



Complaint Advisement Form



Employees Name: Blake Shimanek

Date of Complaint: 08/15/2020

This memo is to inform you that an internal administrative investigation has been initiated. This investigation has been generated internally by the Keller Police Department. By signing to acknowledge receipt of this information, you are also acknowledging you have been provided a copy of the signed complaint as required by Chapter 614 of the Texas Government Code.

BS #227 Initials/Badge #

Written statement of the allegations of wrongdoing:

On August 15th, 2020 Sergeant Shimanek conducted a traffic stop on a vehicle in the 300 block of Riverdance way. During the traffic stop the driver's father, Marco Puente, drove up to the scene. He parked directly across the road from where the driver stopped and engaged Sgt. Shimanek and the violator. Sgt. Shimanek stated Mr. Puente was blocking the roadway and threaten to arrest him for that violation. Mr. Puente was legally parked along the curb line. Sgt. Shimanek commanded Mr. Puente to park down the road and walk back. Mr. Puente backed down Riverdance, parked and began walking down the sidewalk. Mr. Puente was on the opposite side of the road from the traffic stop and was recording on his cell phone. Upon the arrival of Officer Tomer, Sgt. Shimanek advised Officer Tomer to place Mr. Puente under arrest for blocking the roadway and Interference. Mr. Puente did not leave the sidewalk or walk toward the traffic stop and had complied with Sgt. Shimanek request to park down the street. Officer Tomer and Sgt. Shimanek used force to place Mr. Puente under arrest.

Sergeant Blake Shimanek #227 is alleged to have violated General Orders 300.01 Code of Ethics and Conduct IV D 2 (d) Conduct toward Arrested Persons.

Sergeant Blake Shimanek #227 is alleged to have violated General Orders 100.01.IV.D Role and Authority.

Employee Rights: Each employee shall be given the Garrity Warning before requiring a response to any suspected allegations of violations of administrative rules and regulations requiring a formal investigation.

1. The employee is required to respond to the allegations or submit to test or examinations regarding the allegations of violations of administrative rules or regulations.



Complaint Advisement Form



2. Failure to respond or submit can result in disciplinary action up to and including termination.
3. Such questions, tests or examinations will be narrow and specifically related to their performance of duties or fitness for office.
4. Such statements, tests, or examinations results cannot and will not be used against the employee in a criminal matter.

α B. Slindt #227

Employee Signature

8-19-2020

Date

[Signature] #140

Person conducting Interview

On 08/15/2020 I, Sgt. B. Shimanek #227 conducted a traffic stop with driver, Dillon Puentes for the offense of Wide Right Turn. Prior to the traffic stop, Dillon looked back multiple times and appeared nervous. Once his vehicle stopped and upon my approach, Dillon began to roll the dark tinted windows of his vehicle up, which I recognized as an officer safety concern. I stopped my movement and told Dillon to roll the windows down. He did and I continued my approach.

I advised Dillon the reason for the traffic stop. Dillon appeared very nervous and was looking around. I asked Dillon to step out of the vehicle and he began to roll the windows up a second time. I thought Dillon was either going to evade in a motor vehicle or he was trying to conceal his movements. I loudly ordered Dillon to stop rolling the windows up and to get out, to which he did. Due to my officer safety concerns, I decided to detain Dillon with handcuffs.

As I was removing Dillon and placing him in handcuffs, a second vehicle approached behind me. I did not hear the second vehicle as I was focused on Dillon and I then heard a male yell towards myself and Dillon, which startled me. I turned around and saw a male driver with a phone, visibly upset. I told him to move down the roadway and he refused. I had not pat down Dillon at this time and was concerned who this second male was. Dillon mentioned it was his father, Marco.

I perceived that Marco was stopped in the middle of the roadway because of the distance between us. I told and motioned to Marco to pull forward and park, out of the roadway or he would be arrested. Marco stayed for about 30 seconds and continued to yell at his son and myself. I moved myself so that I could watch Marco, not knowing his intentions. Marco drew my attention away from Dillon, and I was concerned because I had not yet conducted a "pat down" of Dillon. Marco backed up the roadway and parked hastily in front of a private driveway.

I had called for a backup officer with a code response. I quickly conducted a pat down of Dillon. Marco walked down the sidewalk. Officer Tomer arrived on scene and due to my officer safety concerns, I decided to enforce the offense of obstructing highway/roadway and interference w/public duties. I ordered Officer Tomer to arrest Marco. Marco began backing up and arguing. I recognized that Officer Tomer would need assistance so I sat Dillon down and approached Marco. Marco was Passively Resisting Officer Tomer and thus I took possession of Marco's wrist, which led to a forceful arrest. After the arrest of Marco, he was transported to the Keller Jail where he received decontamination by KFD.

Due to my training and experience, as well as my observations on scene, I believed there were narcotics or weapons inside Dillon's vehicle. Dillon had already admitted to being previously arrested for narcotics. I decided to Instantar Dillon for the traffic offense of Wide Right Turn. I then conducted an Inventory of Dillon's vehicle prior to the tow truck arriving. I told Officer Hinkle we would be towing the vehicle, but I decided to wait to call the wrecker as to not further agitate the few family members who were now at the roadside watching. During the search I located a large amount of folded cash in small denominations within an elastic hair band. I did not locate any narcotics or weapons, and with Dillon's permission I released the cash to his mother instead of leaving it in the vehicle to be towed.


Dillon was transported to the Keller PD Jail without incident. We talked further about the details and I answered any questions he had.

N.B. Shimanek #227 8-21-2020

D. [Signature] #140 8/21/20



MEMORANDUM

Date: September 8, 2020
From: Bradley G. Fortune, Chief of Police 
To: Kandace Tappen Lesley, Human Resource Director
Subject: Blake Shimanek – 2020 IA 0002 – Findings

I have reviewed all associated documentation surrounding 2020 IA 0002 involving Sergeant Blake Shimanek, reference to allegations which occurred on August 15, 2020. I have also reviewed the recommendation memorandums submitted by Sergeant Shimanek's chain of command, Lieutenant Craig Berry and Captain Tracy Talkington. I met with my Chief's Advisory Council on August 21st and 27th for input. I held a pre-disciplinary meeting on September 2nd with Sergeant Shimanek, with Captain Chad Allen present, to allow Sergeant Shimanek an opportunity to provide any information he would want me to consider.

1. **Allegation of Misconduct:** It is alleged that on August 15, 2020, Sergeant B Shimanek conducted an arrest of an individual for an offense that was not committed.
 - Keller G.O. 300.01 IV D 2 (d) Conduct Unbecoming of an Officer
 - Texas Penal Code: Sec 38.15. Interference with the Public Duties
 - Texas Penal Code: Sec 42.03. Obstructing Highway or Other Passageway

Sergeant Shimanek ordered and then assisted a subordinate officer in arresting the person for blocking the roadway and for Interference with Public Duties. The person did not block the roadway, and then retreated and parked as Sergeant Shimanek instructed. The person then returned to the sidewalk where he remained recording the incident. The person did not walk towards Sergeant Shimanek nor did he physically interfere with the traffic stop or the arrest of the traffic violator. Sergeant Shimanek violated General Order 300.01 and ordered the arrest for Texas Penal Code Sec 42.03 and then charged the person with Texas Penal Code Sec 38.15, both of which were not committed. Effecting this arrest required the use of OC spray.

The allegation of misconduct towards Sergeant Blake Shimanek is **Sustained**, as the evidence tends to support the allegation of misconduct.

I am demoting Sergeant Blake Shimanek to the rank of officer with eligibility to re-apply after a 1 year period.

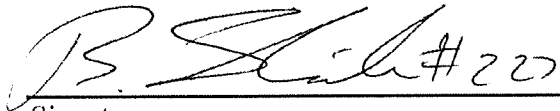
These type decisions are not acceptable at a supervisory level. Officers have to be able to have confidence in the judgement & direction given to them by supervisors. Sergeants are, at times,

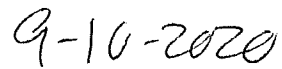
the most senior ranking police department representative in the city. They have to be conservative, while maintaining a broader perspective, with a voice of calm and clarity when making decisions which serve the best interest of the department and city. I have to be able to depend on that.

2. **Allegation of Misconduct**: It is alleged that during this same incident Sergeant Shimanek conducted an illegal search of the arrestee's vehicle.
- Keller G.O. 100.01 IV. D. Role and Authority
 - Arizona v. Gant, 556 U.S. 332 (2009)

Sergeant Shimanek stated he searched the vehicle incident to arrest for wide right turn. There would not be any evidence contained inside the vehicle for this offense. Sergeant Shimanek also advised the mother that he was searching the vehicle and not inventorying for the later tow. Sergeant Shimanek advised in his pre-disciplinary meeting that he knew he was inventorying the vehicle and that he was aware he did not have the legal authority to search the vehicle incident to arrest. He advised that what he was meaning and doing was conducting an inventory. His intent was to inventory the vehicle to be towed.

The allegation of misconduct towards Sergeant Blake Shimanek is **Not Sustained**, as the investigation produced insufficient evidence to clearly prove or disprove the allegation of misconduct.


Signature


Date