a male subject; he later learned was Chad Gibson, being slammed up against the wall. A Fort Worth officer had his forearm against the side of Gibson's face. Gibson was facing toward the entrance. Meraz left the area momentarily to alert his friends to what was happening. When he went back, Gibson was now on the floor. Meraz observed three officers on Gibson. He was zip tied and escorted outside.

Meraz noticed that there were several heated conversations between police and patrons after the arrest. He saw an officer "yank" a white female off the dance floor and push her forward (in the direction of the front door).

The last person he noticed had contact with police was George Armstrong. He saw a Fort Worth officer push Armstrong through the dressing room door. Meraz couldn't hear what was being said between the officers and Armstrong, but he did witness Armstrong being grabbed by police, spun around and placed (thrown) on the floor. Meraz responded, "...I saw the officer put his left hand on the side of the neck...I just remember the officer's hand over the back of Armstrong's neck area." Meraz claimed other Fort Worth officers kept Armstrong pinned to the ground, even though Armstrong wasn't moving.

Meraz believed the officers were wrong because it didn't appear that Armstrong was fighting them. Meraz said he exited the club and noticed a person he only identified as "Kayla" was being handled by police. He saw them grab one of her arms and yank it forward. Meraz denied any of the officers were "groped" as alleged by the police. He found it odd that some officers were very violent with the patrons and some just stood looking around with no contact with individuals.

Meraz provided a second interview regarding the arrest of George Armstrong. Meraz could only remember that an officer he believed worked for Fort Worth pushed Armstrong through a dressing room door in the restroom hallway. Meraz recalled Armstrong emerged from the room and was tackled to the ground by at least three officers. Meraz said the officers had Armstrong pinned to the ground and one of the officers was pressing down on the face and neck area. This officer may also have had his knee on top of Armstrong's shoulder.

Meraz was clear that there were two arrests in the same area, but what occurred to each was different.

Christopher Nue

Nue said he arrived at the Rainbow Lounge at approximately 1:00 a.m. Nue said he was sitting with his partner and some of their friends at a table in the center of the bar when he first noticed officers entering the club. Nue believed it was some sort of emergency or a drug raid based on the manner officers were shoving people out of the way. He said the officers all went to the patio area. He saw the same officers coming back from the patio with a male subject who said he was being arrested because he was gay. Nue said he just laughed off the comment, believing all along, that the subject had been arrested on a drug charge.

Nue then noticed there were more officers in the club that appeared to be randomly picking people out. The first incident he observed occurred in the VIP lounge. He was there to order a drink when he noticed a Fort Worth officer approach a patron and asked how much he had to drink. The patron answered, "Not enough yet," which prompted the officer to spin the subject around and cuff him. He was then led outside. Nue ordered his drink and then walked past another officer that was questioning a patron. After getting back to his partner, Nue learned that his partner had also witnessed a patron approached by police, arrested and then led outside.

As Nue and his friends sat talking about what was going on, Nue said he heard a commotion coming from the direction of the restrooms, which were to his left. He got up and walked over and noticed two Fort Worth officers over a subject that was face down on the ground. There were also two TABC officers standing nearby.

Nue and his partner made their way back to the table and commented if they should leave. Nue was able to convince his partner to stay because they were not doing anything wrong. He did, however, notice that the club was thinning out. This is when he saw a male subject (George Armstrong) he had been introduced to earlier in the night flashing a peace sign and smiled at one of the officers walking past him. The officer grabbed Armstrong and forced him through the dressing room door. They came back out and Armstrong was heard saying, "What the fuck is going on?" He was then

tackled to the ground by three Fort Worth officers and came to a stop near the men's restroom, where he was secured with flex cuffs.

Nue said the lights came on and an announcement was made to clear everyone's tab because service was over. As Nue made his way to the door, officers shoved him to the side as they escorted a female named Kayla Lane outside. He didn't see Lane in handcuffs, but he heard her ask the officers what they were doing at the bar. The officers told her not to get involved because it was a police matter. Nue heard Lane respond something about her fourth amendment rights. This is when a city officer grabbed Lane's arm and pulled her toward the door. Lane yanked back and the officer behind her pushed her toward the door. Once outside, Nue saw several people in front of the club in flex cuffs and other just standing around. Nue said he successfully made it to his car and drove away.

In a second interview by Major Case investigators, Nue was questioned about the incident involving George Armstrong. Nue said it occurred in the same hallway, but it took place after the Chad Gibson incident. He met Armstrong earlier that evening and saw him later standing at the end of the booths near the dressing room door. Nue saw Armstrong flash a "peace" sign in his direction that he first believed was meant for him. He then realized it was meant for an officer. Nue witnessed the officer say something to Armstrong and then he forcibly pushed Armstrong through the dressing room door. When Armstrong came back out of the room, he was tackled to the floor and ended up near the men's restroom, where Gibson was also tackled to the ground.

Nue said he was sure of what he saw take place between police and both Armstrong and Gibson; however, he was still somewhat confused about which event occurred first. He was able to remember that Armstrong was wearing a colored shirt.

Chuck Potter

Potter was at the Rainbow Lounge on the night of the inspection. He was on the dance floor when he observed seven to eight police officers enter the bar in a single line on their way toward the restroom area. Wanting to know what was going on, Potter made his way toward the hallway and saw a young man pinned up against the wall. He didn't believe the subject was resisting and he couldn't hear anything being said. Potter believed there were four to five officers (Fort Worth and TABC) pinning the subject against the wall. He observed one officer standing behind the subject reach around to the front of the subject's face and pull back hard on the chin, causing the subject's neck to be pulled back. Potter said the officers finally were able to get the subject cuffed with the plastic ties and then let him off the wall.

Potter then noticed the subject suddenly began to stumble. This led to the officers taking him down (tackle style) face first to the ground with several officers landing on top of him. Some of the officers just stood by and watched. Potter believed this is when the bar security guard came to see what was taking place. Potter took out his phone and used the camera feature to take a picture.

After being on the ground for awhile, Potter recalled the officers let the subject up and walked him outside to the paddy wagon. As he was being led outside, Potter did not see any signs of injury to the subject, identified as Chad Gibson. As he and others were

watching the arrest, Potter recalled a Fort Worth officer told one of his friends to move away or he was going to be arrested. Apparently it wasn't fast enough because this same officer approached his friend after they took Gibson out and put his hand on the back of his neck and squeezed. The officer told him that he needed to move or he was going to be arrested.

Potter said he also snapped a picture of Gibson outside as he stood near the paddy wagon. Potter said he did not see Gibson fall outside. Potter said it was approximately 2:20/2:25 a.m. when the ambulance showed up at the bar.

In a Fort Worth Internal Affairs interview, Potter said he was on the dance floor when officers entered the Rainbow Lounge. The officers went through the crowd in different directions. Some of his friends came up to him to say that officers were arresting people for Public Intoxication. His friends were worried Potter would be arrested because he was on the dance floor with a glass of ice that officers could think was an alcoholic beverage. Potter didn't think it was a big deal so he stayed on the dance floor for another 45 minutes before he noticed a group of six to eight officers entering the bar and going straight to the back area. This is when Potter left the dance floor. He couldn't hear anything because the music was loud, but he could feel something was wrong.

He then saw a subject being "dragged" outside by Fort Worth officers. He described the officers being rough with this subject--the subject was zip tied, the officers had him by the elbows and they were pulling him through the crowd sideways. He then noticed officers were approaching patrons, tapping them on the shoulder and saying something to them. Potter claimed in some cases the officers pushed their way through people to get to the individual they "targeted." They were told they were intoxicated and placed under arrest.

Potter then made his way over to booths by the restroom hallway where he saw police contact with Chad Gibson, whom he had never met or knew before that night. Potter saw TABC and Fort Worth officers had Gibson up against the wall in the hallway, between the office and the women's restroom, trying to zip tie him. He then saw an officer standing behind Gibson using his forearm to pull Gibson's head back to choke him hard enough that Potter believed they were trying to break his neck.

Potter said, "...I'm sure he (Gibson) wasn't like fighting them. But was kind of wiggling around or whatever. And they get him zip tied." Potter said the officer got Gibson zip tied, said something to him and then let him off the wall enough to allow him to stand on his own. Potter then saw Gibson stumble and this is when the officer jumped on him and pulled him face first to the ground, with the Fort Worth officers landing on top of him near the east wall in the hallway and in front of the men's restroom. Potter indicated the city officers kept Gibson pinned to the ground, while the state officers eventually stood nearby watching. After that, Potter couldn't really see what was going on. This is when he took out his camera and took a picture (this is the one in the media and internet).

Potter said he saw a city officer lift Gibson off the ground and escort him outside. On the way out, Potter saw an officer reach over and grab the neck of a friend walking in front of him and begin to squeeze. The officer was heard warning the subject to leave or he was going to be arrested. Potter indicated he probably would not be able to

identify this officer. Potter also recalled witnessing officers taking someone in a ponytail outside, but he didn't remember the arrest of George Armstrong.

At closing time (2:00 a.m.), Potter made his way to the front door to leave. Potter claimed he has not had an alcoholic drink for 13 years, but he was still afraid of getting in his vehicle because he believed officers were still randomly targeting people for arrest. On the anniversary of the Stonewall riots in New York 40 years earlier, Potter was fearful of the idea of officers targeting the club because of its gay clientele. He was, however, sure that he didn't see officers groped or mistreated sexually in the club, as has been alleged by the officers.

While outside, Potter took a picture of the padding wagon in the parking lot. He saw two officers standing near Gibson, who was also standing on his power and without any support. He didn't see any sign of injury on Gibson inside or outside. He then left on his way to a friend's house nearby. Sometime later (2:20 a.m.), he noticed an ambulance arrived at the Rainbow Lounge.

Chris Hightower

Hightower stated he arrived at the Rainbow Lounge at approximately 10:00 p.m. on the night of the inspection. Hightower was in the upper level of the bar when he saw officers enter in a very disrespectful and forceful manner. He saw officers bump into people as they made their way through the bar as if the people were not there, but he denied anyone, including Chad Gibson, "groped" any officer.

The first person he saw officers contact was an individual named Dylan. An officer went up to him, took his glass out of his hand and placed cuffs on him, then took him outside. Hightower said the officer came back inside and Dylan's friend, Josh, asked the officer what was going on. Hightower said the officers automatically put Josh in handcuffs and took him outside. Hightower called it a crazy situation.

Hightower said he witnessed the entire encounter between Chad Gibson and the police. According to Hightower, Gibson was with his friend, Matt Meador. They were on the lower level holding hands as they walked to the men's restroom when he saw an officer approach the couple. Hightower noticed the two subjects no longer together and then saw a Fort Worth officer had Gibson pinned up against the wall. He then saw Meador in the corner of the hallway.

Hightower said officers yanked back on Gibson's head and placed zip ties on his hands. The state officer was seen kicking Gibson's feet apart. It was then that Hightower saw Gibson turn his head to ask the officers what was going on. Gibson was taken to the ground by a Fort Worth officer. He was then lifted to his feet and escorted outside by two Fort Worth officers and one state officer.

Hightower said Meador told him later that Gibson was on the ground outside and was vomiting. Meador also told Hightower the officers zip tied Gibson's feet. This is when Hightower learned Gibson was taken to the ground and hit his head on the concrete. As Meador stood by watching, he was told "to get the fuck away" or he was going to jail too.

Hightower also spoke of the George Armstrong arrest by officers. Hightower said officers approached Armstrong and asked him how much he had to drink. Armstrong answered that he didn't have to give them a response. The officer then said "It's best that you fucking tell me how much you had to drink." Armstrong again answered that he didn't have to give them an answer. This is when the officers grabbed Armstrong's arm and pulled him down from the steps to the VIP area to handcuff him. The group stumbled all the way back to the restroom area. The group found the men's restroom door was open and made their way inside. The incident with Chad Gibson then occurred in the same area of the hallway.

Danny Croker

Croker said he was at the club with Chris Hightower to celebrate Todd Camp's birthday. During the night, he saw Chad Gibson and his partner, Matt Meador walking toward the main bar holding hands. This is when he saw an officer he believed was from Fort Worth separate Gibson and Meador. All total, he observed three Fort Worth officers and one TABC agent in the club.

Croker then saw the officers pin Gibson up against the wall, they separated his legs and zip tied him. He then noticed a Fort Worth officer grab Gibson's forehead and pull back, as if to get him to stop resisting. Croker saw an individual resisting arrest just prior to this incident, but Gibson wasn't resisting at all. Gibson asked what was going on and was thrown to the floor with such force that it shook the wall by Fort Worth officers. Croker believed Gibson's head struck the VIP area step, which would account for his head injury.

When Gibson was lifted to his feet, Croker noticed some redness to Gibson's right cheek and temple area. Gibson was then taken outside, where Croker said there were many other patrons zip tied and under arrest. In fact, Croker believed there were 27 detained, but only seven arrested. Croker stated that the officers took Gibson outside, tied his feet together, and according to Gibson's friend, Matt Meador, continued to slam Gibson against the ground.

Croker said he knows Gibson gets drunk at times, but not on this night. Croker recalled Gibson was seen with a water bottle in his hand and was not staggering or stumbling around the club.

In his TABC interview, Croker stated he was standing next to Chris Hightower between the VIP bar and the restrooms. Croker realized something was wrong when he saw Fort Worth officers first arrest his friend, Dylan, who was taken outside. When the arresting officers came back in, another friend, Josh, approached them and asked officers why Dylan had been arrested. The questioning by Josh led to his arrest by the Fort Worth officers.

The above arrests were much different, according to Croker, to the arrest of George Armstrong, which took place in the hallway, between the VIP and the bar. Croker was sure that Armstrong resisted arrest. In that incident, he witnessed a Fort Worth and TABC officer tackle Armstrong to the ground in the restroom. The door was shut and no one was able to see anything for the five to ten minutes they were behind a closed door.

Croker said he witnessed this incident while standing in the VIP lounge looking over into the bar area.

The Chad Gibson arrest he described above took place after the arrest of George Armstrong.

Raymond Gill

Gill arrived at the Rainbow Lounge approximately 25 minutes before officers came in to inspect. He was sitting with friends on the patio when a lone TABC agent came in. After a comment was made by a patron, the agent took the subject back into the main bar. This is when the second agent came to the patio and approached him. The agent asked him how much he had to drink and he responded it was his first drink at this bar. The agent then asked Gill if he had been drinking before arriving at the Rainbow Lounge and Gill said yes (beer). Gill was then asked to go outside with the agent.

Gill said he walked outside and noticed four other patrons sitting on the ground in handcuffs. Gill said he was then interviewed by the agent about drinking alcoholic beverages (when and how much). Upon completion of the interview, Gill said he was released and allowed to return inside. Before he walked back in, Gill asked the officer why he was singled out and the officer said he observed him staggering in the club. Gill knew this was not a true statement by the officer. He returned to the patio to be with his friends. He did not witness contact between the police and Chad Gibson.

Randy Seago

Seago stated that he was at the club the night TABC and Fort Worth officers raided the club. According to Seago, he was dancing with his partner when he noticed eight officers enter the club. Seago stated there were six officers in uniforms that were carrying zip ties in their hands. There were also two officers that were wearing T-shirts with STATE POLICE on the back. Seago observed the officers randomly approaching patrons and removing them from inside the club.

He was exiting the building when he noticed a commotion taking place around the VIP area inside the club. He did not actually see what was occurring, but he did notice there were five uniformed officers having an altercation with a male subject, who he knew as Chad. When asked how he knew this person, Seago indicated that he had seen him at different gay clubs. He said Chad was on the ground and was surrounded by the five officers. The TABC officers were blocking the view of the patrons. Seago did not see signs that Gibson was injured in anyway.

Brian Herrington

Herrington arrived at the Rainbow Lounge on the night of the inspection at approximately 11:15 p.m. Herrington said the officers arrived at the club at approximately 1:00 a.m. Herrington was standing next to a dart game at the south end of the building when he noticed the officers entering the bar in a quick fashion. At first, Herrington believed it was a drug raid because the officers appeared to be on a mission.

The Fort Worth Police officers were wearing dark uniforms and the TABC agents were wearing a tan uniform with the words STATE POLICE on the back of their shirts. The first incident he witnessed between the police and the patrons involved a male subject approached by officers as he sat on a bar stool next to the entrance of the VIP area. According to Herrington, the subject did not appear to be doing anything wrong, but he acknowledged that he didn't see everything going on between the police and this subject. It did, however, appear that the officers were harassing the subject.

Herrington did not witness any arrests in the restroom hallway, partly because he was afraid to get up and risk being arrested. He also did not see anyone show obvious signs of intoxication during his time at the club. In the end, Herrington said he didn't witness anything that could be interpreted as police misconduct; however, he was concerned that officers selected people randomly to detain and arrest.

Kenneth Hansberry

Hansberry stated on 06-27-09, he was at the Hanraty Place Apartments, Apt. 1205 (800 Jennings) all day cooking barbeque for friends. Between the hours of 11:00 p.m. and 12 Midnight, he made his way across the street (Jennings) to check on his truck. While he was crossing the street headed back to his friend's apartment, a Fort Worth police unit pulled up and came to a stop. The officer, identified as Officer Back, exited his unit and approached him. Hansberry was asked for his identification and then he was arrested for Public Intoxication and placed in the paddy wagon that had arrived on the scene. He recalled the wagon making stops at different locations. The first one was a Hispanic bar because when the doors opened, the officers loaded eight or nine "Mexican guys." Hansberry said the van made a second stop and another Mexican got in. They left and made a third stop. It was at this stop that officers loaded a "white guy." After this the van made its way to the police station. At the station, he noticed arrested persons with brush burns on their face, elbow and fresh blood on them. Hansberry believed they came in on another van because he didn't see any of these injuries on the arrested persons in his van. He also didn't see anything take place outside the van when it was stopped at the different locations.

Matt Meador and Jose Macias

Several attempts by TABC investigators to contact Meador and Macias proved to be unsuccessful. Chad Gibson provided investigators with Meador's cell phone number, but attempts ended with a message left and no return call. On one occasion, a female answered, who said officers had a wrong number. Fort Worth records listed a phone number for Macias, but when contacted, investigators learned the number had been disconnected.

Jose and Ricardo Soto (No Relation)

Jose Soto is the owner of the Cowboy Palace bar, located at 160 Rosedale. When questioned about the police inspection at his bar on 06/28/09, Soto said this was a normal Fort Worth Police type inspection. He said they usually arrive with multiple officers and a transport van that is usually parked near the entrance of his club. The officers come in looking for drunks and arrest a lot of his patrons. This is not what he

recognized as a standard TABC inspection, but he did see TABC agents on this night. He did not have a complaint against a TABC agent that visited his club that night.

Soto's video camera was checked and it had already recorded over the activities of June 28.

Ricardo Soto is the owner of the Rosedale Saloon, located at 150 Rosedale. He did not have a complaint against a TABC agent for their conduct at his bar on 06/28/09 and he did not have a video camera at his establishment.

Medical Reports

MedStar Emergency Medical Services (EMS) reports indicated paramedics were dispatched to the Rainbow Lounge at 651 S. Jennings 06-28-09 at 2:22:30 and arrived at 2:25:28. After treating Chad Gibson at the scene, EMS departed at 2:37:34 and arrived at John Peter Smith Hospital at 2:42:15 (.9 mile).

In the *Comments* section of a MedStar EMS Report, dated 06-28-09, it read:

[REDACTED]

The following information was derived from interviews conducted by TABC investigators of MedStar paramedics.

Michael Cline (Paramedic)

Cline was interviewed at MedStar headquarters on 07-13-09. According to Cline, he had just cleared a call (dropped off a patient and completed the paperwork) at Harris Methodist hospital with his partner Pam Muhr and an intern (Daniel Lopez), when he received a call from MedStar dispatch of a Priority 2 (emergency lights and siren) assault at the Rainbow Lounge. They proceeded to the address and arrived at approximately 2:30 a.m. Upon their arrival, Cline said he noticed a white male seated on the ground behind a police department vehicle used to transport arrested persons. The subject did not appear to be handcuffed and was being checked by some firemen and police officers.

As they came to a stop behind the transport van, Cline said he observed a fire crew (4) already on the scene. He also noticed approximately seven police officers were also on the scene. Some were wearing Fort Worth uniforms and he recalled at least one had TABC on the front of his uniform.

Cline said they exited the ambulance and walked up to make patient contact. He noticed the subject was conscious, but did have some bruising on the right side of his forehead. Cline said one of the officers, although he couldn't remember which one, informed him that the subject fell and struck his head while going toward the van.

Cline also remembered one of the officers, unknown which one, approached and said the subject had "learned the error of his ways" and was now cooperative.

On this night, Cline said he was in charge of making the clinical assessment and his partner, Muhr, was responsible for the patient care. Cline said he asked the subject what happened and he responded that he fell and hit his head. Cline asked the subject if he passed out or was in any pain--his answer was no.

Cline's initial assessment was the subject had been drinking and was possibly intoxicated. This was based on an odor of an alcoholic beverage emanating from the subject's breath and his eyes were bloodshot and watery. Cline also noticed the subject's balance was unsteady when he was assisted to his feet. The subject was also vomiting.

After being helped to his feet, the subject was walked to the ambulance. While continuing his assessment, Cline looked at the subject's pupils and noticed they were equal and reactive to the light, which he said indicated normal function of the eyes.

Cline said before they departed for the hospital, the subject was able to answer his questions and did not repeatedly ask the same questions (an indicator of a closed head injury). This caused him to believe the subject was under the influence of an alcoholic beverage and was not dealing with a head injury. Cline also asked the subject how much he had to drink and the response was "too much."

Pam Muhr (Paramedic)

Muhr recalled she and her partner, Michael Cline, had just left a nearby hospital just past midnight when they received a call to proceed to the Rainbow Lounge, located at 651 Jennings reference an assault victim with the police department already on the scene. Muhr had never heard of the club, but the address was near their location.

When they arrived at the address, Muhr noticed a lot of police presence. She noticed patrol cars parked on the street and in the parking lot, and she noticed city uniforms and a khaki-type uniform on some officers. Cline brought the ambulance to a stop behind the police van.

As they came to a stop, Muhr saw a subject sitting (Indian style) behind the transport van. They approached an officer in the khaki uniform and asked if the seated subject was their patient and his response was yes. Muhr made contact with the subject and learned his name was Chad Gibson. According to Muhr, when she asked the officer

what happened, he responded that while Gibson was handcuffed, he started vomiting and fell and hit his head. Muhr also noticed there were plastic-type handcuffs on the ground near Gibson that appeared to have been cut off.

Muhr asked Gibson what happened and he responded that he fell. Muhr then asked Gibson to show her where the pain was and he replied that he wasn't in pain—he was just throwing up. Muhr did see some bruising and an abrasion to the right side of his face. She also observed a scrape above one of Gibson's eyes. This caused Muhr to check around Gibson's neck area, but she didn't feel or see any signs of a neck or back injury. Muhr also reported that Gibson's pupils were equal, normal and reactive to her light.

After Muhr completed her preliminary assessment, she asked the khaki-uniformed officer if Gibson under arrest and was told he had been released from custody to be transported to the hospital. As she continued to monitor Gibson, she smelled the odor of an alcoholic beverage on his breath and she noticed he was also covered in a considerable amount of vomit. Muhr then asked Gibson if he had been drinking. Gibson said he had been drinking that night and when questioned about how much, Gibson responded, "too much."

Muhr said Gibson was confused about having to go to the hospital because he was not in any pain. Muhr then explained to Gibson that he hit his head pretty good and was vomiting a lot, so it was important to see the a doctor. It was Muhr's opinion that Gibson "...had a minor head injury and that he was severely intoxicated." At that point, Muhr and an intern got Gibson up on his feet and walked him over to the ambulance. During the transport, Muhr said Gibson didn't have much to say because he spent most of the time in the ambulance vomiting.

Muhr said throughout their contact with Gibson, he never mentioned anything about officers hurting or abusing him.

According to medical records from the Tarrant County Hospital District, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

In the *Hospital Course* section, it read, [REDACTED]

In the *Discharge Diagnosis* section, [REDACTED]

In the *Activity* section of the report, it said [REDACTED]

In the *Condition of Discharge* section, [REDACTED]

[REDACTED]

Photographs

The photographs were taken by the Fort Worth Police Department officers at the Rainbow Lounge. (arrest reports)

<u>Date</u>	<u>Time</u>	<u>Description</u>
06/29/09	1:33 a.m.	Chad Gibson sitting on ground outside smiling... Vomit on his shirt...bruising and abrasions to right cheek area
06/29/09	1:36 a.m.	Gibson seated on the ground with his legs crossed behind the van (back left)
06/29/09	1:36 a.m.	Gibson's vomit

06/29/09 1:37 a.m. Gibson's vomit and mud on van's back step

06/29/09 1:38 a.m. Gibson seated on the ground near his vomit with his legs crossed

06/29/09 1:39 a.m. Gibson seated on the ground behind the van smiling

TABC investigators photographed the following items :

1. Rosedale Saloon
2. Cowboy Palace
3. Rainbow Lounge
4. TABC Special Event Uniform worn on the night of the inspection
5. Chad Gibson's Clothes and Boots worn on the night of his arrest
6. Chad Gibson's arrest (on the ground in a prone position...Agent Aller is positioned at the back wall looking down...Officer Back is to Gibson's left...Agent Chapman is to Gibson's lower left attempting to handcuff Gibson...Officer Jensen is to Gibson's right wearing blue rubber gloves...Derrick Degraw is seen standing to the entrance side of the hallway looking down at the arrest
7. Patrons Outside the Rainbow Lounge
8. Agents Aller and Chapman with Officer Jensen and Chad Gibson behind the transport van
9. Bar patrons on the porch of a residence near the Rainbow Lounge

Texas Driver and Criminal History Report

A search of Christopher Aller's driver history on Texas DL# [REDACTED] revealed a clear history. He is listed as a white male, 6'1" and 200 lbs. Agent Aller did not have a criminal history.

A search of Jason Chapman's driver history on Texas DL# [REDACTED] listed one non-injury traffic accident on 08-12-06. He is listed as a white male, 6'0" and 280 lbs. Agent Chapman did not have a criminal history.

A search of Chad Gibson's driver history on Texas DL# [REDACTED] revealed a clear status with no entries. He is listed as a white male, 5'10" and 160 lbs. He did not have a criminal history.

A search of Jose Macias' driver history on Texas DL# [REDACTED] revealed numerous driver-related entries. He is listed as a white male, 5'5" and 130 lbs. A criminal history check [REDACTED]

A search of George Armstrong's driver history on Texas DL# [REDACTED] revealed numerous entries. He is listed as a white male, 5'8" and 160 lbs. A criminal history check [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

TCLEOSE Report

Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) records for Agent Chris Aller indicated he was issued an Advanced Peace Officer certification on 09/14/2007. Records also revealed Agent Aller completed Course No. 2107 *Intermediate Use of Force* on 07/27/2005.

TCLEOSE records for Agent Jason Chapman indicated he was issued a Basic Peace Officer certification on 02/02/2007. Agent Chapman completed Course No. 2107 *Intermediate Use of Force* on 04/29/2008.

TABC Internal Affairs Records

On 08/18/04, Dallas Regional Captain David Alexander sent a memorandum to Internal Affairs Captain Del Drake regarding an anonymous complaint that was received by the Euless Police Department about one of their officers. After reading the complaint e-mail, it was determined the allegation was actually against Dallas TABC Agent Chris Aller. The complainant alleged Aller held a party at his residence that involved passing out "shots" of liquor and then used a police breathalyzer on the intoxicated party goers.

After reviewing the complainant's e-mail and Agent Aller's response, Captain Alexander determined that Aller's actions did not violate policy. The matter was officially closed on 08/18/04 with a finding of UNFOUNDED.

According to TABC records, in 2008, Agent Aller was a witness in an internal investigation (C08-001) regarding a complaint against his supervisor, Sergeant Chris Hamilton, for failing to supervise. In that same incident, a complaint (C08-002) was filed against Agent Aller for (1) failing to notify a supervisor of a shooting incident and property damage, and (2) failing to notify the local jurisdiction of the shooting incident. This investigation resulted in a SUSTAINED classification. The Rainbow Lounge was also listed and is currently being investigated.

Agent Jason Chapman had no complaint history on file, other than the Rainbow Lounge incident.

Bar Inspection Report

TABC documents the history of bar inspections in Texas, but does not record the makeup of patrons to distinguish, for example, between Hispanic, black, heterosexual, or gay and lesbian bars. As a result, the internet website www.gaycities.com was utilized as a source for identifying gay and lesbian bars in the Fort Worth and Dallas area. The list of bars was then run through the TABC database for an inspection history analysis from July 1, 2007 through July 1, 2009.

The report indicated Agent Aller, during this two year period, was the lead inspector (database tracks only lead inspectors) on only 10 inspections, two of which included his visits to the Rainbow Lounge on 06-25-09 with Officer Marquez and the inspection on 06-28-09 that is the focus of this investigation.

Agent Chapman had no documented lead inspections during his three month employment period.

The following are the gay and lesbian bars listed in Fort Worth and their distance from the Rainbow Lounge.

<u>Name</u>	<u>Address</u>	<u>Distance from Rainbow Lounge</u>
Crossroads Lounge	515 S. Jennings	.1 mile
Stampede	621 Hemphill St.	.1 mile
Copa Cabana	1002 S. Main St.	.5 mile
Changes	2637 E. Lancaster	3.1 miles
Best Friends Club	2620 E. Lancaster	3.3 miles
1851 Club	1851 W. Division St.	15.9 miles

City of Fort Worth Municipal Court Records

The following information is related to the citations issued to the arrested persons at the Rainbow Lounge on 06-28-09.

Rene Crosby	Public Intoxication	Pending
Dylan Brown	Public Intoxication	Pending
George Armstrong	Public Intoxication	Pending
Jose Macias	Public Intoxication	Pending
Chad Gibson	Public Intoxication	Pending
Joshua Taylor	Public Intoxication	Paid Fine--\$214.00

Clothing Description

Chad Gibson

- White shirt
- Blue Jeans
- Brown Doc Martin boots (These boots were seen in the photograph believed to be Chad Gibson during his arrest.)

George Armstrong

- Dark-colored shirt
- Blue jeans
- Black boots

EVALUATION and CLASSIFICATION

After analysis of the evidence obtained during the course of this investigation, I submit the following observations and conclusions.

Allegation #1: Agents Targeted Rainbow Lounge

Agents Aller and Chapman are accused of participating in a bar check operation with Fort Worth officers on 06-28-09 that targeted the Rainbow Lounge because of its gay and lesbian clientele. Agents Aller and Chapman denied the claim. In fact, there was no evidence that Agents Aller and Chapman were aware of the Rainbow Lounge inspection when they agreed to assist with the Rosedale inspections. They first learned of the Rainbow Lounge check at the meet location after the completion of the Rosedale inspections.

There was, however, evidence that Sergeant Morris discussed the inspection operation with his officers at roll call. There was also evidence that Morris informed the owner of the Rainbow Lounge that officers were going to inspect his location that night.

Officers provided the following reasons for the operation:

- The Rosedale Saloon and Cowboy Palace had a lengthy history of violations
- The Rainbow Lounge was a new licensed premise without a police inspection
- Intoxicated patron observed exiting Rainbow Lounge on 06-25-09 (He would later be arrested for Public Intoxication)
- Comment by Rainbow Lounge owner that his staff is instructed to walk intoxicated patrons to their vehicle

A check of TABC inspection records during a two year period failed to produce any evidence to support the targeting allegation at the Rainbow Lounge or any other gay bar in the Fort Worth/Dallas area. A subsequent search of the TABC Internal Affairs database revealed, prior to the Rainbow Lounge incident, there were no complaints filed against Agents Aller or Chapman by any patron or employee of a gay bar.

In addition, on the night of the inspection, which was also the 40th anniversary of an important date in the history of gay rights, the agents are accused of targeting the Rainbow Lounge because it's known as a gay bar. However, it's important to note that the agents inspected two Hispanic bars, but didn't visit any nearby gay bars on the night of the inspections, with the exception of the Rainbow Lounge.

There was also evidence by some patrons that the incident at the bar was not a gay issue, but rather, an over-aggressiveness and over-reaction by police.

Therefore, based on the evidence provided, the allegation should be classified as UNFOUNDED.

Allegation #2: Excessive Force

The question is whether the force used by Agents Aller and Chapman during their contact with Jose Macias, George Armstrong and Chad Gibson was necessary and reasonable.

It's important to note that the reasonable standard prescribed by case law makes an allowance that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly-evolving.

1. Agents Aller and Chapman were dressed in a special event uniform. The shirt had an agency seal in front and STATE POLICE on the back. The uniform also included a badge on their utility belt and a service weapon that identified them as law enforcement officers.
2. Law enforcement officers are trained to evaluate the totality of the circumstances and to use their judgment and discretion in arriving at a reasonable course of action.
3. The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) establishes the training standards for Texas police officers.
4. Agents Aller and Chapman had been trained and are in compliance with the TCLEOSE training standards.
5. They had received training on the TCLEOSE Use of Force options and TABC policy on Use of Force.
6. The State training standards on the Use of Force options are:
 - I. Command Presence—arriving on the scene
 - II. Verbal Tactics—word, language
 - III. Empty Hand Control (Soft Hands)—takedowns
 - IV. Chemical/Electrical Means—OC, mace, stun gun
 - V. Baton or Impact Weapons---baton, flashlight
 - VI. Deadly Force---handgun

7. The TABC Enforcement Manual of 2008 (Section 4.00.00) referenced the following force options:
 - I. Command Presence
 - II. Verbal Communication
 - III. Soft Empty Hand Techniques
 - IV. Chemical Irritants
 - V. Hard Empty Hand Techniques
 - VI. Impact Weapons
 - VII. Deadly Force

8. The TABC Use of Force Training Curriculum referenced the following threat or resistance levels.
 - I. Psychological Intimidation—uncooperative body language or communication
 - II. Passive Resistance (verbal and physical non-compliance)—no energy being expended by the subject (subject's actions demonstrate failure to comply with instructions)
 - III. Active Resistance—energy being expended by the extremities, but they do not present a threat (pulling hands away, tucking hands under body)
 - IV. Assaultive Resistance—extremities present a threat
 - V. Threat to Serious Bodily Injury and/or Death

9. Law Enforcement officers are trained to utilize the amount of force that is commensurate with the resistance and/or threat encountered. The application of force is discretionary. A split second evaluation of the circumstances must be conducted. The use of force is based on how the officer(s) perceived the totality.

An evaluation of the force used by Agents Aller and Chapman was conducted to determine if they followed TABC policy and the training standards of TCLEOSE.

Jose Macias

Agent Chapman assisted Fort Worth officers restrain Macias, who was described as “actively” resisting arrest (pulling hands away). Evidence indicates Chapman utilized a “soft hands” joint lock maneuver (wrist and elbow) to assist in successfully bringing the subject under control. There was no report of injury during this arrest. Agent Aller was not involved in the arrest. Macias was arrested for Public Intoxication.

Based on the evidence provided, Agent Chapman's use of force was reasonable given Macias' level of resistance to a lawful arrest attempt by the Fort Worth officer.

George Armstrong

There was evidence by witnesses that George Armstrong was intoxicated at the Rainbow Lounge when approached by Fort Worth Officer Back. Officer Back attempted

to arrest Armstrong and a struggle ensued in the restroom hallway area. Officer Back realized he was unable to control Armstrong alone, so he radioed for assistance. Agents Aller and Chapman were among some of the officers that responded to assist Officer Back.

Agent Chapman assisted with restraining Armstrong, who was described as “actively” resisting arrest. Officers were seen on the floor struggling with Armstrong. Armstrong was in a prone position and was pulling his hands away and tucking them underneath his body. Chapman assisted by reaching down to grab the bottom of Armstrong pants and pulled up to stop Armstrong from moving. He then held down Armstrong’s ankles while he was being handcuffed. The “soft hands” technique utilized by Chapman was successful in controlling Armstrong. Agent Aller was not involved in the arrest. Armstrong was arrested for Public Intoxication.

Based on the evidence provided, Agent Chapman’s use of force was reasonable given Armstrong’s level of resistance to a lawful arrest attempt by the Fort Worth officer. Armstrong reported injury during his arrest, but he had no complaint concerning the actions of Agents Aller or Chapman. Armstrong said the only complaint he had was with the officer that attacked him and it “definitely wasn’t TABC.”

Chad Gibson

The following represents the information provided by witnesses and officers regarding the arrest of Chad Gibson.

1. Agent Aller was standing at the edge of the restroom hallway with his back to the VIP lounge.
2. Agent Aller observed Chad Gibson approaching. He was in the company of Matt Meador, who was walking in front of Gibson. Gibson was resting his left hand on the right shoulder of Meador.
3. Agent Aller observed Gibson slap the genital area of a male subject with the back of his right hand.
4. Agent Aller stated Gibson then slapped his (Aller’s) genital area with the same hand.
5. Agent Aller considered Gibson’s actions offensive and approached Gibson to place him under arrest for Assault-by Contact.
6. Aller grabbed Gibson’s right arm and announced his presence with “Hey, State Police.”
7. There was evidence that Agent Aller also told Gibson he was under arrest.
8. The evidence indicated Agent Aller placed Gibson’s right arm behind his back. According to Aller, Gibson looked at him and pulled away. Agent Aller grabbed Gibson’s right arm again and put him against the wall between the men’s and women’s restroom.

9. Agent Chapman observed Agent Aller struggling with Gibson and went to assist.
10. Fort Worth Officer Jensen observed the agents struggling with Gibson and went to assist.
11. Officers described Gibson's resistance as (1) pulled his hands apart and away from them, (2) failed to comply with commands to relax and stop resisting, (3) yelled at and cursed at them, (4) tried to push himself away from the wall toward them, (5) thrashed his arms and legs around, and (6) didn't allow them to place his hands in handcuffs.
12. One witness stated Gibson was resisting arrest because he didn't know who he was dealing with because the officer (Agent Aller) was not dressed in a uniform.
13. Another witness said there were bodies moving around really quickly "and I guess Chad (Gibson) struggled."
14. Agent Chapman grabbed Gibson's left arm and kicked his left leg away from his right leg to get him off balance.
15. Officer Jensen applied a pressure point control tactic to Gibson called an infra-orbital technique. This technique proved to be unsuccessful.
16. Agent Aller concluded that efforts to secure Gibson in wrist restraints weren't working, so he initiated the movement to bring Gibson to the ground. He described the takedown maneuver as a safe and recognized technique utilized by police to gain control of a resistant party by getting them off their feet.
17. Agents Aller and Chapman and Officer Jensen denied Gibson struck his head on the floor or the VIP step. In fact, they indicated there were no signs Gibson was injured during his arrest.
18. While most witnesses provided evidence that Gibson did not exhibit any signs of injury after his arrest inside the bar; however, there were some that indicated Gibson was injured during the takedown. In addition, there was also no evidence (blood) on the floor that would indicate Gibson had been injured.
19. While on the ground, Gibson was successfully handcuffed causing his non-compliant behavior to stop.
20. In the photograph widely seen of Gibson's arrest, Agent Chapman and Officer Back are positioned to the left of Gibson and Officer Jensen is positioned to the right of Gibson. Agent Aller is seen with his back to the wall looking down. Security guard Derrick Degraw has his back to the camera.
21. There was evidence that Gibson was then lifted to his feet and escorted outside under his own power to the transport van in the midst of patrons making comments to officers such as, "bigots," "homophobes," and "fucking assholes."

22. Agents Aller and Chapman, along with Officer Jensen and Gibson were seen at the rear of the transport van. Agent Chapman was documenting Gibson's arrest information.
23. Gibson was reported to be intoxicated, but was standing unassisted.
24. [REDACTED]
25. There was also evidence that Gibson exhibited the following intoxication cues: his speech was slurred, his balance was unsteady (swaying back and forth), his eyes were glassy, bloodshot and partially closed, and there was a strong odor of an alcoholic beverage on his breath.
26. Agent Aller positioned Gibson against the van and bent him over slightly to replace the metal handcuffs with flex cuffs.
27. At some point, Officer Jensen departs the area, leaving Agents Aller and Chapman with Gibson.
28. Agent Aller then departs to answer TABC Sergeant Terry Parson's telephone call, leaving Agent Chapman alone with Gibson.
29. There was evidence that Gibson stepped away from the transport van and announced to Agent Chapman that he was going to be sick.
30. Agent Chapman, who was standing only a few feet from Gibson, said Gibson suddenly bent down and began to vomit.
31. Agent Chapman reacted by stepping away from Gibson.
32. There was evidence that Gibson, who was still handcuffed, stood back up and then began to fall to the ground.
33. Agent Chapman said he reached out to grab Gibson, but couldn't help stop him from falling.
34. The evidence in this case indicated Gibson fell to the ground and struck the right side of his head (cheek and temple area) on the concrete.
35. There was a witness that confirmed the account about Gibson's fall provided by Agent Chapman.
36. Agent Chapman called out for help and EMS was requested.
37. Agent Chapman said he saw no signs from Gibson that would indicate he was in distress or required special attention before he began to vomit.
38. Agent Chapman positioned Gibson in a recovery position so he wouldn't choke on his vomit.

39. Agent Aller was notified of Gibson's fall and came to assist. He then removed the flex cuffs from Gibson's wrists allowing him to sit up.
40. There was evidence that Gibson sustained visible injury during his fall. There was some bruising and abrasions to the right side of Gibson's face. There was also evidence that there was some trauma to the hairline area on Gibson's right side.
41. Agent Chapman indicated Gibson thanked him for taking care of him. In addition, there was a photograph of Gibson smiling after the fall.
42. Gibson was cited for Public Intoxication and Assault-by Contact. He was released from custody and transported to John Peter Smith Hospital in Fort Worth by EMS.
43. When EMS personnel questioned him about the nature of his injury, Gibson stated he fell. It was the opinion of paramedics that Gibson had a minor head injury, but was severely intoxicated. In addition, Gibson never said anything to EMS personnel about officers hurting or abusing him.
44. [REDACTED]
45. Officers involved in the arrest of Gibson stated they used necessary and reasonable force to combat the resistant behavior of Gibson.
46. Witnesses at the bar believed Fort Worth and TABC officers raided the Rainbow Lounge and used excessive force during detainments and the arrests of bar patrons, including Chad Gibson.
47. Some witnesses claimed Gibson did not have any movement when contacting officers and did not resist arrest. Some claimed he was moving and struggling with the officers, but it wasn't resisting arrest.
48. Witnesses also claimed officers harassed and targeted gay patrons. There was evidence that several patrons were detained by officers for suspicion of Public Intoxication. Agent Aller stated he detained one individual, but released him after he determined the subject was not intoxicated. Agent Chapman did not make any detainments. There were five subjects arrested for Public Intoxication.
49. Some witnesses claimed Gibson was injured in the bar during his arrest. They said Gibson hit the VIP step and was bleeding on the way out. Some claimed he was carried out and was injured outside when he was repeatedly slammed to the ground.
50. A doctors' review of Gibson's medical records failed to conclude if Gibson was injured during his takedown inside the bar or during his fall in the parking lot.

According to the evidence, it appears to be more consistent that the visible injuries to Gibson occurred during contact with the concrete.

51. Witnesses described what they observed regarding the arrests of George Armstrong and Chad Gibson, but at times got the details of the arrests mixed up. Some described the Armstrong incident, but were sure it was the Gibson arrest. With a large crowd in the bar, low lighting, a chaotic scene, and two arrests that occurred in the same area and almost at the same time, it was easy to see how the arrests could be mixed up. There was, however, evidence that the Armstrong arrest occurred before the Gibson arrest.
52. There was also confusion amongst some witnesses, including some officers, on whether the subject in the well-publicized photograph is Armstrong or Gibson. However, the color and pattern to the bottom of the subject's boots is consistent with the footwear worn by Gibson on the night of the inspection.
53. Agent Aller believed he was a victim of assault by Gibson and officers perceived Gibson's conduct as "active resistance" based on his response to arrest attempts.
54. Agents Aller and Chapman were required to use their judgment and discretion in determining what force option was appropriate and reasonable given the actions of the combatant in order to gain and maintain control.
55. In this case, Agents Aller and Chapman reasonably utilized *Command Presence* when they contacted Gibson with a visible agency badge and duty weapon.
56. Agent Aller reasonably utilized *Verbal Communication* when he repeatedly commanded Gibson to relax (stop resisting) and when he told Gibson he was under arrest.
57. Agents Aller and Chapman reasonably utilized *Empty Hand Control (Soft Hands)* during the arrest of Chad Gibson when they took hold of his arms, turned them behind his back, used a takedown technique, and secured him in handcuffs.
58. There was no evidence to indicate Agents Aller and Chapman disregarded obvious indicators that Chad Gibson was in some type of distress or needed special attention before he began to vomit. Agent Chapman's reaction and response to Gibson's need for help after he got sick was reasonable.
59. It is important to note that the nature of Gibson's injury should not by itself permit any conclusions to be drawn on whether the force used by Agents Aller and Chapman was reasonable.
60. Law enforcement training under the United States Supreme Court decision of *Graham v. Connor* (1989) judges *reasonableness* from the prospective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

61. A reasonable analysis contemplates careful consideration of the facts and circumstances of the incident, including:
 - I. The severity of the crime
 - II. Whether the suspect poses an immediate threat to the safety of officers
 - III. Whether the suspect is actively resisting arrest
62. According to witness statements, the above three elements were satisfied based on the criminal conduct of Gibson.
63. Chad Gibson was charged with Public Intoxication and Assault-by Contact. The offenses remain open.
64. Based on the totality of the circumstances, any reasonable and well-trained law enforcement officer could have perceived and believed what Agents Aller and Chapman did and would have taken similar actions.
65. Therefore, after review of the evidence and the circumstances in this case, the actions taken by Agents Christopher Aller and Jason Chapman during the arrest of Chad Gibson were *objectively reasonable* and did not violate established TABC policy (HR 3.02(f)(4) and LE 4.00.00) or State training standards.
66. Therefore, based on the evidence, the allegations should be classified as UNFOUNDED.