

Subject: Resignation

Date: Thu, 10 Sep 2009 17:42:23 -0400

Dear Houston Council Members,

This letter serves as a brief explanation relating to some of the conduct of the Houston Mayor and my subsequent resignation. My tenure with the Houston Police Department was approximately 4 months long. During that time, I made several observations relating to the Mayor. The Mayor has done many things that have directly benefited the City and its employees and residence. However, I have become increasingly aware of several issues that I can't in good conscience ignore.

Since my hire, the Houston Mayor has engaged in behavior that would suggest that he is acting within the scope of a certified police officer – of which he is not. Reports have come to my attention regarding the Mayor showing up at the Palmer post of the Alaska State Troopers in full uniform including being armed. According to the report, the Mayor was speaking with another trooper who may have been under the false impression that the Mayor was a certified member of the Houston Police Department. According to the report, a command officer with the Troopers then recognized the Mayor and ordered him out of the building and not to return with a firearm into the building. This action not only has contributed to bringing disgrace to the City of Houston but it has brought some embarrassment to the Houston Police Department. This action would in other contexts be construed as impersonating a public servant. Alaska Statute Sec 11.56.830(a) states, "A person commits the crime of impersonating a public servant in the second degree if the person pretends to be a public servant and purports to exercise the authority of a public servant in relation to another person." The statute goes on to state that it is not a defense that the defendant was in fact a public servant different than the one the defendant pretended to be. While it is not clear that the Mayor while wearing a full uniform including a firearm was representing himself as a police officer "in relation to another person," the actions of the Mayor come dangerously close to such a defense when explored in light of the totality of his actions and behavior within the last 12 months. The Mayor has credentials and a badge that may represent him as a police officer. However I have not closely examined the ID credentials that he has in his possession.

After a careful review of the current law and some actions that the State have taken in relation to the Mayor's behavior, it was discovered that the Attorney General of the State of Alaska issued an opinion regarding the role that the Mayor is holding as "police chief." This opinion was sent to the City of Houston. I do not know if the Mayor has provided a copy of this opinion to the City Council.

Upon my hire, I was required to attend a short firearms training class and then was required to qualify on my duty and off-duty firearm. This is considered a "best practice" for law enforcement agencies and the City of Houston paid for this training. However, I was concerned that the Mayor and his Wife also participated in the training and took valuable time from both myself and Sgt. Seidl's training. Further, it was not clear at the time that the department funded training was also designed to pay for non-law enforcement officers including the Mayor and his wife. Further, I found myself very concerned when the Mayor stated that he too needed to be "qualified" with his firearm for the department.

In July, 2009 it came to my attention that the Mayor had taken measurable steps to enroll myself, Sgt. Charlie Seidl and himself (the Mayor) in a class provided by the Transportation Security Administration – US Air Marshall's Office that is designed to train officers to travel armed on civilian aircraft. This is a required class for "sworn police officers" with "full powers of arrest" in order for those officers to travel on civil aviation while being armed. I became very concerned both for the reputation of our agency as well as for both state and national security if a non-law enforcement officer were to illegally access aircraft while being armed. Such access allows certified and qualified police officers to circumvent security screening in airports both in the State

of Alaska as well as other airports throughout the continental United States. Such a breach of security represents a real risk to the safety of passengers as well as to national security. There is no reason for the Mayor to attend such training unless he intended to travel armed.

It is important to note that both Sgt. Seidl and myself have had this training and are already qualified to travel on civil aviation.

Under new procedures instituted by the Transportation Security Administration relating to traveling armed on civil aviation, the traveling officer would need a special confirmation code that can only be received from the Federal Air Marshalls office through NLETS (National Law Enforcement Telecommunications System). This is a component of communications that the Houston Police Department has been ordered to obtain by the Mayor. While this asset is valuable to any police department, the combination of the access of NLETS as well as the possession of credentials, a badge, and having attended the "Officer Traveling Armed" training poses a specific and direct risk to operational security for civil aviation and for our police department.

Should an attempt to travel armed be made that includes receiving travel confirmation codes from NLETS, it could result in the US Department of Justice withdrawing access for the entire State of Alaska to NCIC / NLETS. Further, an attempt to travel armed without legal authorization would constitute violation of both State and Federal criminal law.

The actions of the Mayor in this regard are more than just troubling and constitute an action that is far beyond the scope of the Mayor's office or the office of a police chief who is only authorized by law to conduct administrative duties (of which is reflected in the opinion issued by the Attorney General).

During my tenure, it was explicitly explained to me by the Mayor that he was very upset and displeased with the conduct of Sgt. Charlie Seidl. On many occasions, the Mayor told me personnel related issues relating to Sgt. Seidl. In early July, the Mayor ordered me to report directly to him regarding the activities of the police department. He also ordered me not to tell Sgt. Seidl that I was reporting directly to the Mayor. I was very troubled by this, however I was on probation and it was a lawful order. I did on many occasions discuss with Sgt. Seidl that I believed that the Mayor was "gunning" for him and to be careful.

In mid-August, I was approached by a council member and another person who suggested that I might consider applying for the police chief position. I initiated several inquiries regarding the idea. I knew that Sgt. Seidl had difficulties with the Mayor and that he had been placed in very difficult positions by the Mayor that have made his job very difficult. I felt that if I were to be appointed to the chief position that I could buffer between the Mayor and the department. Additionally, I felt that it may be possible to review reprimand letters that were entered into Sgt. Seidl's record and if appropriate, to take measures to remove those letters from his personnel jacket. I also felt that I would be able to move the department forward past several of the serious problems that have occurred as a result of a Mayor who is acting in the capacity of a police chief. I knew that much repair needed to be made to deal with several problems that have occurred and were most likely to occur.

Once I was hired at the Houston Police Department, I realized that illegal drugs was a major problem in the City of Houston. Within the first month of employment, I participated in a warrant search of a residence in Houston that resulted in shutting down a commercial marijuana grow and removal of over 100 marijuana plants. This is just one example of an extremely large problem that I have seen in Houston. I rapidly began developing confidential informants and started developing law enforcement intelligence

relating to several drug production and sale operations in the Houston area. This is an ongoing process and several cases can be developed by such strategies. Reducing drug activity in Houston directly impacts both economic and community development.

In accordance with the instructions of the Mayor, I reported some of the information regarding these cases to the Mayor. Two weeks ago, I was approached by a community member regarding a criminal complaint of official misconduct and theft of services by the Mayor. I was very concerned about false allegations relating to the Mayor. The nature of the complaint was that the Mayor had ordered City employees to remove a refrigerator that was personal property of the Mayor by using a program with the Mat-Su Borough which specifically prohibits use of the program for personal property. The program is designed to assist communities in clean up and to remove abandoned appliances without having to pay the \$35.00 disposal fee. My goal with the investigation was to determine if probable cause exists that would suggest that the Mayor knowingly used City assets and took advantage of his program unlawfully. My interviews included the City employees who removed two refrigerators, an interview with the Deputy Mayor Lance Wilson, and interview with Borough officials, an interview of the Mayor, and an interview with the Public Works Director, Garland Forschen.

Ken Webber, a City employee stated that he and another employee had been at the Mayor's property and had removed two refrigerators. Ken Webber stated that one refrigerator was not on the Mayor's property and was dirty, rusty, and obviously outside for some protracted period of time. Ken Webber stated that the other refrigerator was on the edge of the Mayor's property and that it was clean and looked as if it was just out of someone's house. Ken Webber stated that he suspected that it was not an abandoned refrigerator. Ken Webber stated that he called his supervisor, Garland Forschen who later ordered Ken Webber to remove the refrigerator that was on the Mayor's property. Ken Webber stated that he would be willing to submit to a polygraph exam relating to his testimony.

Garland Forschen stated to me that he had received a call from Ken Webber relating to a refrigerator on the Mayor's property and that he had talked to the Mayor who explicitly stated that it was his refrigerator but to take it anyhow. Garland Forschen stated that secondary to his conversation with the Mayor that he then told Ken Webber to pick up the refrigerator.

Deputy Mayor Lance Wilson stated that some weeks prior that he had been over at the Mayor's house for a bar-b-que which was to take care of meat that was in a refrigerator but needed to be cooked up because the refrigerator broke. The Mayor initially stated that there was one refrigerator that was drug out of the woods. Once he realized that I knew that two refrigerators were removed, he stated that both refrigerators were in the woods for a long time and that he had drug them out of the woods for disposal. The Mayor explained that the refrigerators were dirty and that they had been in the woods for years. I concluded that probable cause may exist that the Mayor may have committed theft of service and official misconduct relating to the unauthorized use of public assets to have personal property removed from his property. The Mayor was aware of my inquiry on Friday, August 28th, 2009.

On or about August 27, 2009, while in the City Offices, I was asked for assistance by the City Treasurer Carolyn Grabowski to complete a portion of a grant application that was from the State of Alaska's State Highway Safety office. The goal of the grant was to assist the City of Houston in purchase of a patrol car and the hire of a police officer for traffic enforcement. I examined the forms that Mrs. Grabowski had and asked for copies of the documents. I obtained the copies and went to my office. I contacted the Alaska Highway Safety office and spoke with the Grants Administrator. I discovered that the closing date for the grant application was June 1, 2009. I asked if the forms that I was asked to assist with were related to a grant that the City of Houston had applied for. The Grants Administrator stated that the City of Houston had never applied for any grants and that there were no FY09 applications from the City of Houston on file.

On several occasions, the Mayor had told me that this grant had been applied for and that he knew that the City would receive the grant. Also, on several occasions during City council meetings, I heard the Mayor state that the City of Houston was at "the top of the list" for this grant. Sgt. Seidl reported to me that he had been directly told by the Mayor that the grant had been applied for and that we were sure to get the grant.

I immediately contacted the City Clerk, Steve Cunningham regarding my findings from the State Highway Safety Office. Steve Cunningham stated that he had received the grant application from the Mayor less than one month prior and was ordered to get it filled out by the beginning of September. I recommended not expending resources on completing the application and explained that the deadline was June 1, 2009.

I contacted the Mayor and informed him of my findings from the State Highway Safety Office. The Mayor told me that he had sent Steve Cunningham an email in January of 2009 and ordered him to complete the grant application. The Mayor stated that he was upset that he felt that if anything was to get done in the office that he would have to do it himself.

I spoke with Steve Cunningham relating to the email sent by the Mayor in January. Steve Cunningham later reported that he looked through every email that he had received from the Mayor from prior to January, 2009 to present. Steve Cunningham did not find any such email.

The Mayor knew that I had knowledge about the refrigerator incident as well as the misrepresentations regarding the grant. On Tuesday, September 1, 2009, I returned to duty to find out that I was being placed on desk duty and that I had to turn in my badge and credentials. I was informed that an internal investigation would be conducted. The reason was given was that I had reported to the Mayor and to the Deputy Mayor and not to Sgt. Seidl. I understand that this was discussed during a meeting on Monday, August 31, 2009 between the Mayor and Sgt. Seidl. I also understand that the Mayor neglected to inform Sgt. Seidl that he had ordered me to do so. Basically he set me up and lied about the circumstances of my conduct.

As a city employee, I would not be able to report my concerns directly to the City Council and policy would prohibit me from doing so unless I followed a grievance policy which routed my complaints to my supervisor, which in this case is the Mayor. It would be as much as 8 weeks before the council would hear my concerns. I was told that I was to complete paperwork and then I would be placed on administrative leave. As long as I was a City employee, I would not be able to report.

The Mayor's conduct is reprehensible. His ongoing behavior has caused an incredibly hostile work environment as well as caused significant embarrassment for the police department among peers and agencies. Further, his actions involve a gross breach of fiduciary responsibility as a Mayor and may even constitute illegal behavior. Upon discovery by the Mayor that I had knowledge of his lies to the City Council as well as his conduct relating to the unethical use of public resources, he set out to destroy my career and to harm my family in order to cover up for his conduct.

His conduct is totally unacceptable, a gross deviation from acceptable conduct of a mayor, and some of which may constitute crimes of moral turpitude.

As a result, I am unable to work for the City of Houston as long as Roger Purcell is the Mayor or has any supervisory role in any capacity.

Sincerely,

Aaron Parker