



Michael Denning
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IA 2025-001

Notice of Dispositions and Recommendations



CITY OF ROWLETT POLICE DEPARTMENT
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Date: March 11, 2025
To: Michael Denning, Chief of Police
Cc: Vedran Nolic, Lieutenant Internal Affairs
From: Joshua Hutchins, Assistant Chief of Police
Subject: #IA2025-001 – Notice of Dispositions and Recommendations

Chief Denning,

I have completed my review of IA#2025-001. This memo provides a summary of the investigation, outlines the disposition for each alleged policy violation, and includes my recommended disciplinary actions for each involved member.

Overview of Investigation

After completing their shift on the evening of January 23, 2025, Officer Off #1 and Officer [REDACTED] decided to go out and decompress at the end of their work week. They contacted Officer Off #2 who agreed to join them. At the time, Officer Off #2 had already consumed one alcoholic beverage, so Officer [REDACTED] offered to pick him up from his residence. Officer Off #2 was armed when he left his residence with Officer [REDACTED]. The three officers then went to Brass Tap in Rockwall, where Officer Off #2 consumed two cocktails and a shot, Officer Off #1 had approximately four cocktails but did not drink one of them, and Officer [REDACTED] had two and a half cocktails. Wanting to play pool, officers left Brass Tap and went to Hang Time in Rowlett. Upon arriving, Officer Off #2 consumed a cocktail and a beer, while Officer Off #1 ordered a cocktail but did not drink it. Officer [REDACTED] did not order an alcoholic beverage at Hang Time.

While at their table, a patron identified as Wit #1 [REDACTED], known as "Shane," approached the officers, believing he recognized Officer [REDACTED]. During their conversation, Officer Off #1 detected a strong odor of marijuana coming from Shane and asked if he had any marijuana. In response, Shane pulled out a bag containing an unknown substance and placed it on the table. Officer Off #1 picked up the bag, examined its contents, and took a portion of the substance out to smell it. He then told Shane that the substance did not appear to be marijuana. During his interview with Sgt. Coykendall and Lt. Nolic, Officer Off #1 stated that he believed the substance could have been Delta-9. After briefly handling the bag, Officer Off #1 returned it to the table, at which point Shane retrieved it and removed it from the table.

Shane mentioned that he could obtain other narcotics, such as mushrooms, and asked the officers if they were interested in meeting to obtain them. The officers agreed to meet Shane at



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a gas station near Lakeview Parkway and Rowlett Road. During the interaction, Shane mentioned he did not want to get robbed. Officer Off #1 told Shane he was safe and raised his shirt, exposing his department issued Glock 43x. Officer Off #1 then raised his shirt again, exposing the weapon a second time. On a third occasion, Officer Off #1 slightly moved his shirt and indexed the weapon with his right hand. At some point during this interaction, Officer Off #2 left the table to use the restroom. When he returned, Shane was exiting the bar.

As Shane was leaving the bar, Officer [REDACTED] contacted Sgt. Hughes to report that he was possibly driving while intoxicated and had attempted to sell the officers narcotics. Sgt. Hughes advised the officers he would handle the situation. Before the officers had a chance to leave, the bar manager approached them, stating he had been informed they were attempting to sell narcotics. In response, Officer Off #1 and Officer [REDACTED] identified themselves as police officers and clarified that they were not involved in any illegal activity. They explained that Shane had approached them and offered to sell narcotics. After this conversation, the officers paid their bill and left the establishment.

After leaving the bar, Officer Off #1 went home, while Officers [REDACTED] and Off #2 drove by Shane's residence, an address they had obtained during their conversation at the bar. Officer [REDACTED] later stated that [REDACTED] did this to check whether any on-duty officers had made contact with Shane. After driving by the residence, Officers [REDACTED] and Off #2 proceeded to EZ Mart, the gas station where Shane had agreed to meet them. During this time, Officer [REDACTED] called Sgt. Hughes. After speaking with him, [REDACTED] decided to go to a different gas station instead. [REDACTED] then dropped Officer Off #2 off at his residence before heading home [REDACTED]

The investigation has since been completed, and I have determined the following regarding the alleged policy violations:

Alleged Policy Violations

319.6.2(a)(b) – Standard of Conduct - Ethics

The evidence provided does not clearly indicate that officers sought or received preferential treatment based on their status. Prior to being approached by the manager, the officers had already contacted the on-duty supervisor to report the interaction with Shane. When the manager later confronted them with an accusation that they were involved in drug activity, they clarified their role in the situation, identified themselves as officers, and explained that they had already reported the incident to the on-duty police sergeant. Officer [REDACTED] showed [REDACTED] phone to the manager to verify their story.



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Officers did not use or disclose their status as a member of the Rowlett Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority. Officers did not wrongfully or unlawfully exercise their authority for malicious purposes, personal gain, willful deceit, or any other improper purpose.

UNFOUNDED – Officer [REDACTED], Officer Off #2, and Officer Off #1

319.6.9(i)(m)(g) - Standards of Conduct – Conduct Officer

Officer Off #1 engaged with an individual he believed to be a drug dealer and, during their interaction, displayed his department-issued Glock 43x on two separate occasions in a public setting. Officer Off #1 then indexed his weapon on a third occasion. Officers [REDACTED] and Off #2 also engaged with the individual, and when Shane produced an unknown substance, Officer Off #1 handled it without intervention from either officer. At no point did Officers [REDACTED] or Off #2 attempt to prevent Officer Off #1 from handling the substance. Officers then attempted to set up a controlled purchase of a suspected illegal substance with Shane while off-duty.

Officer Off #2 received Active Bystandership for Law Enforcement (ABLE) training in 2023. ABLE trains officers to act to prevent mistakes, prevent misconduct from occurring, and to promote their fellow officers' health and wellbeing. Officer Off #2 did not follow his training during this incident. The above actions by the officers, combined with the lack of intervention by Officers Off #2 and [REDACTED] have the potential to reflect negatively on the department and its members.

SUSTAINED – Officer [REDACTED], Officer Off #2, and Officer Off #1

608.6 – Operations Planning and Deconfliction – Operations Plan

Officers were off duty when this incident occurred, and this was not an official operation.

UNFOUNDED – Officer [REDACTED], Officer Off #2, and Officer Off #1

306.5.3 – Firearms – Alcohol and Drugs

The investigation did not establish that Officer Off #2's alcohol consumption "adversely affected his senses or judgment" while carrying a firearm. Video evidence does not show him displaying any signs of intoxication while interacting with others or leaving the establishment. Investigators acknowledged Officer Off #2 as a DRE, and he stated that he was not intoxicated and had full control of his faculties. His actions further support this, as he removed himself from the situation shortly after Shane produced the unknown substance and when Officer Off #1 displayed his weapon. This indicates that Officer Off #2 was aware of the unfolding events and



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took steps to distance himself. Officers **Off #1** and **Off #2** believed Officer **Off #2** was possibly intoxicated when this incident occurred. Investigators interviewed the bar owner, and he stated the only person he believed was intoxicated was Officer **Off #1**. Due to the conflicting statements, there is not enough evidence to support the finding.

During their interaction, Shane expressed concerns about being robbed. In response, Officer **Off #1** lifted his shirt and displayed his department-issued weapon in a public setting. Introducing a firearm into the equation created an unnecessary risk, as Shane could have perceived this as a threat, potentially escalating the encounter. Officer **Off #1** also attempted to set up a controlled purchase of a suspected illegal substance with Shane while off-duty. Although statements regarding Officer **Off #1**'s level of intoxication were inconsistent, his actions suggest that alcohol may have adversely affected his senses and judgment.

SUSTAINED – Officer **Off #1**

NOT SUSTAINED – Officer **Off #2**

338.2 – Off Duty Law Enforcement Actions – Policy

Officers **Off #1** and **Off #2** were off duty at the time of this incident and engaged in actions that could be perceived as law enforcement activity. This incident was not one of imminent threat of serious bodily injury or death, or significant property damage or loss, therefore, prudent police actions were not needed. Their actions created a blurred distinction between off-duty conduct and law enforcement actions. Officers **Off #1** and **Off #2** also admitted to consuming alcohol prior to this incident occurring.

Although Officer **Off #2** observed the actions, he did not engage in the attempt to set up a controlled purchase of a suspected illegal substance. The investigation did not reveal if Officer **Off #2** objected or agreed to going by Shane's residence after the officers left Hang Time.

SUSTAINED – Officer **Off #1** and Officer **Off #2**

NOT SUSTAINED – Officer **Off #2**

1025.3 – Badges, Patches, and Identification – Members Responsibilities

Officer **Off #1** displayed his police-issued identification card to the Hang Time bar manager while not acting in an official or authorized capacity. Officer **Off #2** verbally identified **Off #2** as a police officer; however, **Off #2** did not present **Off #2** badge, patch, or police identification when doing so.

SUSTAINED – Officer **Off #1**

UNFOUNDED – Officer **Off #2**



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Texas Health and Safety Code 481.121 – Possession of Marijuana

The investigation stated that Officer **Off #1** intentionally and knowingly possessed marijuana while off duty and not in an official capacity. There is insufficient probable cause to support this conclusion. Officer **Off #1** stated that he believed the substance in the bag was Delta-9, not marijuana. Delta-9 is only illegal if its THC concentration exceeds 0.3%, and without testing the substance, there is no way to confirm whether it was marijuana or a legal/illegal concentration of Delta-9. Additionally, video footage of the incident does not clearly depict the contents of the bag.

Based on the facts presented, there is insufficient evidence to support a violation of this law.

Officer **Off #1**

319.6.2(c)(d) – Standards of Conduct – Ethics – **Unfounded**
319.6.9(j)(m)(q) – Standards of Conduct – Conduct – **Sustained**
608.6 – Operations Planning and Deconfliction – Operations Plan – **Unfounded**
338.2 – Off Duty Law Enforcement Actions – Policy – **Sustained**
1025.3 – Badges, Patches, and Identification – Members Responsibilities – **Unfounded**

Officer **Off #2**

319.6.2(c)(d) – Standards of Conduct – Ethics – **Unfounded**
319.6.9(j)(m)(q) – Standards of Conduct – Conduct – **Sustained**
608.6 – Operations Planning and Deconfliction – Operations Plan – **Unfounded**
306.5.3 – Firearms – Alcohol and Drugs – **Not Sustained**
338.2 – Off Duty Law Enforcement Actions – Policy – **Not Sustained**

Officer **Off #1**

319.6.2(c)(d) – Standards of Conduct – Ethics – **Unfounded**
319.6.9(j)(m)(q) – Standards of Conduct – Conduct – **Sustained**
608.6 – Operations Planning and Deconfliction – Operations Plan – **Unfounded**
306.5.3 – Firearms – Alcohol and Drugs – **Sustained**
338.2 – Off Duty Law Enforcement Actions – Policy – **Sustained**
1025.3 – Badges, Patches, and Identification – Members Responsibilities – **Sustained**



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Additional Information

Officer [REDACTED]

Officer [REDACTED] has received four Letters of Appreciation.

Officer Off #2

11/23/2023 – Received a Coaching and Mentoring based on a conversation he had with a citizen and not wearing his traffic control vest.

Officer **Off #2** has received three Letters of Appreciation, one Letter of Commendation, 2024 MADD Distinguished Enforcement Hero Award, and was recognized in the Guardian in February of 2024.

Officer Off #1

09/17/2022 – Received a Coaching and Mentoring for not wearing his seatbelt while responding to a pursuit.

05/14/2023 – Received Coaching and Mentoring for nine documented instances of calling in sick and for being tardy on four separate occasions.

08/25/2023 – Received a Written Counseling for making a Public Intoxication arrest when the suspect was operating a vehicle.

12/14/2023 – Received a Written Reprimand for working an off duty assignment without proper authorization.

Officer **Off #1** has also received five Letters of Appreciation and one Letter of Commendation.

Disciplinary Recommendation

After reviewing the facts and circumstances of the investigation, I recommend the following disciplinary actions:

Officer [REDACTED]

Two-day suspension without pay (20 hours), to be served within 30 days of the investigation's conclusion. Officer [REDACTED] must also complete Active Bystandership for Law Enforcement (ABLE) training authorized by the Rowlett Police Department.

Officer Off #2

Written Reprimand Issued by Officer **Off #2**'s Commander. In addition, Officer **Off #2** must complete an Active Bystandership for Law Enforcement (ABLE) training refresher authorized by the Rowlett Police Department.



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Officer **Off #1**

Four-day suspension without pay (40 hours), to be served within 30 days of the investigation's conclusion. It is also recommended that Officer **Off #1** be transferred from the Problem-Solving Unit (PSU) and reassigned to the Patrol Division. Officer **Off #1** must also complete Active Bystandership for Law Enforcement (ABLE) training and attend a Law Enforcement De-Escalation course authorized by the Rowlett Police Department.

Statement from Assistant Chief Joshua Hutchins

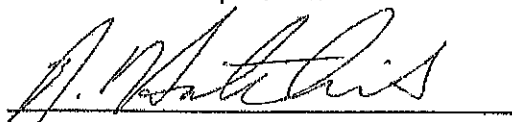
The following statement should be added to the Pre-Disciplinary memo sent to each officer:

"As a police officer, you are expected to uphold the highest standards of professionalism, exercise sound judgment, and demonstrate accountability in all aspects of your duties. While the investigation determined that some allegations were not sustained or unfounded, the findings highlight concerning lapses in judgment and decision-making. Engaging in off-duty activities that could be perceived as law enforcement actions, handling an unknown substance, and displaying a department-issued firearm in a public setting raise serious concerns about professionalism, situational awareness, and adherence to our RAISE values.

Moving forward, you are expected to demonstrate improved decision-making, professionalism, and compliance with departmental policies, both on and off duty. Your role as a law enforcement officer carries a high level of responsibility, and adherence to these standards is essential to maintaining public trust and ensuring the integrity of the department."

Sincerely,

Assistant Chief Joshua Hutchins
Rowlett Police Department


Joshua Hutchins, Assistant Chief of Police

3-11-2025
Date



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