

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BAY AREA UNITARIAN)	
UNIVERSALIST CHURCH, et al))	
Plaintiffs)	
vs.)	Civil Action No. 4:20-cv-03081
)	
PETE BACON, Acting Chief)	
of Police for the Webster)	
Police Department, et al)	
Defendants)	

ORAL VIDEOTAPED DEPOSITION

VOLUME 1 OF 1 VOLUME

SHARLENE ROCHEN

March 23, 2022

ORAL VIDEOTAPED DEPOSITION OF SHARLENE ROCHEN,
produced as a witness at the instance of the Defendant
Pete Bacon and duly sworn, was taken in the above-styled
and numbered cause on the 23rd day of March, 2022 , from
10:04 a.m. to 12:38 p.m., before Gina Bench, Certified
Shorthand Reporter in and for the State of Texas,
reported by computerized stenotype machine at the
offices of Jones Day Law Firm, 717 Texas Street, Suite
3300, Houston, Texas 77002, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

█ [REDACTED]

2 Have the police always responded when you
3 called?

4 A Yes.

5 Q And have they always behaved professionally?

6 A Yes.

7 Q You don't have any complaints about any
8 individual officer that responded?

9 A No.

10 Q Is there anything the responding officers did
11 not do that you wished they had done?

12 A No.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

25 Q So maybe the incidences would be more like

1 ten, and we'll go through that so you can -- you can
2 answer --

3 A Ten sounds more like it, but...

4 Q Uh-huh.

5 A Yeah.

6 Q But for purposes -- and I'll represent, for
7 purposes of keeping statistics with these follow-ups
8 on -- on response times, that's why they're all --
9 that's why they're broken out. And I'll represent to
10 you that the response time for these 14 calls was just
11 under 9 minutes and 8 minutes and 58 seconds. Does that
12 sound --

13 A That sounds good.

[REDACTED]

1 Q And last exhibit that I will be offering is
2 Exhibit 9, which is a Webster Police report from the 7th
3 of August of 2020, at around noon, at 12:22 p.m.

4 (Exhibit 9 marked)

5 A All right. Let me look at this one.

6 Yeah.

7 Q (BY MR. PFEIFFER) Please share your
8 recollections of this.

9 A Yeah. I was getting ready to leave. I was
10 the only one at the church and there was a woman outside
11 that was -- she wanted in. She said she needed help,
12 that she was being sexually assaulted. The Islamic
13 Center was about to have their services and so there
14 were people going up and down the road, a lot -- a huge
15 line of cars going down the road. There wasn't anyone
16 there that was assaulting her and I knew that she was
17 having problems. And I offered her -- we have -- we are
18 able to offer homeless people HEB cards to help them out
19 if they need food or something, and I told her that that
20 was about the only thing I could do.

21 She wasn't leaving. She was outside
22 talking to herself and getting kind of belligerent. The
23 way she was talking, she was yelling at the cars going
24 by, and so I ended up calling the police because I -- I
25 actually needed to leave. I had an appointment and I

■ [REDACTED]

■ [REDACTED]

3 Q To your knowledge, has the Webster Police
4 Department ever failed to respond to a call to one of
5 your church members?

6 A No.

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

**In the United States District Court
for the Southern District of Texas
Houston Division**

**Bay Area Unitarian Universalist
Church, *et al.*,**

Plaintiffs,

v.

**Ken Paxton, Attorney General
for the State of Texas, in his
official capacity, *et al.*,**

Defendants.

Civil Action No. 4:20-CV-03081

Jury Demanded

Declaration of City of Webster Chief of Police Pete Bacon

On this day personally appeared City of Webster Chief of Police Pete Bacon, who being duly sworn on his oath, declared, and stated as follows:

1. My name is Pete Bacon. I declare under penalty of perjury in accordance with the laws of the United States of America that the following statements are true and correct. I am over the age of twenty-one and in all other ways qualified and competent to make the statements contained within this declaration. These statements are made of my own personal knowledge because they reflect matters I personally observed or in which I personally participated. I am authorized to make the statements contained herein. I was on the date of the occurrences which form the basis of this lawsuit, employed, in the paid service, of the City of Webster, Texas, as a police officer with the City of Webster Police Department. I hold a peace officer license issued under the Texas Occupations Code through the Texas Commission on Law Enforcement (TCOLE). I was a peace officer in Texas for 29 years. I successfully completed all TCOLE peace officer training and licensing requirements.

EXHIBIT 2

2. My training includes study of appellate decisions issued by the Court of Appeals of the Fifth Circuit which show that TCOLE training has consistently been deemed constitutionally sound. It is my understanding that compliance with TCOLE police licensing and training standards not only satisfies the minimum standards required under the Constitution but exceeds constitutional requisites. All Webster police officer are required as a condition of City employment to comply with all TCOLE licensing and training standards.

3. I am aware Texas Penal Code § 30.06 provides a defense to a concealed handgun license holder a defense to prosecution for trespass if the person does not receive oral or written notice. I am specifically aware the trespass warning may be written or oral, as is the case with any trespass regardless of the presence of a firearm.

4. I am aware Texas Penal Code § 30.07 provides a defense to an open-carried handgun license holder a defense to prosecution for trespass if the person does not receive oral or written notice. I am specifically aware the trespass warning may be written or oral, as is the case with any trespass regardless of the presence of a firearm.

5. I am aware Texas Penal Code §§ 30.06(c)(3)(A) & 30.07(c)(3)(A) allows written notice to be in the form of a card and Texas Penal Code §§ 30.06(c)(3)(B) & 30.07(c)(3)(B) provides a sign posted on the property that meet certain specifications within the common knowledge of law enforcement officers.


6. The Webster Police Department investigates and responds to trespass and other calls in the same manner regardless of whether the property posts the signs or provides the written notice identified in Texas Penal Code §§ 30.06 & 30.07. The Webster Police Department's investigation of claims of trespass, and arrests for trespass where supported by probable cause do not depend on the presence of any sign or written notice.

7. Generally, when the Webster Police Department receives a call for service complaining of trespass, dispatch sends a patrol officer to the location. If the property owner – or someone with the owner’s authority – advises the officer a person is on the property without permission, the officer will confirm with the owner the notice to the suspect. Posted signs provide but one mechanism of such notice. Thus, regardless of the presence of signs, the officer will generally advise the suspect the owner requests the suspect depart the property, and that the suspect must leave the property or the suspect may be arrested.

8. The Webster Police Department does not modify, let alone withhold, its responses to calls for service or police protection based on a property owner, his or her agent, or any complainant not providing notice available under Texas Penal Code §§ 30.06 & 30.07.

9. The Webster Police Department has no intention to modify, let alone withhold, police protection based on whether a property owner, his or her agent, or any complainant has not posted notice available to a landowner under Texas Penal Code §§ 30.06 & 30.07.

10. I signed this Declaration on November 1, 2022.



DECLARANT CHIEF OF POLICE PETE BACON
CITY OF WEBSTER, TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BAY AREA UNITARIAN §
UNIVERSALIST CHURCH; DRINK §
HOUSTON BETTER, LLC d/b/a §
ANTIDOTE COFFEE; PERK YOU §
LATER, LLC, §
Plaintiffs §

CIVIL ACTION NO. 4:20-CV-3081

v. §
§
KEN PAXTON, Attorney General for the §
State of Texas, in his official capacity; KIM §
OGG, District Attorney for Harris County, in §
her official capacity; VINCE RYAN, County §
Attorney for Harris County, in his official §
capacity; ED GONZALEZ, County Sheriff for §
Harris County, in his official capacity; PETE §
BACON, Acting Chief of Police for the §
Webster Police Department, in his official §
capacity; ART ACEVEDO, Chief of the §
Houston Police Department, in his official §
capacity; KIM LEMAUX, Presiding Officer for §
the Texas Commission on Law Enforcement, in §
her official capacity, §
Defendants. §

VERIFICATION OF SUMMARY JUDGMENT EVIDENCE

THE STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL MEN BY THESE PRESENT

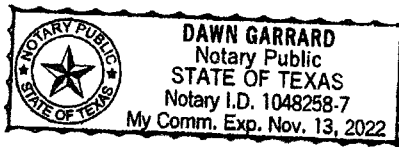
BEFORE ME, the undersigned notary public, on this day personally appeared William S. Helfand, who being by me duly sworn on his oath, deposed and stated as follows: My name is William S. Helfand. I am over the age of twenty-one years, I have not been convicted of a felony or crime involving moral turpitude, and I am in all ways qualified and competent to make the statements contained within this


affidavit. The statements contained herein are true and correct and I am authorized to make them. The statements contained within this affidavit are based upon my own personal knowledge because they relate to matters in which I personally participated or which I personally observed. I verify that all of the exhibits attached in support of Defendant's motion for summary judgment are authentic, true and correct copies of the documents they purport to be.



William S. Helfand

SWORN TO AND SUBSCRIBED to before me by William S. Helfand on this 1st day of November, 2022.





Notary Public in and for
The State of Texas
My Commission Expires: 11.3.2022