

Kristen Barnebey

From: Kevin Cullen <kcullen@cullenlawfirm.com>
Sent: Monday, March 05, 2018 3:05 PM
To: Jim McKibben
Cc: Terry Baiamonte; Skip Henkel
Subject: Fw: Message from "RNP0026734BB36F"
Attachments: 201803051020.pdf

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Jim,

Attached is a list of actions that Aransas County District Attorney's Office requests that the Rockport Police Department comply with in order to satisfy the requirements of the Morton and Brady laws.

I have read your "certification" documents. The Rockport Police Department apparently has confidence in the group that conducted that review.

Would RPD be willing to use that same group to serve as the consultants requested by the District Attorney?

The District Attorney is willing to split the costs with RPD on a 50/50 basis.

Kevin D Cullen

-----Original Message-----

From: KCullen
Sent: Monday, March 05, 2018 9:20 AM
To: KCullen
Subject: Message from "RNP0026734BB36F"

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Scan Date: 03.05.2018 10:20:49 (-0500)

1. Create trust between RPD and the ACDA office.

Why? RPD does not follow the law or its own Policies and Procedures designed to insure that the law is followed.

RPD has internal dissention that is manipulative and divisive.

RPD has not acknowledged that they have issues that have led to the unlawful behavior of an officer and the Chief's and therefore, RPD's, lack of knowledge of the law.

RPD has no discernable leadership, is not accountable when mistakes are made, and does not take responsibility for its actions.

The Board of Disciplinary Appeals (BODA) indicates that if an attorney is aware of the above, and still relies on an officer or department, that the attorney is at fault and may lose their license.

2. How? Hire a mutually agreeable consultant to review current activity, compare activity with the Policies and Procedures and make recommendations to insure future compliance with the law.

The consultant will have access to all RPD and City information regarding the history, management and activity of RPD, including but not limited to compliance with the Policies and Procedures and the accreditation process of TPCA. All recommendations will be followed after mutual discussion and agreements are made.

3. Create a Team that has oversight of RPD's actions and require the team/group to report to the Mayor/City Manager/City Council on a monthly basis to insure transparency and accountability. This Team could also be used to implement the recommendations of the consultant and report on progress. This Team would also review the following that includes but is not limited to:

a. RPD will put policies into place that assure that Officer videos are being reviewed and checked for violations of RPD policy and procedure and violations of law. Further, a policy will be created to determine the discipline of the officer and the reporting of the violations of law.

b. A policy will be put in place that any complaint made by any citizen will be logged and reviewed and this includes all complaints, not just those that could result in officer discipline. These logs will be made available to the ACDA office on a regular basis.

c. All claims or incidents of excessive force will be logged and reviewed on a monthly basis with the Team and a plan will be implemented for officer discipline if warranted and appropriate.

4. RPD will stop the concerted effort to have Chad Brooks on over 50% of all cases brought to the ACDA's office. (For a quick example, see the handout from mediation prepared by RPD.)

5. Require the Chief to participate in all communications with the ACDA office. Participation includes returning phone calls and emails; responding to questions regarding cases, subpoenas and discipline of officers and general assistance with Commanders. This includes the Chief and two Commanders swearing that all information under the law has been provided in every case brought to the ACDA office under the penalty of perjury or other criminal actions.

6. Adhere to a letter from the ACDA, similar to the one promulgated by the DPS and Tarrant County, requiring strict adherence to the law and understanding the ramifications when the procedures are not followed.

7. Make a policy that Officers who for whatever reason are not recommended by the ACDA to be witnesses in cases will not remain in positions that require their testimony in any case.

8. The Chief and Commanders will certify in writing and swear under oath that all information under Brady and the Micheal Morton Act, will be provided in each and every case.