

DISAPPEARING MEMOS ORDERED BY CHIEF CAVINS

From: Jeff McNutt <mcnuttj@town-and-country.org>
Sent: Friday, March 24, 2023 11:40:09 PM
To: Chris Moore <MooreC@town-and-country.org>
Subject: Memo

Sgt. Moore,

Please provide me with a memo detailing Officer Diaz calling in sick and your interactions with him at the station.

This is not to be discussed with anyone else.

If you have any questions please call me tomorrow when you wake up. Please have the memo to me by Monday morning.

Thanks,

Lieutenant McNutt

From: Chris Moore
Sent: Saturday, March 25, 2023 4:41 AM
To: Jeff McNutt
Subject: Re: Memo

Lt. McNutt,

Will do. Also he would not commit to a time and or date to turn his stuff in. He said he will make arrangements.

Sgt. Moore

Town & Country Police Department



*Committed to an
Exemplary Level of...*

*...Service
and Protection*



To: Lt. McNutt, 124

From: Sgt. Moore, 83

Date: 03/24/2023

RE: Officer Diaz calling in sick

Lt. McNutt,

In reference to Officer Diaz calling in sick on 03/24/2023, I am documenting the interaction and circumstance per your request.

On 03/24/2023, at approximately 21:26 hours, I received a text message from Officer Diaz relating "I am calling in sick tomorrow." I replied "O.K. Hope you feel better."

I was in the department kitchen and eating dinner and to my surprise, Officer Diaz walked by the kitchen and said he promised dispatch he'd say buy. I had assumed he was picking up personal belongings downstairs, after hearing he was possibly going to call in sick again, on Sunday, if not allowed a Kelly Day on his last day.

I informed you of the situation and the fact that Officer Diaz called in sick and had just appeared at the station to say bye to dispatch.

I inquired through a text messages as to when Officer Diaz had planned on turning in his equipment and that Lt. McNutt had inquired. Officer Diaz text back "We will figure all that out. I'm sure if that's major issue he could/would contact me." I text back "He was inquiring through me but is headed to bed."

Officer Diaz stopped back in the kitchen and I was aware he had been out celebrating a department retirement. Officer Diaz did not appear sick and did smell as if he had been drinking. Officer Diaz displayed no signs of impairment, while speaking with me, that I would have felt compelled as a supervisor and/or police officer to intervene.

Officer Diaz had a gift and card from dispatch in his possession and I wished him well.

Officer Diaz said he was sad to leave but felt he had no options or future with the Town and Country Police Department. I continued to eat my dinner and did not feed in to the conversation. Officer Diaz apparently received a phone call from his wife and said he had to go. Officer Diaz then left the station and may have had contact with Officer Gowen on sally port parking lot prior to leaving.

Respectfully Submitted,

A handwritten signature in black ink that reads "SGT. Chris Moore, 83". The signature is written in a cursive, slightly slanted style.

Sgt. Chris Moore, 83

From: Jeff McNutt <mcnuttj@town-and-country.org>
Sent: Friday, March 24, 2023 11:36:15 PM
To: Ronnie Nicoletti <nicolettir@town-and-country.org>
Subject: Memo

Cpl. Nicoletti

Please write me a memo detailing the things you told me about your interactions with Officer Diaz on Friday March 24 to include

Interactions with Alderman
Sgt Moore and Sgt. Giacopelli and the command staff retreat.
Calling in sick

This topic is not to be discussed with anyone else. Make sure the memo is detailed and only put things you heard yourself that night.

Please get this memo to me your next shift.

Lieutenant Jeff McNutt

From: Ronnie Nicoletti
Sent: Saturday, March 25, 2023 12:55 AM
To: Jeff McNutt
Subject: Re: Memo

Ok

TOWN & COUNTRY POLICE DEPARTMENT

JAMES CAVINS, CHIEF OF POLICE

INTRADEPARTMENTAL MEMO

To: Lt. J. McNutt DSN 124
From: Cpl. R. Nicoletti 110
Date: 03/28/2023
Re: Former Officer Eric Diaz



*...Service
and Protection*

*Committed to an
Exemplary Level of...*



Sir,

This memo is to provide you some in-sight and documentation on what was said by former Officer Eric Diaz on the night of Friday, March the 24th, 2023. Some off-duty officers went out for Eric Diaz's so called going away party.

During the evening, Eric Diaz was making comments towards certain officers, the Chief of Police and the department as a whole. Eric Diaz was saying the Chief was a liar and that he told lies to the alderman/alderwoman in order to get a 30th officer. Eric Diaz also made the comment to me that he had spoken to a few council members in regards to our raises in 2022 and how the Chief has failed the department as a whole.

Also while out at an establishment, Eric Diaz texted Sergeant Moore telling him that he was unable to come into work for his day watch shift on Saturday, March the 24th, 2023 due to him feeling sick. After Diaz sent the text message to Sergeant Moore, Diaz laughed and showed me the text message he had sent. I told Diaz that was bullshit and he is ruining his reputation and burning every bridge. Diaz laughed again and said what the fuck do I care.

Respectfully submitted,

Cpl. Ronnie Nicoletti DSN 110



Town & Country Police Department

To: Lt McNutt, 124

Cc:

From: Sgt Yaakub 131

Re: Diaz Incident

Date: 03//28/23



*Committed to an
Exemplary Level of...*

*...Service
and Protection*



Sir,

The purpose of this memo is to inform you of a situation that occurred while off duty at Lit Cigar Bar on March 24th, 2023. The incident was witnessed by Corporal Nicoletti, Corporal Doll and me. The incident started while playing Golden Tee and smoking a cigar. Officer Diaz started consuming alcohol and the more he drank, the more vocal he became about the command staff at the department. Diaz was calling Chief Cavins and LT McNutt "assholes" and "MotherFuckers"

I asked Diaz why he was angry, and he stated the Chief was a liar and "fucked" him on promotion. Diaz told me a sergeant (Giacopelli) from the retreat told him the Chief was concerned about his flirtatious ways with girls. I told Diaz he is flirty and he responded by saying he never got a complaint and he is not inappropriate.

Diaz then stated he was at Cocktails and Cleavers earlier on a walk thru and he saw Alderwoman Holman. He said she told him they were investigating the Chief's spending for the last year.

Diaz said he knew of several officers that are going to quit this department. He named a couple officers and he said they would be leaving in the near future.

Diaz also talked about his exit interview with City Administrator Bob Shelton. He said he told Shelton that the Chief lied about needing the 30th officer and manipulated numbers to make

his case. He also told Shelton that the only reason we are a part of Major Case was so the Chief could be on the board. Diaz stated he told Shelton if he really wanted to know how bad it is then he should interview every officer from sergeants down to patrolman in a one on one situation.

Diaz finished by saying if the Chief gets fired, he would reapply with the department.

This memo is a condensed version of the events that transpired.

Respectfully,

Sgt Yaakub, 131

A RESPONSE TO THE MEMOS FROM FORMER OFFICER DIAZ

In reference to the memos written by the following members of the Town and Country Police Department:

Sgt. Yaakub 131

Cpl. Nicoletti 110

Sgt. Moore 83

I would like to add the following:

On or around March 25, 2023 the following supervisory personnel were solicited by Town and Country Lt. Jeff McNutt to write a memorandum regarding an event that took place while all members were off duty.

On March 24, 2023 Sgt. Fred Yaakub, Cpl. Ronnie Nicoletti, Cpl. Steve Doll and myself attending a social event off duty. The following day March 25, 2023 those in attendance (except myself and Cpl. Doll) were requested via email/conversation form by Lt. Jeff McNutt to document the off duty encounter in an official Town and Country Memorandum. Lt. McNutt gave a directive in the email stating, "This topic is not to be discussed with anyone else." Sgt. Yaakub and Cpl. Nicoletti both agreed to write the memorandums on duty as instructed by Lt. McNutt. That same date, an email request was sent to Sgt. Chris Moore to write a memorandum as well, regarding an encounter with him and myself after the social event with the same instructions stating, "This is not to be discussed with anyone else."

This is of enormous concern, not only for myself, but for the other officers at the Town and Country Police Department. Personally, I would like to address the inaccuracies of these memorandums and provide some much needed context (See my attached copies of the memorandums, my responses, and Lt. McNutt's emails). For the officers, I would like to raise the concern and the dangers that this precedence sets in regards to the facts that officers, at any given time, would be directed by a member of the command staff to write official memorandums about events taking places while off duty (keeping in mind no ordinance, State, and/or Federal Laws were broken to warrant and off-duty response). I not only believe this borders on the line of unethical practices, at the very least, sets a precedent to use fear and intimidation that contributes to a toxic and hostile work environment.

Although I am a former Officer of the Town and Country Police Department, I still have great respect for the City of Town and Country and the fellow Officers that I served with, who remain in this hostile work environment. At this time I have two questions that I am hopeful Mr. Shelton can answer for me. First, where are these memorandums today since they are not in my personnel file? Secondly, what are/were Lt. McNutt and the command staffs intentions? I encourage the readers to come to their own conclusions. My intent with this email is to provide a true and transparent look at the event of March 24, 2023. I hope that my response prompts the sort of changes necessary to preserve the integrity and honor of a great department that I had the privileging of serving.

In reference to the memo's written in regards to the evening of March 24, 2023, requested by LT. Jeff McNutt. Keeping in mind two (2) of the three (3) memo's requested were regarding an evening out, off-duty and out of the City of Town and Country, and the third memo was in regards to this officer returning to the Town and Country building on the evening of March 24, 2023.

The purpose of this document is to give a clear, detailed, and factual account to Sgt. Yaakub's memo describing the events of March 24, 2023.

- Sgt. Yaakub appears to attempt to paint a pictures as if this officer was “drunk” and “impaired” with his statement, “Officer Diaz started consuming alcohol and the more he drank, the more vocal he became about the command staff at the department.”
 - This statement is missing context and omits facts. The following addresses these issues:
 - All parties were consuming alcohol from at/around 1800 until later in the evening.
 - Upon arrival at “Lit Cigar” I, Sgt. Yaakub, Cpl. Nicoletti, and Cpl. Doll purchased drinks and cigars.
- “Officer Diaz started consuming alcohol and the more he drank, the more vocal he became about the command staff at the department. Diaz was calling Chief Cavins and Lt McNutt “assholes” and “Mother Fuckers.”

- I made the remark to Sgt. Yaakub that our friendship was strong enough to continue even after he sat there and let Chief Cavins lie about me.
- I told Sgt. Yaakub that he, along with the other supervisors sat back at the retreat and watched him (Chief Cavins) commit defamation of my character. In reference to Chief Cavins stating, "Has anyone else heard Diaz has a woman problem? I have a hard time making Diaz a Cpl. because I can't trust him around woman. I field calls every two (2) weeks from females that tell me how uncomfortable Diaz makes them." (The last sentence was relayed to me "AFTER" I resigned.)
- I did in fact call Lt. McNutt an "asshole." Lt. McNutt has gone from being a respected Sgt. in Town and Country to a Lt. that uses questionable tactics as a supervisor with intent to force employees to conform (or fall in line as he would say). It was clear to the patrol that Lt. McNutt was the strong arm for the Chief. In taking on this role his actions along with command staff decisions continued to crush the already low morale and create a toxic and hostile work place environment. A few examples of this are as follows:

- Lt. McNutt threatened an officer with reviewing video to "find" something to write them and any other patrolmen up for, if they continued to talk negatively about the agency while in the building. The officers Sgt. was present for this meeting and did not question this threat.
- Next the fact Lt. McNutt requested Sgt. Yaakub and Cpl. Nicoletti write memos in reference to an off-duty, outside of the City of Town and Country event where no ordinances, State, and/or Federal laws were broken is an example of Supervisor abuse. Lt. McNutt has consistently displayed this intimidating, coercing, and aggressive behavior since January. Simply requesting these memos be written is an example of the hostile workplace environment he and the command staff created. I state command staff, because in my opinion if you observe this behavior and do not intervene, you are just as guilty as those committing the actions.

These were the reason(s) I stated McNutt was an "asshole."

- Sgt. Yaakub stated I informed him Sgt. Giacomelli told me what Chief Cavins said about me at the retreat.
 - This is a complete lie. As I continuously state, Chief Cavins statements have been confirmed by at least three (3) Sgt.'s, and I STILL have not revealed the original source of this information.

- Sgt. Yaakub stated he told me I was flirty and I responded, I never got a complaint and I'm not inappropriate.
 - This is how the conversation actually happen. I told Sgt. Yaakub, this is what happens when you have supervisors and no leaders. I stated the patrol has lost all confidence in the command staff and Chief Cavins because of the lack of true transparency, consistent lies, and toxic/intimating atmosphere. Sgt. Yaakub, visibly frustrated stated, "I asked Chief Cavins about it, and Chief Cavins told me an Alderwoman stated you made her feel uncomfortable." I laughed and asked Sgt. Yaakub which one? Also, if that was the case, wouldn't that make Chief Cavins derelict of duty by not taking any actions? I stated Chief Cavins NEVER called me into the office and stated there were/was complaints. Chief Cavins NEVER reported any complaints to the City Administrator. Chief Cavins NEVER pulled me off of the street and followed up on any complaint on me. I told Sgt. Yaakub, either Chief Cavins lied about me having complaints or he was not doing his duty as Chief in protecting the citizens of Town and Country, and in this case an elected official. At this time Sgt. Yaakub attempted to change the subject and made the comment about me being a flirt to which I responded, have I ever been written-up for misconduct in regards to a woman? Have I ever been written-up at all? (It should be noted that the answer to both of those questions are no.) Sgt. Yaakub did not respond.
- Sgt. Yaakub stated I spoke with Alderwoman Holman at Cleavers and Cocktails earlier in the day (March 24, 2023) during a foot patrol. Sgt. Yaakub stated that I told him Holman stated they were investigating the Chief's spending for the last year.
 - Holman approached me as I conducted a foot patrol. Holman asked me what was the real reason I was leaving Town and Country. I told her everything previously stated in this document. I also stated the command staff was clearly more interested in resume building and not protecting the needs of Town and Country and its residence. I informed her in my opinion the 3rd LT and 30th officer were the reason we were unable to get raises, and explained to her the command choose to give themselves and all "topped out" officers raises thus rewarding time and rank but not production.

- Holman stated she was not aware the entire police department did not receive a raise. Holman stated the numbers didn't make sense as she remembered the Alderman voting a 6% budget raise. She asked me if that made sense and I explained to her in my opinion where and how the money was being used. One such example was the Major Case Squad OT situation. As I explained this to Shelton as well, the City of Town and Country is responsible for all the OT for whomever is sent out on a Major Case Squad callout. I informed both Shelton and the Holman the agency was not capping OT and we were sending guys out to every call. I informed them both that the SRU unit the year before cut into OT significantly, however all the savings went directly into the Major Case Squad OT spending. From my understanding by the end of quarter 3, start of quart 4 the OT budget was dwindling so the agency capped pay at 20 hours. However, I explained even at "capping" OT pay at 20 hours the city is STILL paying for comp time accrued, there was no cap on comp time. Holman stated she's questioned Chief Cavins spending for the last year.
- Sgt. Yaakub stated I spoke about my exit interview with City Administrator Bob Shelton. Sgt. Yaakub stated I said, "If Chief gets fired I would reapply with the department."
 - I did in fact inform Sgt. Yaakub of my exit interview with City Administrator Bob Shelton, I told him that I encouraged Shelton to interview Sgt.'s and below to get the pulse of the agency.
 - However, not at any time did I state, "If Chief gets fired I would reapply with the department." My actual statement was the same statement I gave Shelton, I love this city, love working with the community of Town and Country, love working with the city employees, and I love working with my fellow Patrolman, and if the administration changed somehow I would be the first guy in line to apply.

In reference to the memo's written in regards to the evening of March 24, 2023, requested by LT. Jeff McNutt. Keeping in mind two (2) of the three (3) memo's requested were regarding an evening out, off-duty and out of the City of Town and Country, and the third memo was in regards to this officer returning to the Town and Country building on the evening of March 24, 2023.

The purpose of this document is to give a clear, detailed, and factual account to Sgt. Moore's memo describing the events of March 24, 2023.

- Sgt. Moore stated I text at approximately 2126 hours stating I was calling out sick March 25, 2023.
 - This is a fact, I did text Sgt. Moore stating what he reported in his memo.

- Sg. Moore stated he was in the department kitchen and eating dinner when Officer Diaz walked by the kitchen.
 - This again is a fact. I did return to the station to retrieve a gift from the evening dispatch team. As Sgt. Moore stated in his memo, I had been drinking, but I was not impaired. I would like to point that fact out, as Sgt. Yaakub attempted to paint the picture that “the more I drank, the more vocal I became” to imply I was intoxicated while speaking to him and Cpl. Nicoletti. As per Sgt. Moore, this officer was not impaired.
- Sgt. Moore stated I stopped back in the kitchen and I stated I was sad to leave but I felt I had no options or future with the Town and Country Police Department. Sgt. Moore stated he continued to eat and did not feed into the conversation.
 - This is how the encounter actually happen. As I returned to the kitchen area from dispatch, I engaged Sgt. Moore. I stated, “Town and Country has a leadership problem Sgt., they have supervisors who are cowards and not leaders.” Sgt. Moore remained silent and just looked at me. I continued stating you guys all sat there at the retreat and let Chief Cavins lie about me. Sgt. Moore responded, I don’t know what you are talking about. I informed him that I know what Chief Cavins said about me, I told him how I verified it with three (3) Sgt.’s so I knew it was true. Sgt. Moore again just looked at me, so I stated, I know Chief stated, “Has anyone else heard that Diaz has a woman problem? I have an issue making Diaz a Cpl. knowing I can’t trust him around woman. I field calls every two (2) weeks from females that tell me how uncomfortable Diaz makes them.” (The last sentence was relayed to me “AFTER” I resigned.) Sgt. Moore replied, “I don’t know about that, maybe he said that when we all broke down into small groups.” I informed Sgt. Moore he was lying because the three (3) people that were in the room stated it was while they all were at the round table, all together! I did end my comments by stating, “I was sad to leave, but felt I had no options or future with the Town and Country Police Department.” As for “running into” officer Gowen, that did not happen and I’m not sure why that would even be mentioned.

In reference to the memo’s written in regards to the evening of March 24, 2023, requested by LT. Jeff McNutt. Keeping in mind two (2) of the three (3) memo’s requested were regarding an evening out, off-duty and out of the City of Town and Country, and the third memo was in regards to this officer returning to the Town and Country building on the evening of March 24, 2023.

The purpose of this document is to give a clear, detailed, and factual account to Cpl. Nicoletti’s memo describing the events of March 24, 2023.

- Cpl. Nicoletti stated I informed him that I had spoken to a few council members in regards to raises.
 - I absolutely stated that I spoke to council members to Cpl. Nicoletti, however, I spoke to council members who reached out to me. Several council members asked me why I was resigning from the Town and Country Police Department. I informed them that the command staff was the reason I was leaving. They asked for more details, I stated how the department has lost confidence in Chief and the command staff. Everything that I stated to Cpl. Nicoletti, I stated in my conversation with City Administrator Shelton and Chief Cavins himself during my exit interviews.
 - Cpl. Nicoletti state I called Chief Cavins a liar.
 - As previously stated, I did state Chief Cavins lied to the Alderman in order to get a 30th officer and a 3rd Lt. I stated Chief Cavins ballooned the calls for service numbers, I stated these two request (in my opinion) directly affected the budget and cost the us equal department wide raises. When Chief Cavins was questioned about these two positions affecting the budget, Chief Cavins would default to stating the City Administrator and Mayor did not provide the funds for raise department wide.
 - It should be noted, at the time of this document, the Town and Country police department has been operating with only two (2) Lt's and less than 30 officers. The city has acknowledged it does not need a 3rd Lt nor a 30th officer and was able to transfer funds and disperse 3% raises to the remaining 10 officers. This clearly proves the funds did effect the budget and once again is an example of why the patrol does not trust Chief Cavins and the command staff.
-

THIS IS A SECOND MEMO FORMER OFFICER DIAZ SENT

Sir,

On May 12, 2023, I submitted a request regarding the memorandums written by Sgt. Yaakub, Cpl. Nicoletti and Sgt. Moore. I requested the location of the memorandums along with a request regarding Lt. McNutt's intentions for requesting these memorandums be written. On May 16, 2023, I received the following response from Mr. Shelton:

The memos are not in your personnel files because they reference an event that occurred following your resignation from the City.
I cannot speak to other's "intentions."

On May 16, 2023, I replied to Mr. Shelton's response by requesting more in-depth information regarding the purpose of these memorandums.

Today, I am reaching out for a second request, for a more in-depth investigation as to the intent of the memorandums. I would like to again request that someone investigate in particular what the intent of requesting these officers to write the memorandums was, along with where they are being stored. Since command staff was able to provide a copy of the written memorandums for my Sunshine Law request, they should be able to be recalled from a specific location.

It has been brought to my attention that command staff members of TCPD are known for keeping two separate personnel files on employees, I want to be able to verify that those memorandums are not kept in a second personal file (different from the HR folder). Recently I have been informed that Lt. McNutt and Chief Cavins allegedly requested the writing of these memorandums with the intention of impeding my future job prospects. According to the information relayed to me, a discussion took place during a social gathering involving Sgt. Yaakub and Cpl. Nicoletti, where the topic of Lt. McNutt, Chief Cavins and the writing of memorandums arose. Within this conversation, someone questioned why Lt. McNutt would require memorandums regarding an off-duty event. The source shared the following statement: "Lt. McNutt and the Chief wanted the memos so that if someone inquired about Diaz's future employment, they could F**k him by providing the memorandums to the agency or company thinking about hiring him."

If you are unable to respond to my requests, I would respectfully ask that you please respond as to the reasoning for not being able to do so.

Thank you in advance for your cooperation.

Respectfully,

Eric Diaz

LEGAL BILL INVESTIGATING CHIEF CAVINS



BEHR McCARTER
NEELY & GABRIS P.C.

2-11
AM 7/14/23

A. J. B. PAYMENT	
P.O. _____	VENDOR <u>10697</u>
Mayoral Charles Rehm	ACCOUNT NUMBER <u>101201200105</u>
City of Town & Country	AMOUNT <u>8077.50</u>
1011 Municipal Center Drive	Invoice Date 07/11/2023
Town & Country, MO 63131	Account No. 6911.001
	Invoice No. 93165
DESCRIPTION <u>Special Counsel Services 6/12-7/10/</u>	
Special Counsel Services	DATE <u>7-19-23</u> BY <u>[Signature]</u>

FEES

JUL 19 2023

		Hours
06/12/2023		
WDM	Meet with Mayor and Board of Alderman.	1.40
06/18/2023		
WDM	Review material(s)/document(s) received from Ashley.	1.10
06/19/2023		
WDM	Meet with City Administrator and City Clerk.	1.70
06/20/2023		
WDM	Interview Police Officers at City Hall and meet with City Administrator and City Clerk.	6.10
06/21/2023		
WDM	Prepare report to City from Interviews of Police Personnel.	0.90
WDM	Telephone conference with Police Officer regarding concerns about department.	0.30
06/22/2023		
WDM	Review and revise report on police interviews.	0.40

8000 Maryland Avenue, Suite 245 | Saint Louis, Missouri 63105-3949 | T: 314.862.3800

City of Town & Country 07/11/2023
 Special Counsel Services 93165
 6911.001

	Hours
WDM Telephone conference with several police officers regarding Police Department Policies and Officer concerns.	1.20

06/23/2023	WDM	Telephone conference with Police Officers regarding department policies.	1.10
06/26/2023	WDM	Telephone conference with several Police Officers.	2.10
06/27/2023	WDM	Conduct interviews of several Police Officers.	3.80
06/28/2023	WDM	Telephone conference with several Police Officers.	1.80
06/29/2023	WDM	Conference call with Police Officers.	3.80
06/30/2023	WDM	Telephone conference with City Administrator and City Clerk regarding submission of Special Counsel Report.	0.30
	WDM	Telephone conference with several Police Officers.	0.60
07/05/2023	WDM	Telephone conference with Police Officers.	1.20
	WDM	Telephone conference with several Police Officers.	1.40
	WDM	Prepare report to the city.	1.80
07/06/2023	WDM	Interview two more Police Officers.	1.60
	WDM	Finalize Report to the City and send to Mr. Shelton.	1.20

07/10/2023

WDM Attend meeting of Board of Alderman regarding
personnel matter.

2.10

For Professional Services

35.90

8,077.50

Current Invoice Amount

8,077.50

Balance Due

\$8,077.50

BEFORE HIRING BEHR, MCCARTER, NEELEY THE CITY'S LAW FIRM WAS TRYING TO LOOK INTO THE CHIEF CAVINS POLICE DEPARTMENT ISSUE The below bills mention researching or investigating "SL." SL is a legal term for Slander and Libel.

Curtis, Heinz, Garrett & O'Keefe, P.C.

Attorneys at Law

130 South Bemiston, Suite 200
St. Louis, Missouri 63105

(314) 725-8788

Fax (314) 725-8789

July 5, 2023

Town and Country
Attn: Bob Shelton
Town and Country City Hall
1011 Municipal Center Drive
Town and Country, MO 63131

Statement as of June 30, 2023

Statement No. 175353

Professional Fees

Hours

6/1/2023	SWG	Review documents regarding personnel matter. Research personnel matter.	0.60
6/2/2023	SWG	Research SL issue.	0.30
6/5/2023	SWG	Research SL issue.	0.50

6/6/2023	SWG	Research SL issue.	1.10
6/7/2023	SWG	Research SL issue.	0.50
6/8/2023	SWG	Telephone call to attorney Jay Turner regarding SL issue. Telephone call to and from attorney Dudley McCarter regarding SL issue. Revise draft of email to Board of Aldermen. Review documents received from Ashley McNamara. Review documents received from Bob Shelton.	1.30
6/9/2023	SWG	Telephone call to attorney Jay Turner regarding SL issue. Research SL issue.	0.70
6/12/2023	SWG	Review documents received from Ashley McNamara.	0.40
6/13/2023	SWG	Emails to attorney Dudley McCarter regarding various city issues.	0.30
6/16/2023	KKC	Reviewed PD SOP 709 per Capt Defoe's request; email with Capt Defoe.	0.30

That is a total of 6 hours at \$140 an hour or \$840.

OUR ARTICLE IN THE JULY 29, 2023 EX ALDERMAN NEWSLETTER 591

NOW ON TO THE FEW FACTS WHICH WE LEARNED ALLEGING THE POLICE CHIEF LYING, DEFAMING AN OFFICER HE DIDN'T WANT PROMOTED AND DILUTING THE POLICE PRESENCE IN TOWN AND COUNTRY.

It turns out all this started around an officer hired four years ago from the Highway Patrol, Eric Diaz. From our observation Officer Diaz was a hard worker, made arrests and wrote very good reports.



Officer Diaz (right) receives the Chief's Award of Excellence.

* At the 2023 Command Staff Retreat while the discussion was about promotions Chief Jim Cavins said Officer Diaz should not be considered for a promotions as he was receiving complaints as often as every two weeks from women reference Officer Diaz making sexual advances or sexual remarks. Later the story changed from numerous women to one older woman and then all appeared to be false.

- After being told he had no chance of promotion despite his work, as the Chief was worried he would not always follow orders if they were improper or against policy, he resigned effected March 26, 2023.
- Officer Diaz filed a sunshine request to see his entire personnel file. There were ZERO complaints from women ref sexual comments or actions indicating the Chief's statement at the meeting was false.
- Chief Cavins through Lt. Jeff McNutt ordered a number of command staff officers to file email memos concerning Diaz including remarks he made off-duty at his "GOING AWAY PARTY" in Chesterfield. They were private conversations out of the City of Town and Country to other officers he was socializing with two days before his last day.
- Officer Diaz filed a Sunshine Law Request for the memos. He was told by police command they did not exist.
- Former Officer Diaz filed a Sunshine Open Records complaint with the Missouri Attorney General's Office, which opened an investigation.
- During an exit interview with City Administrator Officer Diaz brought up the false statements by Chief Cavins.
- The issue of officers not receiving full raises also came up with Diaz claiming Chief Cavins added a third lieutenant that was not needed and a 30th officer that ate up the money .

The complaint memo that ordered Command Staff present at the Going Away Party to report what Diaz said at a Cigar Bar in Chesterfield seems a little unfair since he was off duty, not in the station or in the City and how many people in the world complain about their bosses?

The other issue that Diaz had was that none of the sergeants who he considered friends who were at the Command Staff Retreat stuck up for him when false statements about him were made by Chief Cavins.



Chief Cavins



Lt. McNutt

We have heard that a number of officers threatened to start looking for other police departments to join if things inside the Town and Country Police stated didn't improve.

Officers were told by the command staff they did not have to answer any questions by the law firm hired by the city. What a waste of the public's money. The city hires a very expensive law firm to investigate the situation and the police department command staff then tells officers that they don't have to cooperate. 17 spoke and gave interviews.