

Operational Analysis
Of The
Christian County Sheriff's Office
July 29, 2014

By

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Background:

With the recent Federal conviction and resignation of Christian County Sheriff Joey Kyle, the Christian County Commissioners appointed Dwight McNeil as Interim Sheriff until a special election can be conducted on August 4, 2015, to elect a permanent Sheriff to fulfill the remainder of former Sheriff Kyle's term in office. As part of this transition, I was contracted by Sheriff McNeil and the Christian County Commission to conduct a general operational analysis of the Christian County Sheriff's Department, to be completed by August 4, 2015. This analysis will focus on the Administrative, Patrol, and Criminal Investigative Division operations, to provide Sheriff McNeil and the newly elected Sheriff with an independent perspective of general agency operations, and how they compare to contemporary law enforcement practices. This report should not be viewed as a comprehensive and all-inclusive analysis of the agency-as this would require several months of data collection and real time related assessment-but rather a "state of the agency" overview, with the limited observations available in the timeline provided, and then recommendations and considerations for the incoming Sheriff.

The Christian County Sheriff's Office (CCSO) is a full service law enforcement agency responsible for delivering police services to a resident population in excess of 82,000, and a geographic area of 562 square miles¹. A CCSO organizational chart (Appendix A) provided to me indicates an authorized sworn staff of 41, and a non-sworn civilian staff of 10, who all work out of offices located in the basement of the Christian County Justice Center, 110 W. Elm, Ozark, Missouri.

This analysis focused on following areas for review:

- Standard Operating Guidelines
- Organizational Structure
- Training
- Staffing and Function
- Equipment
- Individual meetings with CCSO Employees

Standard Operating Guidelines:

A well written, established, and trained/understood policy manual is the foundation of a contemporary, professional, and progressive law enforcement agency. The policy manual should provide the rank and file with guidance and direction for law enforcement operations, while offering the County Government, sheriff, and subordinate supervisor's protection from civil actions related to direct and vicarious liability. The policy manual also establishes clear lines of authority, responsibility, and accountability, and allows management the opportunity to address critical issues/decisions for line personnel, in a non-crisis and rational environment.

¹ Christian County Emergency Services website; <http://cces911.org/index.htm>

I was provided a CD containing 81 policies pertaining to the CCSO non-jail operations, and found that the manual was generally consistent with contemporary law enforcement practice. I specifically reviewed those policies that address enhanced risk police activities. They are outlined and briefly assessed as follows:

- Standards of conduct
 - good
- Personnel administration
 - Separate policies addressed this broad topic and appeared to be acceptable, they were individually titled as:
 - Hiring Procedure, #3-31-1
 - Promotional Procedure, #3-35-2
 - Field Training New Patrol Deputies, #3-35-1
 - Discipline, #2-21-1
 - Sexual Harassment and Discrimination, 2-23-1
- Use of Force
 - Titled as Subject Resistance and Control, #1-16-1
 - Very general, and would benefit from more specific and descriptive language, authorizations, and restrictions.
 - Requires a separate Resistance Control report to be completed, which is reflective of best practices in contemporary policing. However, none of these reports could be found in the available files concerning past use of force situations. This indicates the policy exists, but is being ignored-which is a systems failure in one of the most critical areas of policing. The use of force on a citizen is the single most significant interaction between the government and populace, and failing to follow policy related to this is a dereliction of duty-that must be corrected by the incoming Sheriff.
- Emergency vehicle operation and pursuit driving
 - Vehicle Operation, #4-41-1
 - Appropriate
 - Pursuit Vehicle Operation, #4-41-2
 - This is the area most likely to result in catastrophic injury to citizens and officers during a law enforcement operation, and the area most likely to result in a multi-million dollar civil judgement against the Sheriff's office. As such, policy that greatly limits both risks must be created and then adhered to.
 - The agency policy reviewed states that pursuit initiation is approved for those situations where the driver; E.1.a.2. "Has committed or is attempting to commit a felony". Contemporary agencies utilize more specific terminology, generally addressing "violent felony" offenders only. The overall philosophy being to limit pursuits to truly significant and dangerous events, and avoid an environment where deputies are looking for ways to fit a chase into policy.

- The key component beyond policy is the role of the supervisor in approving the continuation of a pursuit once it has started.
- Foot pursuits
 - Not addressed in policies provided.
 - This is an emerging and critical issue in contemporary policing, as foot pursuits have an increased potential for resulting in officers/citizen injury as compared to other methods of apprehension (such as surround and search). Likewise, a small sheriff's office (such as CCSO) will have limited patrol resources available for surround/search, and this especially highlights the need for a foot pursuit policy-specifically limiting the situations in which a lone deputy might chase a driver who runs on foot into the woods. This issue should be addressed by the incoming sheriff.
- Weapons
 - Addressed in policy #4-45-, 1-8.
 - Addresses approved weapons, but could be consolidated into one policy.
 - A key issue for the incoming sheriff will be to address the issue of "approved" weapons, and balancing officer/citizen safety with potential risk. Specifically, the role of fully automatic weapons is greatly limited in contemporary police agencies-and for good reason. Fully automatic weapons are much harder to effectively train officers to safely and accurately use, and the risk of loss through theft (patrol vehicle, home) is an ever present concern. During this evaluation it was learned that the recently hired training officer found numerous fully automatic weapons in the hands of road deputies-who reportedly demonstrated varying degrees of proficiency during training-with some showing incompetence. This is not acceptable, and should be addressed by the incoming sheriff from both a weapons procurement/authorization and operational use perspective.
- Emergency operations
 - Titled as, "High Risk Police Tactics", #5-59-2
 - This policy addresses the agencies tactical team in general terms. Although the need for an in house tactical team by every police agency is subject to debate, the operational needs assessment based on the material reviewed in this case indicates the CCSO should not have a fully functional team. This is based on the limited potential use as compared to the number of elevated risk calls for service, the financial obligations involved with such a team, and the negative impact on deputy availability for calls when committed to training. A more logical approach-and one that is being followed by many agencies of this size and budget today-is to create a mutual aid agreement with a neighboring team (Springfield PD, Greene County, MSHP), and then train and equip deputies for rapid deployment to the rare high risk incident, focus on immediate threat mitigation, and then contain until

the mutual aid team arrives. This will provide the agency and citizens with a tactical capability based on actual need, and greatly reduce the impact of cost, training time, and liability.

It appears clear from my review that the policy manual was adopted from another source, as some of the policies reviewed (K9 and motorcycle operations) do not apply to current agency capabilities. In general, there is nothing wrong with adopting another agencies policy (or manual), if the documents accurately reflect the agency doing the adoption. The issue in this case is that such “blanket adoption” is often reflective of just that-an agency that adopted policy from others with so little thought and consideration that they left in policies that don’t even apply. That is reflective of an agency that does not take policy serious as it relates to the reasons policy exists (as outlined above), and in some legal cases has been argued as proof of “inadequate policy”. In furtherance of this negative appearance, it is important to note that the agency can provide no documentation that deputies have read and understand the policies, and the review indicated that in past situations of discipline, policies had been cited as being violated and in “effect”. Contemporary law enforcement practice involves the creation of relevant policy, training and validation of learning (testing), and then holding deputies accountable for following them. That does not appear to have occurred within the CCSO, and should be a priority for the incoming sheriff.

The current policy manual establishes personal responsibility and accountability; however, during deputy interviews I repeatedly heard officers say that in the past, these policies were not consistently followed, and that accountability was lacking at all levels of the agency. This lack of fairness and consistency, or perception of same, is a negative blow to agency morale and ultimate service to the community. How can we expect officers to be fair and consistent in their community interactions, when they see or perceive that such fairness and consistency are lacking in their own organization? The standards in this area must be set from the top, and the only solution to this problem is from the top. The new Sheriff must create an environment of openness and transparency, through which policy/procedure is taught, learning is validated, and ALL members of the organization are held fairly to the same consistent standards.

Organizational Structure:

The organizational structure of a law enforcement agency refers to the way the agency arranges people and functions so that goals may be accomplished, and responsibility and chain of command established. The size and complexity of this structure are dependent upon the number of employees and tasks to be managed, and positions needed to establish accountability for such tasks. In today’s law enforcement operations and declining budgets, contemporary agencies move towards “flatter” organizational charts to reduce staffing expenses-with the goal being increased efficiency. Another benefit of the “flatter” structure is that it can improve communications and speed in which change can be accomplished.

The CCSO organizational chart (Appendix A) provided by CCSO staff suggests a contemporary structure for an agency of this size, and clearly establishes the chain of command and areas of responsibility.

Training:

Law enforcement training should be ongoing and practical, with topics derived from policy, contemporary practices, operational need, and statutory mandates. Agencies similar in size to the CCSO normally place the responsibility of training coordination/documentation with one person, and rely on various officers/deputies who maintain varying degrees of subject matter expertise to instruct-while fulfilling other “full time” duties. This is a logical and reasonable approach based on staffing levels, but also requires an emphasis to be placed on instructor development and skill maintenance within the ranks of the agency. Also, Missouri Police Officers’ Standards and Training (POST) requires each officer to obtain a minimum of 48 hours of Continuing Education Unit training in a three year period, with a minimum of 4 hours in each of the four core curriculum disciplines. These curriculum disciplines are defined as:

1. Legal Studies
2. Interpersonal Perspective
3. Technical Studies
4. Skill Development

The Training function does exist within the CCSO, but no documentation for January-April 2015 training (Kyle administration) could be provided-so it is unclear what training if any was done. Individual officer records for prior years training document more than the State mandated hours of training per officer, with an annual emphasis on firearms training. It is important to note that firearms proficiency is a necessity in contemporary policing, but other areas-with emphasis on decision making-generally provides more useful and practical benefit, and a practical balance must be achieved.

The current interim organizational structure places one Lieutenant (who reports directly to the Sheriff) with the overall coordination and responsibility for the training function (curriculum, topics, who teaches, etc.)-which is a positive improvement. The current Lieutenant of Training is a retired Springfield Police training officer, with extensive experience in the training field. Since his arrival he has produced a number of training curriculums to address both mandated and discretionary blocks of instruction, and this is accurately reflected in the training records. In addition to this, the current CCSO deputy work schedule allows for 8 hours training, eleven months per year, which is very positive for the agency-if used effectively.

During officer interviews there were several positive comments concerning the amount and quality of training that CCSO deputies have received in the past. Likewise, positive feedback from line officers as it relates to the amount and quality of training received should not be accepted as a clear indication that adequate training (beyond the mandated 48 hours blocks) is being provided. Assurance in this area-which is mandatory as it relates to the quality of citizen

service, protection of civil rights, and reduction of liability risk-can only be obtained post formal assessment of documented training, which has only recently began.

Staffing and Function:

Law enforcement agency size and service delivery are a reflection of the community and the level of service they demand. The task of the law enforcement leader is to meet these demands through appropriate officer deployment and distribution, both in the patrol and criminal investigative divisions.

Patrol:

The contemporary method to appropriately deploy and distribute personnel is through the analysis of a workload study, to identify the real “call for service” load per officer, and actual needs of the community. The Christian County Emergency Services (CCES) department manages the Computer Aided Dispatch (CAD) system data and lists on their website the following number of calls for service (CFS) dispatched to the CCSO from 911 phone calls:

- 2013 18962
- 2014 19247

A further review of information provided by the CCES of actual 911 calls dispatched to CCSO deputies was:

- 2013 4235 or 11.61 per day on average
- 2014 4525 or 12.4 per day on average

It is important to note that these numbers are similar to that of the Christian County cities of Ozark and Nixa, but they are spread over a larger geographical area-consequently resulting in longer response times.

To conduct a comprehensive workload analysis, these events would need to be defined further and tracked for a period of one year, to account for the different call types by season. This information could then be analyzed, and with input from community leaders as it relates to response time and their desired level of service offer suggestions concerning the number of officers the department actually needs. This information can then be further defined and interpreted to establish the appropriate officer allocation by hour of day and day or week, and the related shifts.

Currently, CCSO patrol deputies are assigned to a “Company”; A or B, with the deputies assigned working the various 12 hour shifts to provide 24 hour a day coverage. Sergeants maintain flexible hours to overlap with their company, while Corporals assigned to the company and shifts work as the field supervisor in the Sergeant’s absence. During employee interviews the answer to why the shifts were structured in this manner was basically that of “a feel” for the CFS level and the number of deputies assigned by time of day, day of week, accordingly. Also, no deputy evaluation system was in place to provide guidance for deputy expectation, or feedback to the employees concerning their performance.

A recommendation in this area for the new Sheriff would be to set a system in place to capture the necessary information for conducting a detailed workload analysis, which will identify the number of deputies needed by the agency generally, and provide guidance as it relates to proper allocation of the current staffing by hour of day/day of week. It is important to note that the actual number of deputies needed by the CCSO is a factor of call loading, nature of calls, and community benchmarks/expectations. Nothing was found in this limited inquiry to suggest that any such benchmarks/expectations, such as response time to emergency calls, percentage of uncommitted time desired for directed patrol activities, etc.,-have been established. Benchmarking is a critical aspect of contemporary and professional policing, and in the absence of stakeholder input in their creation, an agency has almost no connection between citizen expectation and actual performance.

Through the course of employee interviews I learned that the current function of patrol deputies is defined as general response to calls for service. There is no agency emphasis placed on directed patrol (during time not on calls) or other enforcement activities. Each Company Sergeant directed their deputy activities, and based on the rare overlap of shifts, communication between the Sergeants and deputies of these two respective groups is minimal. Also noted from interviews, the philosophy of Community Oriented Policing-or partnering with the community for mutual benefit-does not exist within the agency. Several deputies commented that they were directed to make contact with citizens when time permitted, but none described any implementation of a community problem solving approach. Training in these techniques and a top down philosophical approach to this concept would greatly benefit the deputies and citizens alike.

Criminal Investigations Division (CID):

The CID is staffed by a Lieutenant, Sergeant, and four Corporals, a fifth had tendered her resignation during my review for this report. Investigators work four days each week, on 10.75 hour shifts. Each investigator is empowered to determine what times and days they work each week. Individual case assignment begins with a Patrol Sergeant review, followed by a CID Sergeant review, and eventual assignment to an investigator-if the case has enough solvability factors to pass the two reviews. This system is not consistent with contemporary law enforcement criminal case management system process.

I reviewed three internal reports by current CID Consultant Steve Haefling, who documented a number of deficiencies in the Division-several of which have been resolved during the interim process. These deficiencies were further corroborated during interviews of CID personnel and mainly centered on a lack of contemporary policy and practice directing work activities. Mr. Haefling's recommendations included the following:

- Disparate pay issues within the CID—Resolved.
- Rebuild working relationships with other agencies and development of a Major Crimes Response Team (MCRT)—in progress.
- Improve service level with timely initial victim contact by the assigned Detective and increased efficiency for case presentation to the prosecutor—Resolved.

- Improve relationship with the Prosecutor—in progress.
- On-call and overtime pay issues, and compensatory time management of current staff—in progress.
- Need for Detective specific training—training program in development.
- Second interview room availability (currently used for storage)—in progress and recording equipment upgrades considered.
- Take home car policy—resolved.
- Case review for assignment procedure—in progress, case management system under development.

I concur with Mr. Haeffling's assessment and action plans to resolve these issues.

During employee interviews of CID personnel I noted many concerns by Detectives as noted above, and concern for their lack of workload management. Some Detectives commented that they had been assigned to the unit with little or no training and immediately assigned cases that were several months old. This problem will be addressed through improvements in the training and establishment of a case management system.

Support Services:

Support Services staff is civilianized and consists of a supervisor and three employees who perform the functions of Property Room, Records, Civil, and CCW process management. Through employee interviews the Support Services staff was consistently praised by deputies, especially supervisors, for their diligent and professional work efforts. Problems noted were as follows:

- Changes needed in Property Room space utilization and key access.
 - Currently the IT deputy utilizes the Property Room intake area as an office.
 - Key controls need improvement and are in process for resolution.
- Property Room intake procedures need updating.
 - The Property Room currently has a scanner to increase processing efficiency but needs to purchase software to operate the scanner.
- Deputy training for computer input into the CODY records management system would improve UCR data retrieval efficiency. Currently UCR data is extracted manually.
 - In-service training is being scheduled.
- Civil process.
 - Currently one deputy is assigned who primarily serves papers in the cities of Ozark and Nixa, while patrol deputies serve papers in the unincorporated areas of the county. Consideration for assignment of an additional deputy to this process would positively affect the workload and increase a revenue stream for the county.

Court Security:

During the process of employee interviews I had the opportunity to speak with deputies assigned to Court Security, who primarily worked the front door entry checkpoint of the Justice Center. This unit provides security for the Justice Center and government offices in old

Courthouse across the street. Security screening into the Justice Center consists of a manual review of property. Problem areas identified were as follows:

- Panic alarm system for the Courthouse antiquated.
- Radio batteries need replacement.
- No x-ray machine for hand carried items.
- A need for better building access control practice by all Justice Center employees.

Equipment:

At the beginning of this assessment Sheriff McNeil informed me that no personally assigned gear inventory or general agency equipment inventory list of any kind existed within the Sheriff's Office. Once apprised of this and of the need for personal safety gear deficiencies, he took immediate steps to correct this problem that included the purchase of fire extinguishers and first aid kits for the patrol cars, and reflective safety vests for the deputies. He also purchased cameras and recording devices for CID to improve their effectiveness.

During the employee interview process positive comments were received concerning the type of police equipment that is assigned, accessible, or approved to carry. I also learned that deputies provide most of their own equipment with their initial assignment of personal gear upon hire consisting of minimal uniforms, option of an agency issued handgun and bullets, radio, body armor, and Taser. Deputies reported that they were required to purchase their own badge, which is a rare requirement in the law enforcement field, and to provide all other personal equipment such as flashlight, handcuffs, and duty leather, with no uniform allowance adjustment. Other departmental equipment items discussed were as follows:

- Communications system: Radios are not effective in many parts of the county requiring deputies to utilize their cell phone when time allows. This is a serious safety concern, but a large budget item that would need to be addressed in a strategic plan.
- Radio batteries: Many deputies report their battery does not last an entire shift.
- Body Armor: Some deputies reported their body armor had exceeded its expiration date.
- Toughbook (in car computers): Most are approximately 3 years old and not covered under and maintenance contract. No plan for replacement.
- Radars: Recently pulled from patrol cars, were not certified for use.
- In car video: Any remaining units in patrol car are reported to not be functional. Big budget item, but expected by citizens in contemporary law enforcement.
- Patrol Rifles: Some are agency issued, some are personally owned, but meet agency policy for standardization and functionality.
- Personal Protective Equipment (haz-mat suit): Not assigned to everyone, should be considered in some future budgeting cycle.

The department fleet was not individually inspected, but deputy comments concerning the fleet revealed that many vehicles are operating with high mileage, 150,000 miles or more, and

routinely require major repairs. The later model vehicles were reportedly purchased as used vehicles from other agencies thereby already in excess of 50,000 miles upon acquisition. This is a severe safety concern for the deputies personally, citizens, and a continued financial liability for the agency and county government.

CCSO staff reported that they currently have a volunteer fleet coordinator whose focus is primarily that of repair coordination and tracking to assess vehicle expenditures. This is an improvement, but the need exists for a comprehensive fleet plan to address patrol vehicle sustainment, acquisition, and repair.

Individual meetings with Police Department Employees:

An interesting and educational portion of this analysis centered on the interviews of all CCSO employees assigned to the Patrol and CID Division, taking three business days to complete. Employees were informed that all interviews were to be confidential in nature, and no names were recorded in order to establish and honor this level of trust. Each employee was asked a series of the same questions, with a “catch all” question at the end to provide them with an opportunity to offer any specific information (misconduct, etc.) they may perceive to be occurring. The following is an overview of these interviews pertaining to topics not already revealed above:

Positive Agency Attributes:

- Wearing uniforms
- Take home car program
- Generally good equipment, vehicles and radios need improvement
- Good training program
- Committed deputies
- Culture of family within their small units

Negative Agency Attributes:

- Lack of leadership
- No consistency in application of rules and discipline
- High deputy turnover rate
- Rumors
- Poor communications up, down, and between divisions
- Politics are a problem
- Sergeants want to supervise, not help with workload
- Low morale

Opinion on Accountability:

- Doesn't exist
- Chain of command not followed
- Depends on who you are, buddy system

Things that needed to be addressed:

- Accountability
- Leadership
- Retention
- Consistent policy application
- Communications

These interviews identify many significant issues within the agency that need to be addressed, and most can be through good leadership, policy establishment, improved communications, and transparent operations. More importantly, the majority of those interviewed exhibited a genuine commitment to the agency and to serve the citizens. Several issues and recommendations have been addressed throughout this document, but the majority can be focused on when the new Sheriff takes office.

Summary:

Overall, the Christian County Sheriff's Office appears staffed with personnel that are intelligent, committed, and interested in serving their community. They are definitely experiencing low morale, but exhibited a positive attitude towards the future of a new Sheriff and leadership to provide them with consistency and stability. Based on the information gathered during this limited assessment process, many problem areas have been identified and Interim Sheriff McNeil, and his executive staff, have done an excellent job addressing those of major concern. Their actions have laid a solid foundation for the newly elected Sheriff to step in and continue agency improvements to better serve the community.

Actions steps/considerations for future growth:

1. The new Sheriff should set goals, objectives, and benchmarks for agency performance. This is a fundamental management process, and should not be limited to just the CCSO, but in coordination with citizen survey/input, goals with objectives, and benchmarks upon which the agency can be assessed in a transparent fashion as it relates to the job they are doing. In the absence of such standards, it is impossible to determine such things as how many deputies you need, how they should be assigned, what they should do, and whether the agency as a whole is doing what the citizens desire. Common benchmarks include such things as response time to emergency calls, percentage of deputy "uncommitted" time (time not working a dispatched citizen call, and available for discretionary tasks such as directed patrol, business burglary prevention, general crime prevention activity, etc.), percentage of crime reports assigned for detective investigation, percentage of assigned investigations that are solved, deputy time committed to directed patrol (focused patrol work as opposed to aimlessly driving around, waiting for the next call), percentage of crime discovered vs. reported, and specific emphasis on overall crime reduction and citizen safety. The benchmarks are a reflection of community standards and expectations of the Sheriff's

Office, and the key to ensuring the agency is providing the level of service the citizens of Christian County expect and deserve.

2. The new Sheriff should set a process in motion that gathers the appropriate data, to ensure shift structure, staffing by hour of day/day of week, specific job tasks, and workload are equally and logically distributed and addressed.
3. The new Sheriff should use the information obtained in #2, in coordination with the benchmarks referenced in #1, to create policy, guidance, and specific direction concerning what officers are supposed to do while working--beyond just driving around, waiting for a radio call.
4. The new Sheriff should coordinate an in house "if/then" contingency assessment (what type of issues are the officers likely to face), consider the results and the training and equipment necessary to address such contingencies, and then compare agency training and equipment to determine their state of operational readiness. This is the objective process that ultimately determines whether officers are adequately trained and equipped to do their jobs, as compared to a subjective "perception" of how they are trained and equipped. This is also the standard required by the Supreme Court, in their landmark training case, "City of Canton vs. Harris."

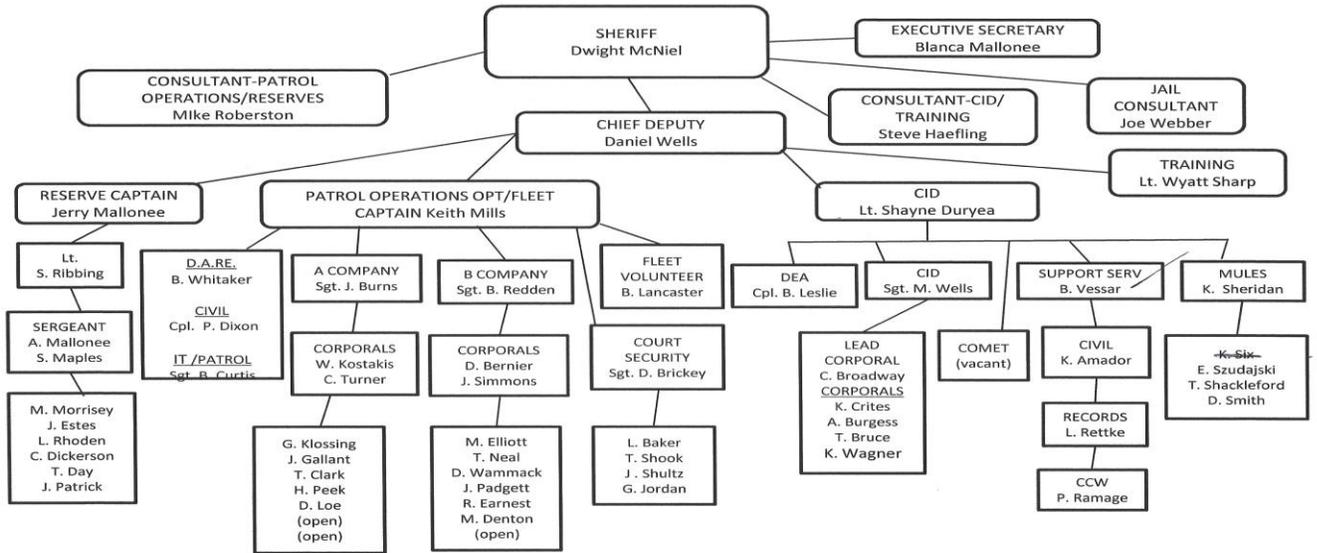
It was an honor to be a part of the positive progress being made in Christian County, and it is my opinion and belief that the new Sheriff will have a unique and excellent opportunity to do great things for the Christian County Sheriff's Office, and citizens they serve.

Please advise if I can provide any additional assistance.

Respectfully,

Ron Hartman

Appendix A



6/24/15
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