

**INVESTIGATION OF ALLEGED IMPROPER EMPLOYMENT PRACTICES
BY DALLAS COUNTY CONSTABLE OFFICES
PRECINCT 1 AND PRECINCT 5**

PRELIMINARY INVESTIGATIVE REPORT

JAIME CORTES - DALLAS COUNTY CONSTABLE, PRECINCT 5

Internal Affairs investigations and Disciplinary Actions:

- ✓ This investigation found there was no parity in disciplinary action by Constable Cortes. Two deputies would work an unapproved off duty job; one deputy received 5 days off and that he could not work extra jobs until January of 2010 while the other deputy did not.
- ✓ Constable Cortes used a reserve deputy constable with no prior investigative experience in administrative inquiries to conduct internal affairs inquiries. This reserve deputy stated Cortes did not want internal complaints to rise to the level of being formal that would require Garrity Warnings to be given. Cortes stated that "We can do whatever the hell we want to in an administrative proceeding." This reserve deputy was not bonded as required and when identified, the reserve deputy believed that records to correct were intentionally falsified with a wrong date which the deputy was expected to endorse but did not.
- ✓ A deputy was scheduled to be a witness for another deputy who filed a grievance against Constable Cortes which was to be heard by the County Commissioners Court during the week of 12/8/2008. Deputy was told 12/05/2008 by Chief Ricky Hutcherson and Sergeant Clifton Knight that he had violated the 10 day rule regarding eviction papers which was not true as it was a clerical typographical error. Chief Hutcherson suspended him immediately for 5 days and told not to come to work the week of 12/8-12/2008, the same time frame of the hearing. Deputy has Civil Service protection but was not given any prior notice of complaint, not allowed to respond, never provided a Garrity Warning, yet he was suspended for five days. Deputy filed a grievance with Dallas County HR which went unanswered. Deputy was terminated by Lieutenant Talamantez in Chief Kenneth Hines who gave Talamantez the dismissal letter which was the first he had seen the discharge paperwork which was verified by Talamantez.

Nosheska Garcia – Allegations of Criminality & Improper Relationship With Constable Cortes

- ✓ Numerous Precinct 5 deputies identified an ongoing romantic relationship between Deputy Constable Nosheska Garcia and Constable Cortes. Additionally, Precinct 5 deputies made allegations of criminal wrongdoing against Deputy Nosheska Garcia which are specifically detailed herein.
- ✓ JCCW8210 can testify that as early as August of 2007, JCCW9562, informed JCCW8210 of inappropriate behavior between Constable Cortes and Nosheska Garcia. Deputy JCCW9562 had personal knowledge of this because of an intimate relationship JCCW9562 had with Nosheska Garcia for three years before she was hired as a deputy. JCCW9562 and JCCW8210 drove in front of Nosheska Garcia's home and saw a County car which was usually driven by Lieutenant Richard Talamantez parked the car in front of

Nosheska Garcia's house. JCCW8210 knew the Talamentez was not driving the car because he had seen him in the office 10 minutes earlier. JCCW9562 looked at JCCW8210 and said, "Cortes is inside".

- ✓ JCCW9562 can testify that in early 2009 he got in a vehicle chase which turned into a foot chase. JCCW9562 called for backup and Deputy Nosheska Garcia volunteered to cover him; however, Constable Cortes got on the radio and told her to report to the office. Deputy Garcia was not allowed to respond to JCCW9562's call for help.
- ✓ An off duty job account cancelled in 5/2009 and reinstated a month later with stipulation that Deputy Nosheska Garcia and Cortes' supervisors were given permanent shifts. Deputy Garcia told JCCW6593 she could get the off duty job reinstated if he would use her to work a specific day. Chief Hines approved the job as long as deputy also used Hines to work a specific day.
- ✓ Off duty jobs have since dropped off due in part to poor performance by the Cortes' mandated supervisors. JCCW6593, coordinating the off duty jobs, is now being selectively disciplined; the last for being present at lunch with more than 3 deputies. Of the 6 deputies lunching together at the same restaurant, only 3 received punishment. JCCW6593 was disciplined to serving 10 days off without pay for having a punctured a tire on his County vehicle back in November 2009. The following week Deputy Alanzo Lizcano was involved in an accident with a county vehicle where he and Deputy Nosheska Garcia, in her personal vehicle backed into each other. Deputies Lizcano and Deputy Garcia saw no desk duty time and no internal inquiry was conducted.
- ✓ JCCW7242 can testify that there was an event on a Saturday in April 2009 on family violence where all the deputies were off-duty but in uniform. JCCW7242 observed Deputy Nosheska Garcia, Carolina Garcia, and Deputy Cooke handing out campaign brochures. JCCW7242 saw Deputy Nosheska Garcia's black Dodge Challenger had a magnetic sign with a badge and the name of Constable Cortes on the car.
- ✓ JCCW7242 also believed Nosheska Garcia has worked off duty for AT&T while getting paid as on duty status with Dallas County; thus receiving a paycheck from the Dallas County and at the same time AT&T.
- ✓ Deputy JCCW7242 stated that during the Katrina crisis, Nosheska Garcia and Chief Kenneth Hines went to New Orleans for approximately one week. JCCW7242 believed they were both paid by FEMA and also paid by Dallas County.
- ✓ In April or May of 2009, Sergeant Knight gave JCCW7428 approximately 70 Civil papers, and then again approximately 100 civil papers, to JCCW7428 which were assigned to Deputy Nosheska Garcia for JCCW7428 to serve. JCCW7428 noted that the majority of the papers were very old and many had expired court dates. JCCW7428 took the papers with expired court dates back to Sergeant Knight but Knight wanted JCCW7428 to make an attempt to serve the papers and then he could return them.

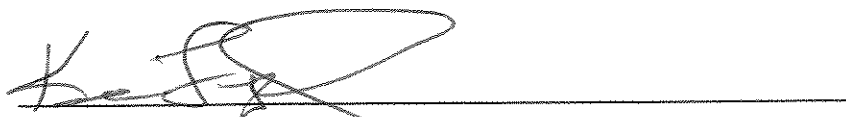
JCCW7428 was able to serve some papers and some he was not able to serve. The papers were different types of papers including civil complaints, child support papers from the Attorney General's Office and there were civil citations involving lawsuits. JCCW7428 believed Sergeant Knight had him make the attempt to serve even after the court date had expired because Precinct 5 would not get paid if there was no attempt. Sergeant Knight also gave some of Deputy Nosheska Garcia's papers to Deputy Jacqueline McCoy and Deputy Carolina Garcia. JCCW7428 stated that Deputy McCoy told him that she complained to Constable Cortes that many of the papers she had been assigned had never had any attempts made by Nosheska Garcia to serve the papers.

- ✓ The investigation identified multiple instances and examples where Deputy Constable Nosheska Garcia since at least 10/10/2008 used her assigned Dallas County computer for compiling and storing campaign and re-election advertisements for Constable Jaime Cortes. Examples of these violations appear in documents furnished prior to the seizure of her assigned computer.
- ✓ JCCW3976 knew that Deputy Nosheska Garcia drove a Challenger which had paper tags on it for 3-4 months and the car still had the paper tags when JCCW3976 left the precinct. JCCW3976 stated the Precinct 5 deputies knew Deputy Nosheska Garcia as the girlfriend of Constable Cortes. JCCW3976 believed Deputy Nosheska Garcia was treated with favoritism and was allowed to do whatever she wanted. JCCW3976 stated that Deputy Nosheska Garcia did not serve her papers and had a constant backlog of papers to serve. JCCW3976 was told by JCCW7428 that in the last 3-4 months JCCW7428 was given some of Garcia's warrants to serve and JCCW7428 was told by Lieutenant Clifton Knight or Chief Kenneth Hines to just fill in some dates that attempts were made to serve the papers.
- ✓ JCCW2312 organized off duty employment for Dallas County deputies and police officers. JCCW2312 stated that Constable Cortes forced him and his business associate, Deputy Lupe Frias, to employ his personal friends or Cortes would cancel their accounts. JCCW2312 stated he was directed by Cortes that if he did not make sure Deputy Nosheska Garcia had off duty work, then JCCW2312's off duty accounts would be cancelled. Deputy Nosheska Garcia was exempt from paying the five dollar fee to the supervisor. JCCW2312 stated that Deputy Nosheska Garcia would not show up for the off duty job half the time which would occasionally leave accounts without any coverage or would leave some officers working by themselves which JCCW2312 stated was an officer safety issue and JCCW2312 did not want anybody getting hurt. This pressure and action directed by Constable Cortes led JCCW2312 to believe that Cortes was retaliating against him for not employing Deputy Nosheska Garcia at off-duty jobs and for not working on his events.

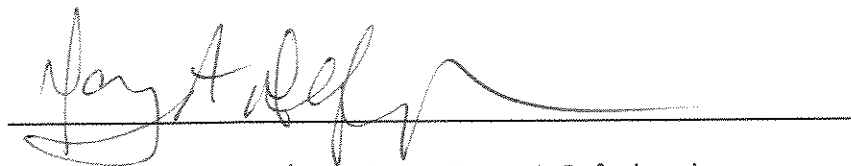
- ✓ JCCW4189 stated Deputy Nosheska Garcia was his partner in Warrants Section. Garcia had a county computer that had the same picture of Cortes on it that was on the campaign brochure JCCW4189 handed out during the campaign. JCCW4189 opined that Deputy Nosheska Garcia did very little County work; that she mostly worked on the campaign of Constable Cortes.
- ✓ Deputy Nosheska Garcia asked Deputy JCCW4189 if he wanted to work an extra job at AT&T because the new iPhone was coming out. Deputy JCCW4189 did not work the job and he could not say for sure that Garcia worked the job. Deputy JCCW4189 stated that Deputy Nosheska Garcia did not come to work on the day the job was scheduled.
- ✓ JCCW5362 stated that Deputy Nosheska Garcia and Chief Kenneth Hines were hired by Gladius Inc., a security firm, to assist with security after the recent hurricane in Galveston, Texas. JCCW5362 does not know when they went or if they were paid by Dallas County but he believed they were hired by the owner of Gladius, Inc.
- ✓ JCCW5654 provided a copy of Deputy Nosheska Garcia's County payroll and copy of AT&T payroll stub which arguably demonstrates that Deputy Nosheska Garcia was being paid by another employer while taking County salary.
- ✓ Analysis of Deputy Nosheska Garcia's payroll records identify that she earned Overtime in the same Pay Period as earning Workers Compensation.



By Investigator Fred Collie



By Security Consultant / Investigator Kenneth Lybrand



By Security Consultant / Investigator Danny A. Defenbaugh.

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