

August 29, 1988

Ladies & Gentlemen:

I wish to relate an unfortunate incident involving the Nueces County Sheriff's Department.

On October 27, 1987, I was arrested, handcuffed, jailed and my car impounded by the Nueces County Sheriff's Department as the result of warrants being erroneously issued for my arrest. See "Witness Statement" attached for details surrounding this incident.

As you will see from such statement and medical reports attached, I had sustained a job related injury on or about October 6, 1987. My doctor had instructed me to take some time off from work to allow time for my shoulder to heal and the pain to subside. It was during this healing period that this unfortunate incident occurred involving the Nueces County Sheriff's Department. As you will see from the statements attached, I pleaded with the officers to please not handcuff my hands behind my back, explaining about my shoulder injury, but they ignored my pleas. As a result of this ordeal, my injury was substantially aggravated and my doctor told me it was the worst possible position my shoulder could have been placed in.

It is now approximately 9 months later and such injury has regressed continuously to the point that I am now faced with surgery. I have not had a single painless night this entire time. Although, I have continued to work, the pain is constant. I feel that the Nueces County Sheriff's Department is directly responsible for my current prognosis as a result of their zeal to enforce the law at all expense.

My complaints are as follows:

The warrants which were issued in error against me were for traffic violations of speeding, no proof of insurance and non-appearance. Assuming that these warrants were correctly issued, was the Nueces County Sheriff's Department justified in exercising the degree of force used in connection with my arrest? Was it necessary for these officers to grab me by the wrists, forcing my arms behind my back, and slapping the handcuffs onto my wrists with such force as to leave a bruise on my arm. I was

obviously no threat to these officers. None of these violations demonstrated any violence or suggested any force or threat to anyone. I was a female, completely sober and the search of my car and person revealed nothing to suggest anything that would cause concern to these officers. I was friendly and cooperative and offered no resistance other than my plea regarding the "behind the back" handcuffing for reasons already stated. I would like to know if it is indeed standard police procedure that an individual accused of a non-violent crime of the nature and type as mine be handcuffed "behind the back" and forced to ride this way while being transported to jail. Furthermore, what harm could handcuffing my hands in front have caused?

As you will further see from the witness statement attached, my ordeal at the County Jail was equally as horrible. The people were rude and unreasonable and further contributed to this entire nightmare.

Since such time, I have made countless attempts, both in person and by telephone, to contact Sheriff Hickey about this matter. I have been given the run around, and every excuse imaginable why he cannot see me. Does Sheriff Hickey condone his officers getting into arguments with other law enforcement officers at the scene of an arrest and venting their anger out on the unfortunate victim who happens to be caught in the middle of such a fracas? Does he condone the conduct displayed by the jail staff during my incarceration? With the exception of one individual within the Sheriff's Department, no one has expressed any interest in hearing what I have to say or how I feel. The one individual who tried to help was pulled from my case immediately after the first and only meeting we had and I have not been allowed to see him again. The "Witness Statement" attached was taken by him and it has taken great persistence, many trips to the Sheriff's Department, many phone calls and the tenacity of a Schnauzer to ultimately obtain a copy of such statement. I was given every excuse from "Your file has been lost", "It's locked up and I don't have a key", "I mailed it yesterday" to "I'll send it to you today." I would like to know if Sheriff Hickey is aware of the conduct that is demonstrated by the people who make up his department and if so, does he condone this kind of behavior from his staff.

I would also like to have my record cleared and expunged since there is no basis for the warrants and therefore the arrest. The foul up which resulted in the issuance of the arrest warrants was not the result of any fault on my part. I diligently took care of the traffic citations and complied with all requirements which were set out by Judge Roane. Why doesn't the Sheriff's Department agree to do this? Is this so unreasonable under the circumstances?

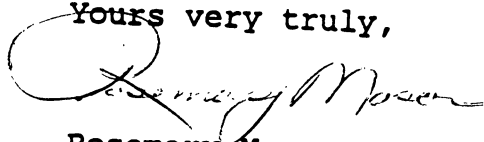
This nightmare could happen to you or worse to a member of your family. Just because you may have taken care of a minor traffic violation does not necessarily mean that the necessary procedures were adequately put into play to properly remove the violation from your record. Some lonely night your daughter, wife, mother or sister may be driving home and find herself caught up in this kind of a nightmare. Would you feel that the degree of force which was exercised in my case and the conduct of the jail personnel of the Nueces County Sheriff's Department would be acceptable to exercise on your daughter or wife? How would you react to such an incident? If your wife or daughter failed to return home some night at the scheduled time and was unable to call you because your telephone number had recently been changed and she was denied the right to call information to get the new number, would you be upset? Hours later when she is finally released from jail will you be upset about the impoundment of the automobile where all your keys, not only to your automobiles, but to your home, were carelessly turned over to some wrecker service without any regard to your safety, or the safety of your home and its contents. As a result you are forced to change all such locks at your own expense to insure your protection. How might you feel at this point toward your Sheriff's Department? Would you consider this to be a procedure that is necessary to enforce and carry out the laws of this state? Or would you feel angry and violated as I do and feel that there must be a better way.

As a result of the ordeal described above, and in the attachments, I have been forced to expend considerable time and expense in connection with this matter. I have incurred the expense of wrecker service and impoundment charges, many many long distance phone calls to Corpus Christi and to Atascosa County, travel expenses to Corpus to try to see Sheriff Hickey. I have also suffered great mental and physical anguish and undergone many hours of therapy. I have a terrible fear of driving at night for fear that this ordeal may reoccur. And as a result of the aggravation to my shoulder injury caused by the handcuffing procedure, I am now faced with the prospect of surgery on my shoulder. I further fear that my injury may be permanent and totally disabling and, if so, I risk the possible termination from my employment.

I feel that I have exhausted all efforts, short of a law suit, to get my record cleared by the Nueces County Sheriff's Department, and to obtain a reasonable explanation as to why my life is in the condition that it is in today. I now come to you in the hopes that someone will hear what it is that I am trying to say and recognize the fact that there is something seriously wrong with our system when this kind of situation can be allowed to happen. I have always considered the policeman to be my friend and ally, and I can no longer feel this way. I would appreciate and welcome any assistance that any of you are in a position to give to get my record cleared and expunged and an explanation of

why this happened to me and whether this is indeed standard police procedure within the Nueces County Sheriff's Department in view of all circumstances involved.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Rosemary Mason". The signature is written in dark ink and is positioned above the typed name.

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