



SUPPORT CENTRAL TRACK. SCORE SOME SWEET PERKS TOO.



Subscribe to our mailing list to stay up to date on local news and upcoming events.

Email Address

First Name

Last Name

WHAT'S IT

ENT TO GET



What The Tony Timpa Case (And Others Involving Dallas Officers) Can Tell Us About How Much Leeway Police Get Before They're No Longer Able To Serve As Cops.

The dismissal of charges against the five officers involved in the August 2016 murder of Tony Timpa and the separate reinstatement of the Dallas Police Department's controversial Vice Unit both raise significant concerns regarding the efficacy of police oversight in this city — particularly given these events' timing amid ongoing protests

Search.. [Magnifying Glass]



protected by reCAPTCHA



JOIN THE CENTRAL TRACK FAM.

demanding police reform.

As the city [considers adopting various changes to its police force](#), so too must it again be considered what repercussions cops face — or, perhaps better put, [don't face](#) — when they fail to live up to supposed department standard.

More specifically, what does it take for an officer to have their law enforcement certification revoked?

According to the National Criminal Justice Reference Service, “the decertification process involves the revocation of the certificate or license of a police officer who commits certain kinds of misconduct as specified by State law or administrative regulations.”

But what constitutes misconduct as specified by Texas law? And what constitutes misconduct as specified by the administrative regulations of DPD? Must an officer commit a crime to be decertified? How long does the decertification review process take? And, if they have committed a crime, how long does the punishment process take?

To try to answer these questions, we analyzed [Dallas law enforcement certification revocation data](#) collected and compiled by *USA Today* as part of a [larger investigation](#) in 2019. We then matched this data and our analysis with publicly available criminal records.

The results reveal a shady disciplinary process marked by opacity, unaccountability, obfuscation, delay, denial and self-interest.

A Disturbing Pattern

We were able to identify a number of annual decertifications per agency, as well as notable patterns over 70 decertifications (more than 40 of which involved DPD officers).

For the 20 decertified DPD officers with which we were able to match criminal records, we found that, on average, 2.8 years passed after an officer committed a crime for which they were charged and/or sentenced before their law enforcement certification was revoked. In two cases, approximately five years passed after the crimes were committed before the officers were decertified.

It is worth noting that this lengthy review time aligns with the two aforementioned cases — the amount of time before the Timpa crime-scene material was revealed to the public (three years), and the length of time it took for DPD to release their internal report on the Vice Unit (over 1,000 days), which did not result in any significant reprimands or decertifications for any officers involved.

On average, these officers who were convicted of crimes had worked in DPD for eight and a half years, although some had worked for only one year and others had worked for upwards of 20 years.

Most of the crimes, we believe, could best be described as “abusive” crimes: substance abuse (i.e. driving while intoxicated), domestic abuse (i.e. assaulting a spouse or endangering a child) and abuses of power (i.e. planting drugs, running protection rackets, tampering with government records, and aggravated assault with the deadly weapon police officers carry daily).

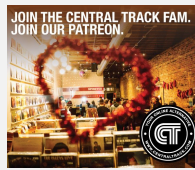
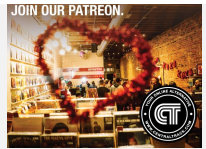
We also found that officers are rarely decertified if their charges are dropped or if their cases dismissed, perhaps pointing towards a DPD concern with fulfilling the letter of the law when it comes to disciplining police abuses of power rather than seeking justice for those abused by the police.

In certain cases, we found reports of a real battle to bring allegations of misconduct to the attention of the proper superiors and, consequently, into the purview of the justice system. In one fraudulent drug case, a narcotics division officer who reported fellow officer misconduct was punished by superiors, and his allegations were ignored. In another fraudulent drug case, various red flags were ignored. In both of these cases, either the chief or the first assistant chief of DPD were implicated as either complacent or complicit.

Explaining the Pattern

Do these patterns imply an ironic disregard for justice in the institutions charged with upholding the law? This thought is commonly dubbed the “[blue wall of silence](#)” — a form of police corruption involving a range of activities from the concealment of misconduct to blatant perjury. Another, perhaps more charitable, view is that DPD is possibly hesitant to punish abusive and violent officers over [a lack of numbers on the force](#).

“I have better expectations of you,” a superior officer reportedly told



two of the officers involved in Timpa's murder during a disciplinary hearing. "I personally believe you are better than that. But I still need you on the force."

The Timpa family's lawyer, Geoff Henley, quoted that statement to the press, during a briefing, then commented: "That addresses something that everybody who's been covering policing in the City of Dallas [for] going back three or four years [knows] is symptomatic of a much larger problem, and that is there's been a shortage of officers. And now, there's a genuine threat to the quality of law enforcement."

DPD's ranks have fallen to 3,150 from a 2011 high of 3,690, and reporting on this issue has been widespread. Still, while violent crimes and [murders in particular saw disturbing spikes in 2019](#), there is [little evidence](#) to support the claim that more police officers means fewer crimes.

Lately, there's another obvious culprit here: the use and abuse of the doctrine of qualified immunity or the conjuring of the highly questionable "excited delirium syndrome" to explain away use of power and lethal force by police.

Such tactics are on their brightest and worst display in the case of Timpa's murder, which we detail below.

A Glaring Example

It wasn't much past 10 p.m. on August 10, 2016, and Tony Timpa didn't even have any shoes on. He was alone in the humid night, beneath the bruised summer sky, battling anxiety and schizophrenia. He was off his meds, high on cocaine. He needed help. From the parking lot of New Fine Arts at 1720 West Mockingbird Lane, Timpa called 911 and told the operator he was afraid.

Sgt. Kevin Mansell arrived at 10:36 p.m., followed first by officers Dustan Dillard and Danny Vasquez, then officers Raymond Dominguez and Domingo Rivera. These five Dallas police officers smothered Timpa almost exactly like Derek Chauvin smothered George Floyd on May 25, 2020, almost four years later.

But nobody else knew any of this — knew how or why or even when Timpa died — until almost three years later.

More than a month passed after Timpa's murder before the *Dallas Morning News* obtained the Dallas Police Department's "custodial death report." Meanwhile, [the DMN](#) and [NBC 5](#) reported that the police were telling conflicting tales of Timpa's death. On police officer told Tony's mother, Vicki Timpa, that her son had suffered a heart attack in a bar. Another told her that police found Tony unconscious and that he died later. Another told her that Tony collapsed in an ambulance after police had placed him in it — and that he'd waved at them. The actual police report, however, describes Tony's death so: "An officer arrived and put his handcuffs on the subject. Additional cover officers arrived and they attempted to gain control of the subject. DFR was called to the scene and the subject was placed in the ambulance, then he stopped breathing. The subject was transported to Parkland Hospital, where he was pronounced [dead]." (The writer of the report, Sgt. E. Merritt, forgot to include the word "dead.")

Notably, the custodial death report says that Timpa tried to run into traffic — after he called 911, but before Sgt. Mansell arrived — and that he was restrained from doing so by two security guards, who handcuffed him. When officers arrived, Timpa did not threaten them, the report clarifies; he did not try to escape or flee custody, nor did he grab, hit or fight the officers, use a weapon to threaten or assault the officers or resist being handcuffed or arrested. Indeed, Tony was already handcuffed before police officers arrived, at which point they decided to handcuff him again while kneeling on his back.

"Three of the involved officers were wearing body cameras," the report ends.

On September 21, 2016, shortly after obtaining the custodial death report from the attorney general's office, [DMN reporters filed three public records requests](#) under the Texas Public Information Act asking for "incident reports and 911 calls related to Timpa's death," plus the bodycam footage of his death and a copy of Tony's autopsy. In October, Vicki Timpa too asked for a copy of the autopsy, although the medical examiner's office denied her request, citing an ongoing investigation. Someone at the medical examiner's office did reveal, however, that Timpa's death had been ruled a homicide — "sudden cardiac death," [the DMN paraphrased it](#), "due to cocaine's toxic effects and the stress associated with the physical restraint he endured." Vicki also learned that her son had endured that physical restraint for

almost 14 minutes.

The lack of mention of physical restraint in the custodial death report, [according to DMN](#), pushed Vicki to hire a lawyer. In November 2016, the lawyer, Geoff Henley, filed a federal civil rights lawsuit against the city, the five police officers who murdered Timpa (who were still anonymous at the time) and one of the security guards (who worked at New Fine Arts).

After DPD denied Vicki's, Henley's and the *DMN*'s records requests citing an ongoing investigation, Henley filed a separate lawsuit against the city in another attempt to obtain documents pertaining to Timpa's homicide. Then, in December, the city turned the case over to the District Attorney's office, who by September 2017 had yet to bring the case before a grand jury.

In April 2017, the police department finally surrendered the incident report of Timpa's death to the *DMN*. Directly contradicting the custodial death report, the incident report stated that the "complainant was exhibiting erratic behavior that included aggressive and combative in nature." Later that month, Henley obtained access to the police bodycam footage under a protective order dubbing the material "confidential attorney eyes only information." DPD only released the footage, which directly contradicted both the custodial death report and the incident report, to the public in August 2019 after losing a lawsuit.

When Officers Are Let Off

DPD's failure to discipline the officers who murdered Timpa — and then lied, twice, about the circumstances of his death — is not an outlier.

One of the officers involved in the Timpa case, Kevin Mansell, was only an off-duty rookie when he shot two teenagers [according to the DMN](#). Later, nearly 24 years into his law-enforcement career, Mansell — by then a sergeant and police supervisor — let a 24-year-old pregnant woman to be beaten and strangled to death on his watch.

On March 7, 2014, D'Lisa Kelley's grandmother called 911 to report her granddaughter missing and describe a phone call in which D'Lisa's sister, Jasmine, had heard blows, a man's voice and her sister's screams. Mansell told the 911 operator to wait to send police, [WFAA reported](#), then became preoccupied, and eventually forgot. He wasn't too busy to joke about it, though: "She's 24, her granddaughter, but she never goes out missing," [the operator told Sgt. Mansell](#). "And then there's one more thing: She's pregnant." Replied Mansell with a laugh: "Well, sound like she's [gone] missing before, that's how she gets in those situations." Police found Kelley's body a week later on a front porch.

Just two and a half years later, officers Dillard, Vasquez, Dominguez, and Rivera suffocated Tony at Mansell's feet.

It's not that Mansell wasn't ever punished — he was suspended all of a day for his role in Kelley's murder. But he wasn't punished for the second murder he permitted. And although Vasquez, Dillard and he were indicted by the Dallas County District Attorney's Office in December 2017 on one count of misdemeanor deadly conduct each, District Attorney John Cruetz dismissed the charges in March 2019. To cap it all off, U.S. District Judge David Godbey, citing qualified immunity earlier this month while throwing out the Timpa family's federal excessive force lawsuit against all five of the officers who murdered him.

How does a police sergeant who's abused deadly force from the get-go, who even allowed the murder of a pregnant woman on his watch, keep his job long enough to oversee the killing of a schizophrenic man having an anxiety attack? How does a police sergeant, who has abused deadly force and permitted two murders, not only avoid any punishment at all, but retire with his pension, too? (Mansell did just that in August 2019.)

That's just how these things go.

Back in 2011, Charles "Charlie" Cato was First Assistant Chief of DPD. On December 9 of that year, [the Dallas Observer reported in 2013](#), two Dallas police officers (Jon Llewellyn and Randolph Dillon) arrested a man (Melvin Williams) and claimed to have found meth, marijuana and a loaded gun in his car. Less than two weeks later, [the DMN reported](#) (also in 2013), the two officers reported seeing a marijuana plant in a house. Although a narcotics division sergeant was suspicious of the officers' account — and although he communicated those suspicions to his superiors — that same sergeant was ordered to take

a team to search the house the next day. There, numerous discrepancies between house and account confirmed his trepidation. Yet the sergeant was transferred out of the narcotics unit and into an overnight patrol shift, effectively halting his ability to raise concerns.

Why were these drug busts reported in 2013? Well, in March 2013, after four year-stints in DPD each, Llewellyn and Dillon were fired, charged with aggravated perjury and tampering with or fabricating physical evidence, and arrested, [NBC 5 reported](#). The officers had lied about the facts of both December drug cases, both on police reports and in court: They had committed perjury. Their law enforcement certifications were revoked on June 20 and July 2, 2014, respectively. But Cato — who admitted he knew of the allegations in 2011 but, either complacent or complicit, did nothing except permit fellow superior officers to punish the sergeant who raised the alarm — was never disciplined. Now he's the chief of police in Mesquite.

One needn't be a high-ranking officer, however, to avoid punishment — if not permanently, then at least temporarily. On October 25, 2011, Sr. Cpl. Kristoffer Lewis was arrested for and charged with misdemeanor family violence assault, [the DMN reported](#); his wife told police that he'd punched her in the back. In the same article, the *DMN* reported that Lewis, in 2001, "was placed under psychiatric watch after a domestic dispute with his wife in which he displayed a weapon and was suicidal" and that, in 2006, he'd been charged with misdemeanor family violence with regards to a separate incident ([that charge was dropped in 2007](#)). This time, however, although he was charged — and the charge *wasn't* dropped — Lewis wasn't punished until, in March 2014, [WFAA reported](#) on DPD's lack of "disciplinary action." At the point, Lewis was promptly fired, sentenced to two years' probation, slapped with a \$200 fine and decertified. Thus his 14-year career at DPD ended, more than two years after he was charged with beating his wife.

Even Canned Officers Get Cleared

In the course of our investigation, we also found cases in which Dallas police officers, having clearly committed a crime, faced charges that were consequently dismissed, meaning the only legal repercussion they endured was decertification.

Veteran Sgt. Kenneth Weaver was charged in summer 2013 with multiple counts of tampering with government records with intent to defraud or harm. [The DMN](#) reported that he allegedly "falsified overtime and compensatory time entries in the city's payroll system." The charges, however, were dropped on December 4, 2014, according to court records we found in the course of our investigation. Weaver was decertified that same day.

Similarly, officer Justin Thomas — charged with official oppression in early May 2015 with regards to [an offense](#) he'd committed in June 2014 — had both his criminal case dismissed and his law enforcement certification revoked on August 12, 2015, according to court records we discovered.

The details around these cases — why the charges were ultimately dismissed and why the revocations occurred on the same day — are still unclear.

When Criminal Officers Are Punished

Sometimes cops — like Llewellyn, Dillon, Lewis, Weaver — commit clear crimes. Sometimes they're hit with the full force of the law for that.

There are renowned examples of this, such as the infamous [fake-drug scandal of 2001](#). That year, four DPD narcotics officers turned a blind eye to paid confidential informants (CIs) rampantly planting hundreds of pounds of fake cocaine (billiard chalk, really) on Hispanic immigrants. Officers then lied about having tested the white powder and confirming that it was coke, leaving the falsely accused to wither in jail for months until their innocence was proven. These four DPD officers turned a blind eye while paying their CIs hundreds of thousands dollars for their efforts — more than the DPD chief's salary plus overtime. One of these officers (Sr. Cpl. Mark Delapaz, [who recently declared personal bankruptcy](#)) also skimmed money off the CIs' salaries.

Although the CIs were immediately punished, officer Mark Delapaz was acquitted in 2003 of federal charges of civil rights violations. He was eventually, however, convicted on state charges of aggravated perjury and tampering with or fabricating with physical evidence with intent to impair, and ended up serving [two five-year prison sentences](#).

The other three officers involved received probation, [WFAA reported](#). Meanwhile, Chief Terrell Bolton, another complacent or complicit chief (who, when the salacious "[Sheetrock Scandal](#)" was about to break, held a press conference in which he not only denied malpractice but praised the officers for getting the deadly poison of fake drugs off of Dallas' streets), was fired. He moved on to a new job: He was hired as the police chief in DeKalb County, Georgia, where [he was eventually fired](#) again.

There are other examples, such as one from September 5, 2010, when Dallas police officers Paul Bauer and Kevin Randolph were seen on dash cam beating a motorcyclist they caught after a car chase. A few weeks later, they were both charged with aggravated assault with a deadly weapon by a public servant, [CNN reported](#). In addition, Bauer was charged with official oppression and assault and Randolph with official oppression and tampering with a government record with intent to defraud or harm. Their court dispositions, however, weren't held until March 2014 and November 2015 respectively. At that point, Randolph was convicted of assault causing bodily injury, a class A misdemeanor (instead of aggravated assault by a public servant, a first-degree felony), and tampering with a government record, a class A misdemeanor (instead of tampering with a government record with intent to defraud of harm, a state jail felony), along with official oppression. Bauer was merely convicted of assault causing bodily injury.

In these instances, Dallas police officers were clearly implicated, complicit or perpetrator — but weren't convicted of any misgivings for four or five years. During the intervening period, they maintained their law enforcement licenses. So too did their supervisors.

While DPD officers charged with egregious crimes of abuse are usually convicted, those who commit less flagrant offenses are more likely to have their cases dismissed — but only after an average nearly three years between crime and conviction. (In some instances we found, it took more than five years.)

Publicity and clear, damning evidence helped secure some of these convictions. But that did not help Tony Timpa, who screamed for his life on [two different](#) body cam videos.

Ongoing Investigations, Qualified Immunity and EDS

By September 2017, after poring over the body cam footage of Timpa's murder, Timpa family lawyer Henley produced "the plaintiffs' third amended complaint" — the same lawsuit he'd initially filed, but reworked to include all information gathered in the near year that passed since he originally submitted it. This included information such as Timpa repeatedly screaming "You're gonna kill me!" and repeatedly pleading "Don't hurt me!" and "Help me!" The new filing also included the officers' replies of "We're not gonna hurt you, bro," and "We're tryna help you out, man."

Furthermore, it included that officers forced and buried Timpa's nose and mouth into the grass, obstructing his airways — and that the cops had noticed as much but didn't do anything to stop it. It also noted how one officer had remarked, "this ain't just normal crazy, man"; and that another had snidely replied, "this is not schizophrenia, he took something"; that yet another joked about Tony's belief that they were going to kill him, even mimicking his panicked speech; and that they mistook Timpa's death rattle for snoring, at which point they tried to wake him up, saying "Tony, time for school!" "First day, can't be late!" "I bought you new shoes, it's the first day of school, come on!" "I made breakfast, scrambled eggs, your favorite!" "Waffles! Waffles! Rooty-tooty-fruity waffles!" and even imagined his responses, again mimicking his frantic, petulant tone: "I don't wanna go to school! Five more minutes, mom! *Five more minutes, mom!*"

The new filing also noted how one of the officers turned off his body cam when Sgt. Mansell — who'd been making jokes about Timpa's car, flipping through his possessions while standing over his prone body and on the phone with Timpa's stepmother — realized that the so-called "complainant" was dead.

But the public — including the Timpa family — didn't see any of this footage until August 2019, three years after Tony was murdered and four months after the Creuzot dropped the misdemeanor charges against Vasquez, Dillard and Mansell. The footage was held back as City Hall and Dallas County kept citing an "ongoing investigation." However, [the DMN reported](#), records show that DPD's investigation terminated months before the three officers were indicted in December 2017. According to the same article, those same three

officers were punished for “conduct discrediting the department” and placed on administrative leave. Meanwhile, Vasquez and another officer were reprimanded in writing for “discourtesy” and “unprofessionalism.”

It's worth noting two things here.

First, citing an ongoing investigation is a favorite tactic of law enforcement agencies seeking to obfuscate, deny wrongdoing and delay revelations of alleged or apparent misconduct. (The *Washington Post* ran into this when [reporting](#) on blindings by police less-lethal projectiles during the ongoing protests).

Second, discrepancies between the custodial death report and the incident report insinuate that either ineptitude, deception or a combination of the two was at play in the Timpa case. As it turned out, when the body cam footage was released at last, both the reports were rampant with inaccuracies — perhaps to the point of perjury. The custodial death report stated that “the subject was placed in the ambulance, then he stopped breathing.” The incident report stated that the “complainant was transported to Parkland where he died from unknown causes.” In fact, Timpa wasn't breathing before he was placed in the ambulance. And yet DPD has yet to charge any of the five the officers who murdered Tony with tampering with a government record — legalese for when a person “knowingly makes a false entry in, or false alteration of, a governmental record” or “makes, presents, or uses a governmental record with knowledge of its falsity.”

Both the [Marshall Project](#) and [USA Today](#) reported in June that medical examiners cited the so-called “excited delirium syndrome” (EDS) as a factor in Timpa's death. “The condition is characterized by aggressive activity, confused and unconnected thoughts or speech, hallucinations, and extraordinary strength and endurance when struggling,” [USA Today](#) reported, noting that mental illness and “stimulant-induced psychosis” increase one's risk for EDS. In its own finding, the Marshall Project stated: “Police groups and some experts say it's a real condition, requiring immediate action and medical treatment. But critics, including some medical experts, have attacked the condition as junk science.” The Nation Association of Medical Examiners and the American College of Emergency Physicians recognize EDS as a real medical condition, the Marshall Project added; but the American Psychiatric Association, the American medical Association, and the World Health Organization do not. Whatever the case, it's often cited as the cause of, or contributing to, in-custody deaths. It's also used to justify employing controversial, violent policing tactics to preempt “the extraordinary strength and endurance when struggling” caused by the supposed syndrome. In other words, a controversial syndrome, suspected of causing, or contributing to, in-custody deaths, is often used to justify employing controversial tactics that — time and again, both in Timpa's murder and in Floyd's — cause, or contribute to, in-custody deaths. It's a lethal Catch-22.

Also of note: The judge who eventually threw out the Timpa family's excessive force lawsuit citing the doctrine of qualified immunity. [According to the DMN](#), Judge Godbey's argument was that the Timpa family and their lawyer had to point to “a specific case in the Fifth Circuit court of appeals” in which a judge had ruled the officers' actions unconstitutional and illegal. But because no decision in the Fifth Circuit court of appeals had ever ruled so, the officers' actions were not unconstitutional or illegal. This, too, is a lethal Catch-22.

Local Reform, National Issues

The broad pattern and specific facts revealed by our investigation are alarming — and are only placed in starker relief by the [ongoing protests against police brutality](#) and the [calls for Chief Renee Hall's dismissal](#).

Hard conversations about how to fundamentally reform or redesign law enforcement — especially in communities of color — are underway in Dallas. A newly formed committee including protest organizers, city managers, and local religious leaders is a testament to the fact.

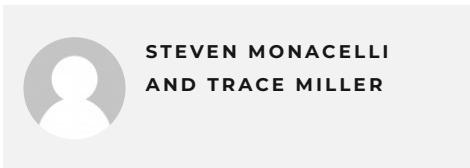
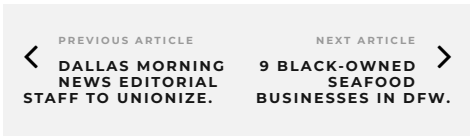
What will come from the conversations is unclear. Certain reforms have already been put in place — such as new DPD plans to release requirement of dash or body cam footage in incidents of police violence within a 72-hour window — but whether they will be followed is an open question. (Consider the recent use of mace against protesters amidst an injunction against less lethal weapons.)

What's clear is that not all of the issues described in this article can be addressed at the local level — most notably qualified immunity, which

will require reform at the national level or state level. (Colorado banned qualified immunity just [last month](#)).

Nevertheless, [certain local protest organizations](#) have listed ending qualified immunity as a specific goal of their efforts. One of these groups, Not My Son, has entered into dialogue with U.S. representative Michelle Beckley over it.

Will the dots connected and the pattern sketched in this piece help bring clarity to these conversations? Perhaps not. It needs to be said: This information is merely what we were able to find; we do not know what we do not know.



RELATED POSTS



AS' QUICK THOUGHTS ON DALLAS' POLICE CHIEF CANDIDATE FORUM.
PETE FREEDMAN x DECEMBER 17, 2020

MEET DALL
ALEC SP



SONG OF THE DAY:
PAGE 9 –“PRINCE OF PROVIDENCE”
MARCH 15, 2022

[PHOTOS] DRIFTING
ON A MEMORY: A
LOWRIDER
CELEBRATION AT
THE DALLAS
MUSEUM OF ART.

MARCH 14, 2022

THE 20 BEST THINGS
TO DO IN DALLAS
THIS WEEK (3/14-
3/20)

MARCH 14, 2022

SONG OF THE DAY:
HARRY EDOHOUKWA
— "ZOMBIES"

MARCH 14, 2022



[HOME](#) / [CONTACT](#) / [LEGAL](#) / [ADVERTISE](#) / [ABOUT](#) / [STAFF](#)

COPYRIGHT 2020 CENTRAL TRACK

