

**SUFFIELD
POLICE DEPARTMENT**

**MANAGEMENT
OPERATIONAL
STUDY**

October 30, 2019

DLG
DAIGLE LAW GROUP

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I. INTRODUCTION

In January of 2019 the Daigle Law Group, LLC (“DLG”) through its principal Attorney Eric Daigle was retained by the Town of Suffield through their labor counsel to conduct an operational assessment of the Suffield Police Department (“SPD”). The specific concerns identified were that processes inside the police department concerning supervision, administrative investigations, criminal investigations and lack of effective operational standards were increasing the liability of the department. The first step of the process was to meet with the Chief of Police to identify our scope and methodology and requesting his assistance and cooperation in the process. The Chief has maintained his professionalism during the process even while his operational process was being evaluated and scrutinized.

Over the last eight months the DLG team has obtained evidence through multiple sources. These include surveys, interviews, and hundreds of pages of documents that were reviewed in an effort to fully understand the current status of operations and the improvements that are necessary to transform SPD into an effective law enforcement agency by combining best practices, experience, and constitutional practices. During this process the evidence collection was delayed due to significant operational changes that occurred during the study. These delays included the voluntary resignation of the Captain, an Administrative investigation into the supervision at the department, and the recruitment of a new Captain.

In this report, the DLG team will present our findings and recommendations for remediation and reform of the organization. Many of the recommended reforms are significantly underway, some being undertaken just after our arrival and due to the changes at SPD, some may be completed. Our report consists of this Introductory Section, an Executive Summary including the “Fundamental Recommendations” which form the foundation for SPD to become the effective agency toward which it strives; a background section that covers the history of the SPD, and a section outlining the scope of the assignment; followed by a section on the methodology utilized for completion of the assignment; and finally, a section containing the biographies of the members of the DLG team. This is followed by a series of sections that cover each of the Fundamental Findings. There is a total of ten (10) Fundamental Findings with forty-two (42)

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corresponding Recommendations, which the team believes if implemented, will collectively transform the Department.

II. EXECUTIVE SUMMARY

Daigle Law Group, through its team of highly qualified experts, has extensive experience with comprehensive reviews of law enforcement policing operations. DLG will engage with the Town of Suffield and the Suffield Police Department to enhance their current commitment to practicing effective, efficient and equitable police practices while building trust with the community members. Team members have spent multiple decades evaluating and examining policies, procedures and operational practices of police agencies to ensure constitutional policing.

In all projects, DLG utilizes proven methodologies, based on the principle of constitutional policing, accountability, and community trust. These three principles are intended to act as, and promote, a system of checks and balances. Each principle is designed to identify failures in the others to ensure a strong foundational approach to monitoring. Informal, or “non-written”, policies, procedures, and practices exist in nearly every police department and inhibit a department’s ability to fully engage constitutional police practices. As such, DLG consultants have been repeatedly tasked with identifying a department’s informal policies, procedures and practices, and have developed multiple mechanisms for completing this task. These informal standards are often referred to as an agency’s “custom” or “pattern and practice,” or better described as “this is the way we do it here.” Our experience in litigation, evaluation of Consent Decrees, and in conducting operational studies of police departments, has shown that an agency’s “custom” is the most direct and likely way to impose significant liability on an agency. As described above, the best way to combat “custom” is through the implementation of clear policies, comprehensive training on the policies, and close and effective supervision. These pillars, as demonstrated by the image below, illustrates the concept that to ensure constitutional policing, a department must have sound policies and procedures; must provide training to officers on the department policies and core tasks; and must properly

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train supervisors to ensure close and effective supervision of officers to ensure they follow department policy and training.

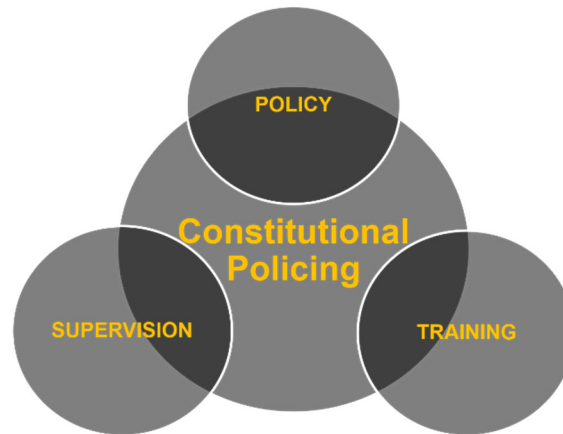


Image #1

A proper evaluation of Suffield policing must be focused on ensuring linkage between the three pillars. If one of the pillars is lacking, the department's commitment to constitutional policing is failing. The job of the evaluation team is to initially audit and hold the department accountable for implementing the three pillars.

III. DISCLAIMER AND DISCLOSURE

Daigle Law Group, LLC, conducted this assessment and prepared this report at the request of the Town of Suffield. The authors' opinions, findings, conclusions, and recommendations are provided solely for the use and benefit of the Town of Suffield. Any warranties (expressed and/or implied) are specifically disclaimed. Any statements, opinions, and recommendations in this report should not be construed as a governing policy, or decision, unless so designated by other documentation. We base the report on the most accurate data gathered and available at the time of the assessment and presentation. Our recommendations might be subject to change considering changes in such data.

IV. DEPARTMENT HISTORY

The Suffield Police Department has assigned 21 sworn positions that include the chief, one captain, one lieutenant, four sergeants, and 14 officers. Most of the sworn staff have 10 or more years of experience with the SPD. In addition, three officers have come to the Department with extensive experience after having retired from other Connecticut Departments. The important non-sworn support staff includes five dispatchers, two animal control officers, a records clerk, and an administrative assistant.

The present Chief, Richard D. Brown, was appointed to that position and entered into an Employment Agreement regarding authority, responsibilities and related matters on November 1, 2016.

Chief Brown is a veteran of over 24 years of service with the SPD, having joined in 1996. He has been promoted through and served in all ranks fulfilling varied responsibilities. The Chief holds a bachelor's in criminal justice and Computer Information Systems with additional master's level coursework in Criminal Justice Administration. He is the recipient of several honors and awards, including two Meritorious Awards and the Distinguished Service Medal. Chief Brown currently holds memberships in the CT Chiefs of Police Association and the Capital Region Chiefs of Police.; however, he does not have active membership in the International Associations of Chiefs of Police.

V. BACKGROUND AND METHODOLOGY OF OUR REVIEW

The process of conducting an effective operational study of a police department requires multiple facets of review. Our review consisted of an examination of several governance documents, SPD policies, procedures, statistical and staffing reports, an employee survey, interviews with the First Selectman, Chair of the Board of Police Commissioners, the Chief of Police and members of the Department.

We find Suffield, a community that is in the process of transitioning from what is characterized as agricultural, rural to what is now considered more suburban, will continue to change, and will undoubtedly bring change, perhaps significant and sudden, in public service

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expectations. Our review has found, however, that while the community may have changed or be in the process of change, the police department and its oversight have not kept pace and are more reflective of the yesteryear of policing rather than contemporary policing practices now required.

The failure to address changing, contemporary police oversight and operational practices are not surprising. There have been no significant, identifiable increases in service demands, or even expectations, that the SPD will provide them. Suffield is not a crime-ridden community nor a community whose residents make significant demand for police services beyond the capacity of SPD or that result in public criticism; in fact, from many sources, the Department enjoys considerable community support, which is reflected in letters and expressions of appreciation sent to the Board of Police Commissioners (BPC) and posted on social media. Nevertheless, this operational review has identified deficient organizational and operational structures, ineffective personnel management, and the resulting low morale of the staff, which we address to the degree possible in this review so as to prepare the SPD and town governance to address challenges that will surely come.

VI. EMPLOYEE QUESTIONNAIRE (SURVEY)

It is important that any organizational study review both the strengths and weaknesses of the organization from the perspective of its staff. Whether real or perceived, staff perspectives affect their individual performance as well as that of the organization. Accordingly, prior to our site activities, we requested SPD police employees to complete an employee questionnaire designed to elicit opinions of a variety of issues that directly or indirectly affect organizational effectiveness to assist us with framing our inquiry to better inform the town administration and policymakers both with matters covered in this study and beyond its scope.

The questionnaire is designed to determine the prevalence of concerns, problems, or issues that are of concern to employees and/or may affect their performance or that of the organization. The survey consists of 45 statements and a supplemental data request. Each statement requests one of five responses; Strongly Agree (SA), Agree (A), Neither Agree or Disagree (NA), or Strongly Disagree (SDA). Members were additionally asked to list specific

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likes and dislikes regarding SPD, three immediate changes they would make if appointed Chief, reasons for employment with SPD and what they would like to see as a result of this study. And finally, data regarding the individual member's educational level, length of service and residence were requested.

The survey addresses administration, supervision, training, discipline, perception of the department, crime, community, governance and importantly morale, which is affected by nearly all other categories. Twenty-one police members received the survey, and twenty-one completed survey forms were returned, representing an outstanding response rate of 100%. A 60-70% response rate to this type of survey is considered excellent. The response rate to this questionnaire suggests a high level of employee concern regarding conditions and perhaps governance and leadership affecting the SPD, a sincere desire to see changes that will improve SPD, and the hope that this study will assist in doing so.

A survey such as this is important for several reasons. Members will have differing views of the validity of the study findings depending on their status and other reasons; the questionnaire results provide the distribution of response to each question – the degree to which the opinion differs – for all to see. It also provides data to explore and assist with validation of member concerns during subsequent interviews and determine the degree to which a concern may be a positive or negative influence on the SPD.

VII. SUMMARY - FINDINGS AND RECOMMENDATIONS

While all the Findings and Recommendations contained in this report are important and represent best practice, the following Fundamental Findings and Recommendations lie at the foundation and core of the reform necessary to begin the process of addressing the shortcomings of the Department.

1. DEPARTMENT MORALE

Finding #1 *The morale of the department is significantly low which has an operational effect of disharmony, distrust and their desire to successfully police the community*

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Recommendation 1A: Town administration and the SPD should singularly and collectively acknowledge existence of the various factors affecting morale expressed in the Employee Questionnaires and further identified within this report, openly discuss them with staff, and develop a plan to address them in a methodical, open manner.

2. OPERATIONAL CLARITY

Finding #2: *There is a significant need to clarify the operational and reporting responsibilities of the Chief of Police*

Recommendation 2A: The First Selectman and the Board of Police Commissioners agree to and set forth decision-making authority of each on the variety of both day to day and long-term administrative and operational matters that affect the chief's ability to effectively lead and direct the Police Department.

3. ORGANIZATIONAL STRUCTURE

Finding #3 *There is a significant need to revise the organizational structure of SPD for effective operational continuity.*

Recommendation 3A: Revise the organizational structure to include two equal command level supervisors – i.e., lieutenants or captains – each with a clear understanding of the responsibilities encompassed in both the Operations and Support functions.

Recommendation 3B: Operations should include patrol and investigative functions

Recommendation 3C: Administration/Support Services should, in addition to non-sworn administrative staff, be staffed with a sergeant responsible for internal affairs, training, and policy development.

Recommendation 3D: Effective operations depend on effective first-level supervision; SPD should ensure adequately trained, competent supervisors to cover all shifts.

4. PATROL STAFFING AND ASSIGNMENT

Finding #4 *The staffing levels and scheduling of the patrol shifts do not allow for consistent, effective supervision and are inadequate to effectively meet the needs of the department and the community.*

Recommendation 4A: Increase to five Sergeants – four assigned to Patrol and one assigned for support services and accreditation.

Recommendation 4B: Recruit and hire additional officers, preferably already certified officers to reduce overtime costs and increase experience base at the department.

Recommendation 4C: SPD should abolish the six-week bid and identify a more effective permanent shift for at minimum 12 weeks, but preferably of six months.

Recommendation 4D: SPD should adopt an approval process for shift “exchange” requiring approval of the two affected shift sergeants and Operations Captain/Lieutenant.

Recommendation 4E: SPD should continue flexible shifts to cover such as a 6pm – 2am for more effective coverage.

Recommendation 4F: SPD should schedule and *generally* require a three-person minimum for evening and midnights shift, especially on Friday and Saturday night, for efficiency, effectiveness and officer safety.

5. CRIMINAL INVESTIGATIONS

Finding #5 *Criminal investigations are not completed in a timely and/or effective manner.*

Recommendation 5A: Select and assign a member, based upon his/her interest, demonstrated investigative skills, training, and work ethic to conduct specified serious crimes, identified as a Detective.

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Recommendation 5B: The assigned member must be willing to work a varied schedule to accommodate off hour follow-up interviews of victims and witnesses and out of town inquiries, i.e. varied flex shifts.

Recommendation 5C: The assigned member should assume case management responsibilities to assure the investigations conducted by shift personnel are completed in a timely manner.

Recommendation 5D: Revise the policies and procedures relating to the duties of the Detective to specifically clarify/address that:

- This position is an assignment
- Varied hours are required
- Investigation of felonies and other identified serious crimes
- Oversee/manage investigative timelines for cases assigned to patrol
- Assure timely completion/follow-up on all cases

6. POLICIES AND PROCEDURES

Finding #6 *SPD lacks effective policies and an efficient process for developing new policies, while reviewing and updating existing ones.*

Recommendations 6A: SPD should revise and update its policies and procedures to reflect generally accepted police practices and assign ongoing responsibility for ensuring that they maintain a current level applicable to state and federal law and constitutional policing.

Recommendations 6B: SPD should at a minimum become certified under CT accreditation standards and CLESP requirements.

7. EFFECTIVE TRAINING

Finding #7 *SPD fails to conduct a department training needs assessment to ensure department members receive training to progress in development as an officer or supervisor.*

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Recommendation #7A: Conduct an annual training assessment to determine the training necessary to strengthen the competencies of officers and supervisors at SPD.

Recommendation #7B: The annual training plan should include training to enhance investigative and other specialty skills required in a contemporary police department.

Recommendation #7C: Provide additional training on conducting criminal investigations, search & seizure, crime scene processing and report writing to prepare patrol officers to appropriately conduct preliminary and specified follow-up investigations.

Recommendation #7D: Identify potential staff for attendance at mandatory and discretionary, skill building, operationally beneficial training.

Recommendation #7E: Budget for attendance at both mandatory and discretionary, skill building, operationally beneficial training.

Recommendation #7F: Budget for newly developed or available training opportunities that may arise during the year, attendance at which would be beneficial to SPD and staff.

Recommendation #7G: Revised training related policies, General Order 12-1, Chapter 12, Training and Career Development, Section 1, Training, dated June 21, 2006 and General Order #12-2, Chapter 12: Training and Career Development, Section 2: Field Training Program, dated June 21, 2006 should be reviewed and revised for consistency with recommendations provided in this report prior to assigning any newly appointed officers to field training.

Recommendation #7H: Review and update the Field Training Program to assure consistency with current field training practices relating to subject matter, performance standards, and program duration.

Recommendation #7I: Assure members assigned as Field Training Officers are appropriately trained and willing to competently fulfill the duties assigned.

8. INTERNAL AFFAIRS AND DISCIPLINE

Finding #8 *SPD needs to ensure the effectiveness of their internal affairs process to timely and consistently investigate complaints of misconduct to ensure effective discipline in the department.*

Recommendation #8A: Ensure the department has the capacity to meet the requirements of an effective IA and disciplinary process through a comprehensive IA policy.

Recommendation #8B: Department should ensure that all supervisors receive necessary training to ensure they conduct a complete and fair investigation into allegations of misconduct.

9. DATA AND RECORDS MANAGEMENT SYSTEMS

Finding #9 *SPD is currently using a data and records management systems that is not fulfilling or being used to enhance operational effectiveness.*

Recommendation 9A: Research and consider changing the current SPD records management system to a more effective system that ensures accountability of members.

Recommendation 9B: Establish a reliable maintenance/repair program to assure the record management system, including in-car units, are operationally reliable.

Recommendation 9C: Assess whether information regarding patrol and investigative activities is accurately collected and accessible for the management of resources

Recommendation 9D: Assure the in-car capabilities are sufficient to provide officers with the capability to efficiently complete specified reports in the patrol car in the field rather than returning to the police station.

10. COLLECTIVE BARGAINING AGREEMENT

Finding #10 *Multiple areas of the SPD Current Collective Bargaining Agreement are ineffective, inconsistent with contemporary policing principles and detrimental to the operation of the department.*

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Recommendation 10A: Review Articles III, IV, VI, XV, and XVII to assure consistency with contemporary police practices, operational effectiveness and the well-being of staff.

Recommendation 10B: Revise Article XIV to include clarify of authority and responsibility of decision makers at each level of the grievance process.

Recommendation 10C: Revision of the present eligibility requirements and testing process for the position of sergeant to assure the most qualified candidate(s) is promoted.

Recommendation 10D: Eliminate the awarding of seniority points to an applicant's final score. Seniority is a factor to be considered when all else is equal.

Recommendation 10E: The chief of police has overall responsibility for operational effectiveness; therefore, the requirement for the chief to promote the top scoring candidate should be revised to allow the chief to select one of the top three scoring candidates.

Recommendation 10F: The present testing process for sergeants should be revised to include the development of an agency-specific examination process. A competent, independent firm should be engaged to construct the process.

Recommendation 10G: Adopt a contemporary promotional process for lieutenants to assure the most qualified candidate(s) is promoted.

Recommendation 10H: The present testing process for lieutenant should be revised to include the development of an agency-specific examination process. A competent, independent firm should be engaged to construct the process.

Recommendation 10I: Recommend the conducting of a competent salary and benefit assessment to determine the need for and/or the amount of adjustment required to provide SPD competitive compensation and benefits.

VIII. ANALYSIS - FINDINGS AND RECOMMENDATIONS

1. DEPARTMENT MORALE

Finding #1 *The morale of the department is significantly low which has an operational effect of disharmony, distrust and their desire to successfully police the community*

Morale is defined as “the mental and emotional condition (as of enthusiasm, confidence or loyalty) of an individual or group with regard to the function or tasks at hand...a sense of common purpose with respect to a group...the level of individual psychological well-being based on such factors as a sense of purpose and confidence in the future.”¹ More succinctly, it is defined as the “state of mind with **reference** to confidence, courage, hope, zeal, etc.”²

In policing, morale is an often-used word to describe issues within a police department. Regardless of the conditions that exist, it is the cause of and the results of morale problems that must be continually addressed by management. More particularly, it is the chief who sets the level and the variance in morale through his or her personal leadership, conduct, and interaction with members; moreover, and most importantly through his or her selection of command and first-line supervisors.

The state of mind of police officers and support staff may vary widely within a police department at any given time. This is due to the varying degrees and types of stress, internal and external to the department, placed upon officers and non-sworn staff even during a normal workday. Consequently, while some members may be reasonably content and have high morale, others may be experiencing low morale. It is the first-line supervisor that must deal with these day-to-day variations and with the individual who may have a temporary onset of low or poor morale. However, when an officer suffers from or exhibits poor morale for lengthy period, or a significant number of employees suffer from or exhibit poor morale, it is the administration that must step in and take corrective action. Such is the case with the SPD. The morale issue is pervasive through the rank and file and first-line supervision; however, while the chief acknowledges morale is an issue and cites it as the reason for identified performance

¹ Webster’s Ninth New Collegiate Dictionary

² Funk and Wagnall’s Standard Dictionary

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deficiencies, he takes no responsibility for it; more importantly, has made no noticeable effort to address it.

Observations and Findings:

General: To assess the morale of the SPD, we first analyzed responses to the employee survey following which we interviewed members of the department regarding multiple factors, including but not limited to Department Administration, Supervision, Discipline, Community and Governance, each of which affects morale in varying degrees. The results are troubling.

The Suffield Police Department is a good place to work.

Answered: 24 Skipped: 0

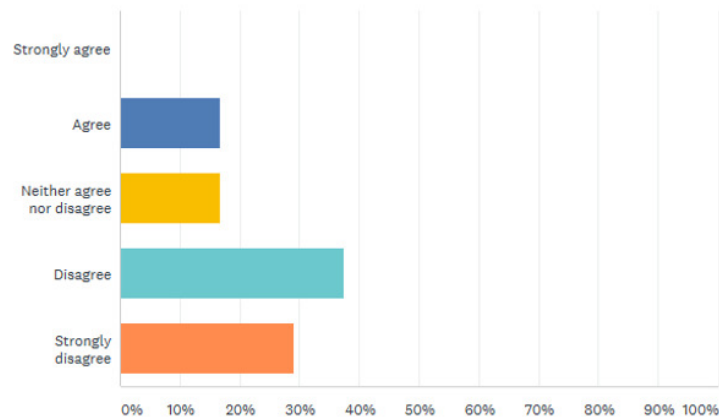


Image #2

(Survey Question #1)

Responses to the employee survey identified several indicators of poor morale, which were in large part, further verified as significant, persistent ongoing areas of discontent during in-person interviews with individual officers. Regarding the SPD, of those responding to the survey, the majority (67%) *strongly disagree or disagree* that SPD is a good place to work; 76% *strongly disagree or disagree* that morale is better than two years ago; and 87% *disagree* that compared to other police departments, SPD is better. Our review of additional areas affecting morale fare no better.

Administration: The majority, 65% *strongly disagree or disagree* SPD administration is receptive to input from employees; similarly, 58% *strongly disagree or disagree* the rank

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structure is appropriate; and 67% *strongly disagree or disagree* policies and procedures are adequate; only 17% *agree* employees are given adequate training to do the job.

The department administration is receptive to input from all employees.

Answered: 24 Skipped: 0

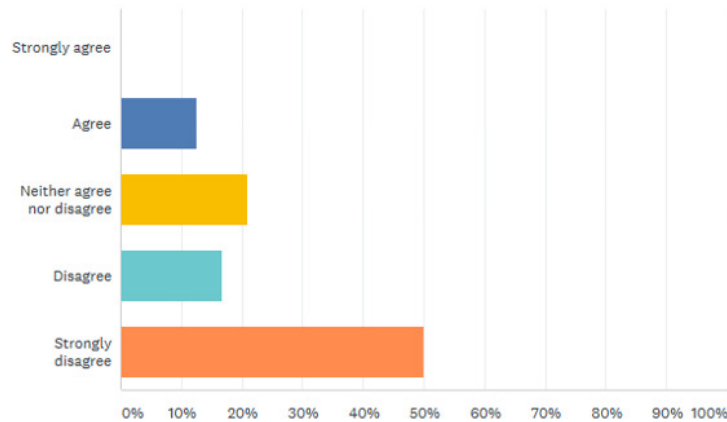


Image #3

(Survey Question #6)

Supervision: In a slight departure from other areas, supervision or more likely, personal interaction with supervisors fares somewhat better; the majority, 54% *agree* supervisors treat employees with professional respect; 83% *strongly agree or agree* their immediate supervisors are willing and able to help with problems they may have; and 54% understand what the supervisor expects regarding the job. However, 74% *strongly disagree or disagree* that their supervisor exhibits good leadership and supervisory skills and 67% *strongly disagree or disagree* that the supervisory staff provides adequate direction – this is a serious condition.

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The supervisors treat me with professional respect.

Answered: 24 Skipped: 0

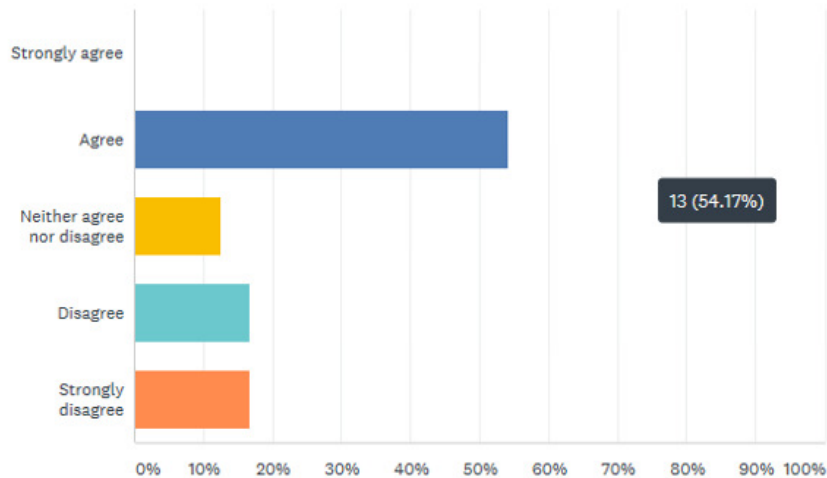


Image #4

(Survey Question #10)

Discipline: The fairness or perceived fairness of discipline is always a major determinant of morale – the SPD administration does not fare well with this fundamental responsibility. Members questionnaire responses indicated 65% *strongly disagree or disagree* the current method of discipline is fair; 79% *strongly disagree or disagree* discipline is handled in a consistent manner, 71% *strongly disagree or disagree* their supervisors take corrective action with non-performers when required; 71% *strongly disagree or disagree* misconduct is promptly investigated and adjudicated; and 59% *strongly disagree or disagree* the disciplinary process is fairly administered.

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The department disciplinary process is fairly administered.

Answered: 24 Skipped: 0

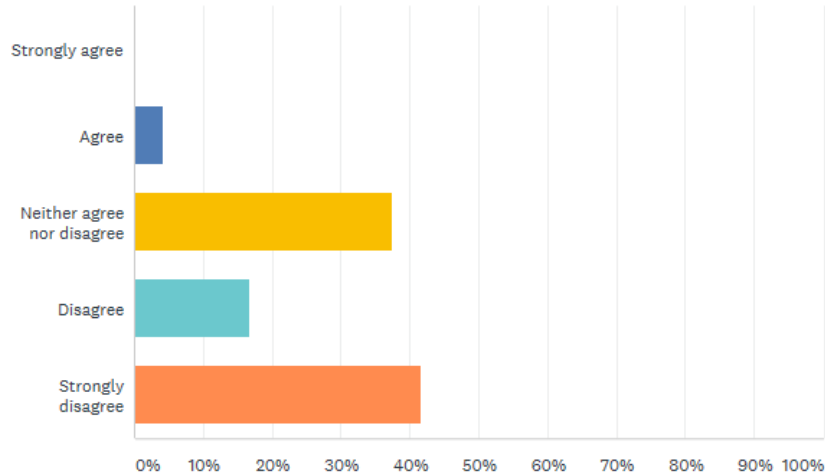


Image #5

(Survey Question #30)

Community and Governance: The perception of community and the support from those in governance positions are important to the morale of any public entity, particularly so with police members due to their ever-present challenge to effectively intervene in and resolve disagreements or to enforce laws with which violators, or even members of the community, may disagree. The SPD appears to enjoy considerable community support as evidenced by expressions of that support in letters, conversations and social media; moreover, SPD members acknowledge that support in the survey in which 88% *strongly agree or agree* that Suffield community members are supportive of SPD.

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The citizens of Suffield are supportive of the Police Department.

Answered: 24 Skipped: 0

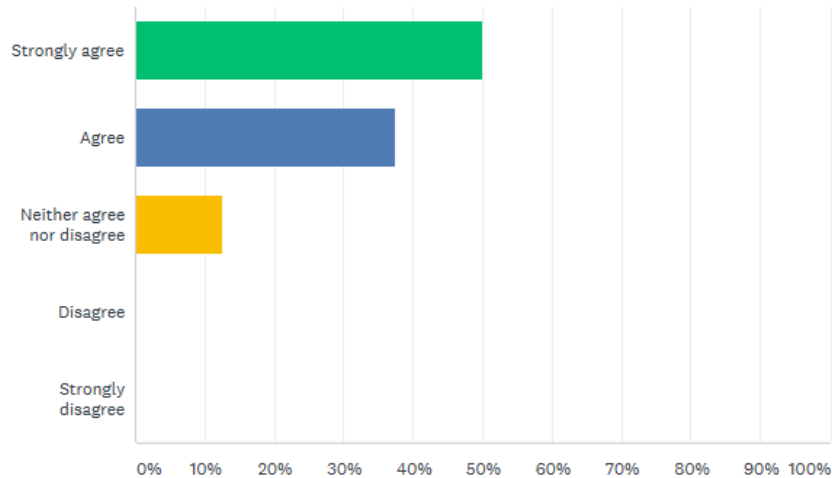


Image #6

(Survey Question #41)

To the contrary, members do not believe they enjoy governance support, 83% *strongly disagree or disagree* the Police Commission cares about SPD employees; and, 92% *strongly disagree or disagree* that the Board of Selectmen cares about SPD employees. This relates to issues of organizational, operational, staffing and other topics examined elsewhere in this report.

The Police Commission cares about the welfare and further of the employees of the Department.

Answered: 24 Skipped: 0

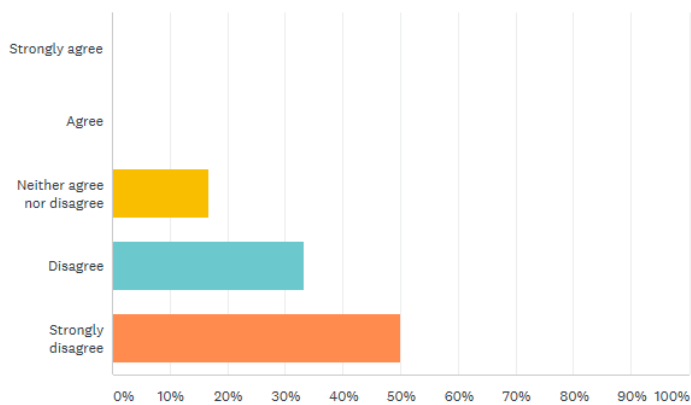


Image #7

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(Survey Question #39)

These findings are largely verified during our interviews with SPD members, who characterize the disciplinary processes as inconsistent and unfair, which include the targeting of individuals; the lack of a consistent complaint process; lax, inconsistent discipline; the lack of sergeants on every shift; and the usurping of supervisor's authority by the captain. Additionally, specific primary and general concerns affecting morale noted by members include the lack of a three-officer minimum on shifts; the lack of a detective; poor salary and benefits, particularly the present dual pension plans; outdated and poorly maintained computer system, in particular the in-car systems; and lack of accountability. The lack of support by the Police Commission and the First Selectman who are viewed as adversaries rather than a source of support is very problematic – this is a department in distress.

The consistency of factors noted by SPD members and the apparent inattention to them is demonstrative of administrative and governance inattention, perhaps even long-term. The chief has taken no steps to address these concerns; the BPC has taken no affirmative steps to either acknowledge these issues nor has it required the chief to do so; it has even taken issue with the First Selectman's requesting this operational study as a first step in addressing SPD operational effectiveness and therefore many of the concerns identified herein.

While organizational morale is often discounted as simply attitudinal, failure to acknowledge and address identified morale issues clearly and negatively affects individual and organizational effectiveness. Regardless of whether members' concerns are factually based, acknowledging their existence is a mandatory first step. And while the multitude of issues raised by members may not be possible to immediately or even in the long run resolve to their satisfaction, the acknowledgment of their existence and legitimate attempts to address them are required steps in the quest to achieve organizational effectiveness.

Summary of Interviews

During this review, we interviewed all but two sworn members of the SPD during which a broad range of issues were discussed. Aside from issues specifically important to the

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individual member, there were and are positives and negatives raised by members all of which affect the operational effectiveness of the SPD.

Members spoke positively regarding relationships with the community, co-workers, and the job itself; however, were critical regarding the town and department leadership. Members believe the town government, specifically the First Selectman (TFS), do not care about the well-being of department members. The Police Commission/Board of Police Commissioners (BPC) is perceived to be without value, acceding important decisions to the First Selectmen. Members of the Department expressed that they perceive that the First Selectman is not supportive of the department in general – she, apparently with support of the Board of Selectmen (BOS), does not bargain in good faith, instead, uses the negotiating process to “take” job protections and benefits. The Chief, generally described as a good person and personally liked, is believed to have changed since his appointment as Chief and now has joined with the town as evidenced by his sitting with the town during negotiations, which is viewed as inappropriate – it is believed he is not on their side.

Clearly, the rank and file and even perhaps the Union leadership does not understand the purpose of negotiations– almost unanimously believing the only purpose is for the town to take away benefits rather than the intended give and take, both to improve working conditions and benefits for members, but also to adjust work requirements and procedures that have proven to be economically unreasonable, contrary to operational effectiveness or simply unsound from the town perspective. Examples provided to illustrate members’ perspective include the split retirement system, which is generally believed to be a detriment to hiring and keeping new officers, the lack of a three-officer minimum shift standard, the open detective position, a perceived move by the town to go to a 5-2 schedule, and the low comparative pay.

Recommendation 1A: Town administration and the SPD should singularly and collectively acknowledge existence of the various factors affecting morale expressed in the Employee Questionnaires and further identified within this report, openly discuss them with staff, and develop a plan to address them in a methodical, open manner.

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2. OPERATIONAL CLARITY

Finding #2: *There is a significant need to clarify the operational and reporting responsibilities of the Chief of Police.*

The chief of police, as the Chief Executive Officer of the Police Department, is responsible for the operational effectiveness of the Department and for carrying out directives of governing authorities. Generally, a police chief reports to, and receives specific direction from a town manager, mayor, or specific member of a governing board on a day to day basis and is further generally responsible to the full board or council. Such is not the case in Suffield.

The Police Commission aka as the Board of Police Commissioners (BPC) is provided authority, more importantly, the responsibility for operations of the Police Department.³ However, the present Agreement outlining the conditions of Chief Brown's employment with the town lacks clarity in practice and by policy regarding to whom, The First Selectman (TFS) or the BPC, the Chief directly reports to.⁴

The Agreement provides that the chief "shall be responsible to the ...*Board of Police Commissioners...and to the First Selectman* (emphasis added) for the proper administration of all affairs" of the Police Department; requires the Chief to "recommend *to the First Selectman and the Police Commission...measures for the improvement of the administration of the Police Department...*" and to "Perform such duties *as may be required by the First Selectman and the Police Commission* (emphasis added)..." Long-standing policy outlining the SPD Chain of Command incorporates this provision as well.⁵

This bifurcation of reporting responsibilities is an administrative aberration leaving the chief admittedly perplexed; therefore, requiring further clarity regarding a delineation of specific administrative or operational functions over which one or the other assumes responsibility and

³ Connecticut General Statutes 7-276, ...police commissioner shall have general management and supervision of the police department...shall make all needful regulations for the government thereof...shall have the power of appointment, promotion, and removal of the officers and members...under such regulations as it adopts...

⁴ Employment Agreement by and between the Town of Suffield, acting through its Police Commission and First Selectman...and Richard D. Brown, November 1, 2016.

⁵ Suffield Police Department, General Order #6-1, Chapter 6: Direction; Section 1: Chain of Command, effective August 17, 2005, p. 1; Procedure: "The Chief of Police shall...report directly to the Board of Police Commissioners...In addition...the Chief shall also report to the First Selectman..."

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control. The mitigation of clear administrative lines of authority found in this language rejects the long-held and proven important unity of command component wherein every person reports to and is responsible to one person. It has and does mitigate the ability of the chief to perform his/her duties; further is a problem/issue in wait, which likely will emerge during an unforeseen emergency or crisis.

The Agreement also requires the First Selectman and the Police Commission to “make every effort to review and evaluate the performance of the Chief...in accordance with goals, objectives and criteria developed...” and further “The First Selectman shall provide...a written summary of the evaluation ...and opportunity to discuss the evaluation...” Our review of the chief’s evaluation conducted in December 2017, finds that this did not occur. Rather the chief met with The First Selectman and the Board of Commissioners to discuss the evaluation in an Executive Session, during which the chief did not receive either a written evaluation or goals and objectives for the forthcoming year. A brief statement regarding the evaluation was subsequently read into the public record at the March 29, 2018 Police Commission meeting.⁶ To date, there has been no subsequent evaluation. Clearly, neither the First Selectman nor the Police Commission has met the contractual burden to provide the Chief with a thoughtful, meaningful evaluation; moreover, the Police Commission appears to have absented themselves from their operational oversight responsibilities.

The chief has noted his concern with this bifurcation of reporting requirements; however, it is a condition of employment with which he agreed and one he has made no significant effort to address or resolve. In addition, from all appearances, the Police Commission has advanced no disagreement with this reporting requirement or more importantly, with the diminishment of its role and responsibilities regarding the administration of the Police Department, which is best described as lackluster.

⁶ Minutes of the Regular Suffield Police Commission Regular Meeting, March 28, 2018; “During the December 2017 regularly scheduled police commission meeting, the members of the Suffield Police Commission and the First Selectman, Melissa Mack conducted a review and evaluation of Chief Richard Brown in Executive Session. During the evaluation period, the Chief of Police was found to have performed his duty and maintained his responsibility to the satisfaction of the Commission and the Town. Future goals and objects for the Chief and the agency were discussed as part of the process.”

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This has left the challenging task of assuring the proper administration of the Police Department to The First Selectman who appears to be aggressively seeking to assure, in addition to other important responsibilities, that police related administrative and operational matters are expeditiously and professionally addressed. While this has relieved the Board of Police Commissioners from addressing or dealing with some contentious personnel and other matters that are its responsibility, this has not resulted in an environment in which the chief can effectively function and make difficult decisions, realizing that those decisions are subject to review and approval by two entities, who may not be in agreement – this is untenable and diminishes the capability of the chief to be fully effective.

Our interview with employees finds little respect or need for the Police Commission, which is described as an “archaic” form of government. The employee survey found 0% of the respondents agreed the Police Commission care about them. Clearly, department members do not consider the Board of Police Commissioners an integral or complimentary component of police operations nor as presently functioning, do we. Neither does the re-establishment of the Board of Police Commissioners as integral to the operation of the police department appear likely; therefore, an obvious remedy would be the transfer of that responsibility to The First Selectman and the abolishment of the Police Commission; however, that is a community matter beyond our scope and one that cannot be expeditiously accomplished. However, within our scope, we recommend the following:

Recommendation 2A: The First Selectman and the Board of Police Commissioners agree to and set forth decision-making authority of each on the variety of both day to day and long-term administrative and operational matters that affect the chief’s ability to effectively lead and direct the Police Department.

3. ORGANIZATIONAL STRUCTURE

Finding #3 *There is a significant need to revise the organizational structure of SPD for effective operational continuity.*

The organizational and rank structure is important to police departments, regardless of size, because of the wide discretion police officers ordinarily have in carrying out their duties; the inherent power entrusted to police officers; and the need for accountability and responsible supervision of critical, sometimes life-threatening situations with which they may be confronted; and the inherent difficulties in managing a 24-hour service organization.

In a well-organized and properly structured department, personnel understands the mission of the department, its goals and objectives, policies, procedures, rules and regulations, and are disciplined and highly motivated. In a loosely organized and minimally supervised department, individuals may easily set their own agendas that may result in behavior or performance detrimental to the department or the community.

Rank or supervisory/management structures in police agencies are usually based upon a pyramidal system in which first-line and other supervisors have from 3 to 12 persons reporting to them. The structure is built from the bottom up usually starting with the rank of sergeant who, in the direct first level supervisory capacity, has responsibility for not only supervising but also training, coaching, inspiring and disciplining personnel; therefore, has the most influence on the morale, conduct, and effectiveness of police officers. Additionally, in departments the size of Suffield, sergeants must also be working sergeants qualified to perform direct police duties as may be required – work the street.

As the department increases in size and the number of sergeants expands beyond the capacity of the chief to directly and effectively supervise, a lieutenant position is generally established to supervise the several sergeants, then a captain to supervise a number of lieutenants and so forth. This structure, often described as paramilitary, establishes structure, command and supervisory authority to assure effective communications and order; however, care must be used to ensure strict adherence to the paramilitary structure does not become the goal rather than as it

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should be, a means to reach the goal. Therefore, each command or supervisory position must be established and/or continued based on organizational and operational need.

The organizational structure of the SPD, depicts the Chief supported by a non-sworn administrative assistant and two major components; Operations and Administration/Support Services.⁷ Operations, headed by the Lieutenant includes the four shifts, each supervised by a sergeant. Administration/Support Services headed by the Captain includes Records, Communications, Animal Control, and DCF/CHR Staff. While acknowledging the Administration/Support Services Captain and the Patrol Swing Shift Sergeant positions are presently vacant, this configuration is nevertheless concerning: first the largest and most operational challenging component, Operations, which is essentially patrol or field services is headed by the lesser of the two ranking positions.⁸ In addition, the organizational chart places the Captain and the Lieutenant at the same level, both as immediate subordinates and with direct reporting to the Chief. This poses the dilemma – during the absence of the Chief, is the lieutenant responsible for Operations and the majority of department staff who acts as Chief, or in the absence of the Chief, does the lieutenant revert to a subordinate position to the Support Services Captain, who on a day to day basis, has no responsibility for control of field operations?⁹

This organizational structure does not lend itself to effective management, more specifically the supervision, direction, and support of SPD officers. This must be addressed.

Recommendation 3A: Revise the organizational structure to include two equal command level supervisors – i.e., lieutenants or captains – each with a clear understanding of the responsibilities encompassed in both the Operations and Support functions.

Recommendation 3B: Operations should include patrol and investigative functions

⁷ Suffield Police Department, Organizational Chart, Effective 2/26/2019.

⁸ An appointment to the Captain position was made on August 12, 2019.

⁹ Organizational Chart dated February 26, 2019.

Recommendation 3C: Administration/Support Services should, in addition to non-sworn administrative staff, be staffed with a sergeant responsible for internal affairs, training, and policy development.

Recommendation 3D: Effective operations depend on effective first-level supervision; SPD should ensure adequately trained, competent supervisors to cover all shifts.

4. PATROL STAFFING AND ASSIGNMENT

Finding #4 *The staffing levels and scheduling of the patrol shifts do not allow for consistent, effective supervision and are inadequate to effectively meet the needs of the department and the community.*

Staffing of Shifts – Supervision: The present configuration of the Operations Division consists of three primary eight-hour shifts and a flexible cover shift, most often scheduled for 6 PM – 2 AM. This is one of several generally accepted schedules found in many police agencies. Each shift is theoretically supervised by a sergeant who, if fulfilling that role, is responsible for the performance, evaluation of performance, discipline, and well-being of the assigned officers.

The number of officers assigned to each shift varies, usually a sergeant and two or three officers; however, this staffing is not consistent. Specifically, the lack of supervisory sergeants on shifts, reportedly between 7-9 per week, leaves supervision to the *senior police officer* on duty – this is problematic. This first level of supervision is critical to operational effectiveness and employee well-being and not one that can be left to the random senior officer that happens to be scheduled for duty. A further concern is that the senior officer (the officer with the most longevity with SPD) may not be the most experienced officer given that several SPD officers have come from or retired from other police departments after several years of service. The variance in shift staffing is best described as sporadic and unstable and may include two or more officers and one or no supervisor dependent on a variety of factors, including the availability of overtime. However, while this inept scheduling is detrimental to operational effectiveness, it alone may not warrant additional staffing.

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SPD Data Analysis for the year 2018, lists 24,895 calls, which are inclusive of 122 Arrests, 703 Incidents, 220 Accidents, and 782 Citations. To more specifically assess workload, we additionally requested and received 1) Dispatched Call Data, which is reflective of community member requests for police response or service and 2) Self-Initiated Call Data, which is reflective of discretionary activities initiated by on-duty officers, i.e. building checks being the most frequent. The following table illustrates the total number of dispatched or self-initiated “calls” and the daily average number of these calls per shift. Although the data does not allow for conclusions regarding the specific amounts of time spent on each call due to input data errors, this overview of officers’ workloads during the three shifts is enough to generally assess staffing levels.¹⁰

Calls Per Shift 2018						
Shift	Dispatched	No. P/Shift	Self-Initiated	No. P/Shift	Total Calls	Total P/shift
Day	2605	7.1	5567	15.2	8172	22.3
Evening	2260	6.2	4386	12.0	6646	18.2
Midnight	688	1.9	8171	22.4	8859	24.3
Total	5553	5.0	18,124	16.5	23,677	21.6

Of primary concern are the dispatched calls, which represent requests for police response or service from community members; however, many of the self-initiated calls, although discretionary, are responses to ongoing concerns, i.e., traffic details and directed patrols established in response to identified community concerns regarding quality of life issues, therefore must also be considered; nevertheless, the present level of staffing appears sufficient to address the workload. However, even though statistical data is indicative of sufficient shift staffing to meet community requests for service and generally required police protective requirements, there are other factors to consider.

Staffing of the patrol shifts at less than three officers is of serious concern to officers who perceive this as an officer safety issue due to the geographical size of the town (42.9 square

¹⁰ Suffield Police Department, Dispatch Analysis (dispatched and self-initiated activities for each shifts), Call Reason Breakdown for 2018, printed 03/17/2019.

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miles). With only two officers on duty, the lack of expeditious back up for an officer faced with physical threat or a lack of control of a volatile situation is limited. Although statistically unlikely to occur, interviews with officers found this to be a serious concern and nearly every officer noted the lack of minimum staffing as a top issue negatively affecting morale; several also noted the negative effect on performance, i.e. lack of night stops of motor vehicle violators in certain sections of the community, due to the lack of available back-up should it be required.

These are serious concerns affecting both the morale and productivity of officers that require resolution; nevertheless, the establishment of a *minimum* staffing level of a sergeant and three officers on every shift every day as suggested by some department members provides little operational value. Quite the contrary; such an arbitrary, inflexible standard does not address the variables in police service demands and surely would result in unwarranted overtime costs merely to fill vacancies without regard to operational requirements.

Clearly, there are times when an officer's absence on leave, sick leave, for training, or other reasons occur during shifts that should not or do not require back-fill; i.e. during the day shift when there are additional command/supervisory staff available or during the evening when cover shift officers are available. Similarly, there are times when an officer's absence clearly requires backfill. However, these are operational decisions within the scope and responsibility of command staff to assure adequate available staffing is provided during these periods. We emphasize, these are operational decisions that should be made based on operational effectiveness rather than an inflexible contract or mandated requirement.

The more operationally sound policy is to establish a sergeant and three officer staffing level as a flexible standard, which clearly allows for a lower staffing level due to officers calling in sick, on vacation or training during shifts and days when there is no articulable statistical, environmental, or other specific justification to warrant overtime staffing, which is costly. For example, 2018 overtime expenditures included for sick time fill-in \$13,332; for vacation coverage \$63,299; for training and training coverage \$91,986 and for unspecified overtime \$65,959. These are significant expenditures for a department the size of SPD and are

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expenditures that can be and should be reduced with appropriate administrative oversight of shift staffing levels.

Overtime budgetary allocations should be reserved for coverage due to operational requirements or unplanned emergencies; rather than to support unwarranted triggers requiring automatic overtime, which appears to be the practice within SPD.

Recognizing that policing needs vary by month of the year, day of the month, and hour of the day, an arbitrarily established patrol schedule is also contra to sound operational practices. Appropriate staffing levels require an approach that accommodates scheduling flexibility required in a contemporary policing environment. Long-term patrol schedules need to be flexible allowing for adjustments as may be required within a police department charged with appropriately meeting the varying seasonal requirements and resident service demands. This does not appear to be the case within the SPD.

The present six-week bid process and the resulting instability is problematic. The opportunity for officers, almost without any restriction, to swap shifts disrupts the consistency of and effective supervision. Although surely a contract issue, this is a significant distraction from effective policing. Officers should be assigned to and work for the same sergeants for an extended time; some police departments provide for permanent shifts, some allow changes on an annual basis, some authorize changes (swaps) based on agreement between officers and approval of supervisors; however, the six-week bid schedule sets the stage for instability of both supervision and operational effectiveness. The importance of a stable supervisor/officer relationship cannot be overemphasized.

Adding to the seriousness of the stability matter is the present practice of leaving 7-9 shifts per week without a supervising sergeant, which we understand is also in part due to the present method of scheduling and the unrestricted ability to swap shifts. This issue is further addressed elsewhere in this report.

Regardless of the particular provision regarding shift assignments and the procedure for altering assignments, staffing assignments should be stable and based on operational need rather than ever-changing desires.

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Recommendation 4A: Increase to five Sergeants – four assigned to Patrol and one assigned for support services and accreditation.

Recommendation 4B: Recruit and hire additional officers, preferably already certified officers to reduce overtime costs and increase experience base at the department.

Recommendation 4C: SPD should abolish the six-week bid and identify a more effective permanent shift for at minimum 12 weeks, but preferably of six months.

Recommendation 4D: SPD should adopt an approval process for shift “exchange” requiring approval of the two affected shift sergeants and Operations Captain/Lieutenant.

Recommendation 4E: SPD should continue flexible shifts to cover such as a 6pm – 3am for more effective coverage.

Recommendation 4F: SPD should schedule and *generally* require a three-person minimum for evening and midnights shift, especially of Friday and Saturday night, for efficiency, effectiveness and officer safety.

5. CRIMINAL INVESTIGATIONS

Finding #5 *Criminal investigations are not completed in a timely and/or effective manner.*

Suffield is a stable, suburban community fortunate by all accounts, safe and without the challenge of high criminal activity. Nevertheless, criminal activity and quality of life matters require timely, sustained and thorough police investigations. Presently, when such matters are reported or come to the attention of the SPD, the officer initially assigned, regardless of his/her shift assignment, is expected to fully investigate and/or resolve the matter. When such events involve criminal activity no matter whether minor or serious, an appropriate investigative inquiry often requires follow-up interviews with complainants, witnesses or suspects; the gathering, marking, packaging and conveying of evidence to the appropriate laboratory for forensic analysis; or other investigative activities. These requirements may require sustained, uninterrupted investigative effort that is precluded during the officer’s regularly assigned shift hours when on regular patrol. Based on our observations and interviews, this has resulted in

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motivation for officers and supervisors to close cases rather than to solve cases, which is founded on frustration with a clearly impractical, ineffective process.

This is not to say that there are no benefits with requiring officers to conduct follow-up investigative activities. There are instances where officers can solve or resolve reported offenses, i.e. petty theft, shoplifting, vandalism, which may require follow-up interviews, video verification or other activities that can be expeditiously accomplished during the assigned officer's patrol shift, which may take a few days. Leaving these specified cases in the hands of the originally assigned officer is important, both for the development of the officer's investigative skills and for operational effectiveness. At the same time, complaints of offenses requiring investigative effort that cannot be effectively accomplished during an officer's patrol shift cannot be left to languish, but must also be expeditiously investigated, which requires skilled staff to do so. This is not the present case with the SPD.

Our inquiry has found widespread frustration with the present process. Although there is a perceived expectation by officers that they are to complete assigned investigations in a competent, timely manner, our review found no identifiable organizational or systematic expectation requiring them to do so. With little or no supervision, direction or accountability to do so, officers are left to their own devices to deal with the challenges posed by the complexity of the case, the officer's shift assignment (i.e. the midnight shift) or on-duty patrol shift requirements which may preclude on-duty investigative effort; therefore, requiring officers to work off schedule and to close cases rather than solve them.

Any monitoring of the investigative efforts is performed by shift supervisors who are left to do so without the benefit of an effective case management system designed and implemented to track and assure active investigations are completed in a competent and timely manner. Clearly, the investigative process must be improved to assure the residents of Suffield receive expected and deserved competent investigations of criminal activities; and in addition, competent staff must be in place to provide it. Delay in conducting important investigative steps, i.e., crime scene processing, locating and interviewing witnesses and preparing arrest warrants significantly hinders the success of an investigation and the timely closure of these matters.

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Our inquiry regarding matters affecting the morale of SPD members found one of the more contentious topics of discussion and issues affecting morale has been and continues to be the elimination of the Detective position or the Detective Division previously established within the SPD. Officers do not believe, as the Town has represented, this act was due to financial considerations; consequently, there has been a significant effort by SPD members to obtain approval for the reinstatement of the Detective position or the Detective Division. The Union grieved this issue and, in the settlement, dated May 11, 2017, it was agreed, “the detective *assignment* (emphasis added) shall be reinstated.” We agree; the establishment of a specific *assigned* position of Detective or Investigator to address concerns previously outlined is warranted. Clearly, this should be considered an assignment rather than a promotion; however, sergeants should not be excluded from the assignment.

The SPD is of a size that cannot allow for an officer to be promoted to or assigned a task for which the officer is not committed to or competent to perform; therefore, if an officer assigned to fulfill the outlined investigative responsibilities is not a fit, based on either a self or organizational assessment, or the officer, for personal or other reasons, requests a return to patrol or another assignment, such a change in assignment should not become either personally or organizationally disruptive. Accordingly, our emphasis on the notion of an assignment rather than a change in job classification or promotion.

The individual selected should not be assigned based on a written examination, rather the selection should be based upon his/her interest, demonstrated skills, training, and work ethic; and importantly, a willingness to work varied schedules to accommodate the needs of victim and witnesses.¹¹ In addition, upon assignment, the selectee should be afforded opportunities to improve and expand his/her skills through ongoing outside training.

Prior to making the described assignment, the SPD should revisit and revise as may be necessary General Orders 3-1 Operations Support, Court Liaison Officer, dated December 28, 2004; 6-1 Direction, Chain of Command, dated; and 11-2 Organization and Administration, Job Descriptions, dated April 15, 2006 to assure consistency with the established position, which

¹¹ A standard requirement in consent decrees is that interviews be scheduled at a time and place convenient for the witness, victim as appropriate.

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should minimize the performance of administrative duties not requiring investigative skills or an incompatible work schedule.¹² Procedural orders outlining responsibilities to include investigations of specified serious crimes, follow-up on lesser crimes when required to leave town for interviews or follow-up on crimes that took place during the midnight shift, which the midnight shift officer is unable to follow-up are also required. Work requirements should include flexibility to accommodate evening and/or weekend interviews or other activities that cannot be accomplished during a regular M-F, 8-4 schedule. This position is not and should not be one requiring excessive overtime expenditures or a path to significant overtime; instead should be established to increase operational effectiveness as it relates to criminal investigations while minimizing the need for overtime expenses to do so. Scheduling options may include, for example, alternating Monday–Friday with Tuesday–Saturday duty days; and alternating 1000-1800 and 1200-2000 duty hours.

The administration also must be attentive to the tendency to assign any and all investigative work to the designated detective/investigator, which can result in a deluge of referred cases that should remain the responsibility of patrol officers overseen by the shift sergeants. SPD Policy should be clear regarding referrals. The investigator may, however, assume a secondary case management role, which tracks the investigations and appropriately requires/reminds supervisors and officers to complete investigations in a timely manner and provides ongoing investigative advice and assistance to patrol officers.

Recommendation 5A: Select and assign a member, based upon his/her interest, demonstrated investigative skills, training, and work ethic to conduct specified serious crimes, identified as a Detective.

Recommendation 5B: The assigned member must be willing to work a varied schedule to accommodate off hour follow-up interviews of victims and witnesses and out of town inquiries, i.e. varied flex shifts.

¹² General Order #3-1, Chapter 3: Operations Support, Section: 1 Court Liaison Officer, effective December 28, 2004, specified the “normal working hours ... will be 0800-1600, Monday through Friday...The position of Liaison Officer will be in conjunction with other duties and responsibilities of the detective position.”

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Recommendation 5C: The assigned member should assume case management responsibilities to assure the investigations conducted by shift personnel are completed in a timely manner.

Recommendation 5D: Revise the policies and procedures relating to the duties of the Detective to specifically clarify/address that:

- This position is an assignment
- Varied hours are required
- Investigation of felonies and other identified serious crimes
- Oversee/manage investigative timelines for cases assigned to patrol
- Assure timely completion/follow-up on all cases

6. POLICIES AND PROCEDURES

Finding #6 *SPD lacks effective policies and an efficient process for developing new policies, while reviewing and updating existing ones.*

The administrative and operational effectiveness of a police department depends on sound policy, adequate training, and competent supervision. A police department's policies and procedures provide the agency with core liability protection. Policies that are comprehensive and current are the backbone of effective and constitutional policing. It is not enough, however, to simply have sound policies. Officers must be trained on the policies, supervisors must hold officers accountable, and, when the policies are violated, a sound disciplinary process should be engaged. A Police Department's policies and procedures shall reflect and express the Department's core values and priorities, while providing clear direction to ensure that officers lawfully, effectively, and ethically carry out their law enforcement responsibilities.

As part of this operational study, we reviewed and analyzed a cross-section of the Department's policies and procedures. As POSTC (CT Police Officer Standards and Training Council) recently implemented the CLESP (Compliance to Law Enforcement Standards and Practices) program, our analysis consisted of a review of those statutorily required policies. In addition to conducting an analysis as to whether the policies meet industry standards, our review

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included an analysis as to whether the policies comply with the CLESP mandates. Specifically, we reviewed the following Suffield Police Department policies to audit the effectiveness of the policy: Bias Based Profiling (7-1), Racial Profiling/M.V. Stops (5-3); Internal Affairs (1-10); Police Pursuits (45-1); Missing Persons (45-12); Family Violence (45-11), Eyewitness Identification Procedure (74-3); Notification in Death and Related Events (45-14); Handling Individuals with Mental Illness (45-19); Conducted Electrical Weapons (1-5B); Juvenile Policy (44-1); Less Lethal Force (1-5); Lethal Force (1-5b).

For several of the above-listed policies, the Department utilized the POSTC model policies. As such, most of these policies meet the requirements set forth by Connecticut Public Act 18-161 and the Connecticut POSTC CLESP program. These policies are as follows: Bias-Based Profiling (1-7); Internal Affairs (1-10); Missing Persons (45-12); Family Violence (45-11); and Eyewitness Identification Procedure.

While the Department appeared to have adopted the State model policy for the following policies, there were some issues within each policy that should be addressed:

1. Pursuit Policy (45-1):

While the Department adopted the State model policy, the last revision date for this policy was 2005. Therefore, the policy should be updated to include required language per Connecticut Public Act 18-161, such as the required officer reporting and Department annual reporting procedures.

2. Conducted Electrical Weapon (1-5B)

While the “Purpose” section indicates that this policy is “based” on the POSTC model policy, it is not the actual Connecticut POSTC model policy. As a result, certain language from the model policy was not included in this policy, where it should have been. In addition, certain language is included in the policy that should be either removed or edited to meet industry standards.

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As indicated above, the following Suffield Police Department policies or policy topics required under CLESP were also reviewed to determine whether they meet industry standards and CLESP requirement:

1. Selection and Testing of Police Officers (CLESP #6)

Chief Brown stated that the Department does not have their own recruitment and promotion policy. Rather, they utilize the Town's EOE statement/policy. CLESP requirement #6 provides: *"The agency complies with all Police Officer Standards and Training Council (POST-C) requirements for selection and testing of police officers."* It is unclear whether the Town of Suffield's statement/policy complies with those requirements.

2. Racial Profiling/M.V. Stops (5-3; effective 02/27/14)

It is unclear whether this policy is rescinded or in effect. However, much of the contents and procedures of this policy are found in the Department's Bias Based Profiling policy (# 1-7). While General Order 1-7, indicates it rescinds a policy with an effective date of "February 16, 2004," General Order 5-3 has an "effective" date of 02/27/14. If this policy is in effect, we recommend rescinding it under General Order 1-7. Having two policies covering the same or similar topics is not recommended.

3. Recruitment and Promotion (CLESP #10)

The CLESP standard provides: *"The agency has developed and implemented guidelines for the recruitment, retention and promotion of minority police officers as defined in section 7-291a of the general statutes. Such guidelines shall promote achieving the goal of racial, gender and ethnic diversity within the law enforcement unit. SPD does not currently have a policy that meets this requirement.*

4. Handling Individuals with Mental Illness (45-19) (CLESP #11)

The policy language indicates that CIT will be utilized for individuals in a crisis, and the policy provides guidance to Dispatch on how to handle such a call. While the policy has a section related to "Officer Responsibilities," it only addresses how officers will address

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an emergency examination (PEER form) and does not address procedure for officers or other personnel upon arrival on scene and during the encounter. The Department should draft a policy that includes procedures related to recognizing signs of mental illness in a subject and guidelines for dealing with subject's with mental illness,

5. Sexual Assault Investigations (CLESP #12)

Chief Brown indicated that the Suffield Police Department does not have an independent policy for sexual assault investigations. Rather, several Department policies include procedure specific to sexual assault, e.g. arrest warrants. The CLESP standard provides: *“The agency has a policy concerning response to sexual assault complaints which meets or exceeds the minimum standards as required state statute.”* The requirement that the name and address of a sexual assault victim cannot appear in an arrest warrant affidavit (C.G.S. § 54-86e) is found in Department General Order 5-1 (Arrest Warrants)

However, in addition to the requirement for victim confidentiality, in accordance with industry standards, the Department should draft an independent Sexual Assault Investigations policy that includes the following:

- Dispatcher responsibilities
- Assigned Officer's responsibility at the scene
- Shift supervisor responsibilities
- Investigator responsibilities (preliminary investigation, victim interview, evidence collection, suspect interview/interrogation)
- Victim notification of investigative procedures requirements
- General officer considerations when dealing with a sexual assault matter (e.g. interacting with the victim)
- Documentation of the incident
- Reporting requirements
- Listing of victim services organizations/crisis services

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6. Juvenile policy (44-1) (CLESP #14)

The Department must update this policy to comply with Connecticut law, e.g. include required definitions section and procedure related to transporting juveniles to a detention center. It is unclear, based on a review of this policy, whether the Department complies with the reporting requirements listed under CLESP Standard #14.

7. Less Lethal Force (1-5) (CLESP #16)

This policy meets basic POSTC CLESP requirement but includes certain language that should be removed. We also recommend including additional standards/language to meet common industry standards.

8. Lethal Force (1-5b)

- This policy meets the basic CLESP requirements (#16), but we recommend removing certain language, as well as including additional language to meet industry standards.

Recommendations 6A: SPD should revise and update its policies and procedures to reflect generally accepted police practices and assign ongoing responsibility for ensuring that they maintain a current level applicable to state and federal law and constitutional policing.

Recommendations 6B: SPD should at a minimum become certified under CT accreditation standards and CLESP requirements.

7. EFFECTIVE TRAINING

Finding #7 *SPD fails to conduct a department training needs assessment to ensure department members receive training to progress in development as an officer or supervisor.*

The administrative and operational effectiveness of a police department depends on sound policy, adequate training, and competent supervision. Neither policy or supervision singularly or in combination can fulfill objectives without the training of personnel, including the chief, command and supervisory staff, police officers and support staff.

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The chief affords members opportunities to attend a variety of training events with focus on meeting minimum state required training requirements. However, the purpose of training should not merely be to comply with state training requirements, but to also prepare officers to perform duties consistent with ever-changing police practice and law; to assure they are competently supervised; and, moreover to assure interested officers are trained in the various specialty skills expected in a contemporary police department. Therefore, the concern is not only with the completion of required training but also with the scheduling of it and in addition, the scheduling of ongoing career development and specialty training selected to address identified SPD shortcomings.

The Contract requires the posting of “notices of job-related schools, courses, and seminars ...to afford any officer to make their interest known to the Chief.”¹³ As required, notices of available training opportunities are posted; officers request and have been approved for attendance at several training seminars, courses, and workshops. National public concern regarding bias-based policing has resulted in the offering and resulted participation by officers in training relevant to these specific issues, which is clearly positive. However, training appears to be generally approved without focus on or consideration of either the development/enhancement of organizational or individual officer skill levels or interests that will strengthen the department; the mere signing up for and attending an available class when approved does not necessarily accomplish either. This process has resulted in considerable overtime cost, exclusive of tuition or other related costs.¹⁴

A review of training records reveals the lack of current, consistent command/supervisory training and by all accounts, supervisors appear to be either inadequately trained or lacking in authority to competently perform supervisory duties. For example, to assign responsibility for the preparation of warrants to the Captain rather than sergeants, which is a function that should clearly be within their responsibility and competency, is and has been proven to be operationally problematic. For the Chief to initiate or authorize this practice is not demonstrative of confidence

¹³ Town of Suffield and Suffield Police Union NIPSEU, Effective July 1, 2014 through June 30, 2018.

¹⁴ Police Overtime by Type FY 17-18, provided by Chief Brown 02/03/2019 lists 633 Cover Time Training OT 1.5 at \$49,329.93.

in supervisors' ability and training to perform required tasks or to hold supervisors responsible for promoting organizational effectiveness.

Training records also reveal a lack of emphasis on developing skill levels related to relevant patrol procedure, internal affairs, interviews, crime scene/evidence gathering or report writing requirements. These skills are important in a department the size of Suffield, particularly given the preliminary and follow-up investigative responsibilities of patrol officers.

The identification of agency shortcomings that can be addressed via training, i.e. supervisory capabilities and individual officers general and specialty skill levels, are not accomplished by the posting of randomly available training opportunities; instead must be addressed via a planning process that 1) identifies areas requiring training and 2) seeks out training that meets those objectives. The SPD needs a thoughtful, strategic, and budgeted plan for annual training program. The plan should provide allowance for training to address exigent, developing national, state or local issues.

Field Training and Field Training Officers

There are presently no officers in field training; however, this is subject to change as vacancies and the resulting appointments are made. Accordingly, though not based on an in-depth analysis, we find the Field Training Program requires attention. The program is reportedly modeled after the recognized but dated San Jose program and is 14 weeks in duration. However, of consequence is 1) the training currency of the presently designated Field Training Officers; 2) the applicability of the present guiding policy: and, 3) the condition of the Field Training Program Manual.¹⁵ A review and update is a necessity prior to the appointment of new officers.

Training Supervisor

SPD policy provides the Chief of Police "shall designate a Training Supervisor," who is responsible for, "recording, scheduling, researching, and developing training for all members..." and sets forth a myriad of specific requirements. The Operations Lieutenant is presently assigned these tasks along with other tasks that were responsibilities of the former Administration/Support Services Captain; however, these additional tasks are not ones he cannot

¹⁵ Suffield Police Department, General Order #12-2, Chapter 12: Training and Career Development, Section 2: Field Training Program, dated June 21, 2006.

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logically and effectively complete given requirements for the Operations Division. It is expected this will be resolved with the appointment of an individual to the Administration/Support Services position.

Recommendation #7A: Conduct an annual training assessment to determine the training necessary to strengthen the competencies of officers and supervisors at SPD.

Recommendation #7B: The annual training plan should include training to enhance investigative and other specialty skills required in a contemporary police department.

Recommendation #7C: Provide additional training on conducting criminal investigations, search & seizure, crime scene processing and report writing to prepare patrol officers to appropriately conduct preliminary and specified follow-up investigations.

Recommendation #7D: Identify potential staff for attendance at mandatory and discretionary, skill building, operationally beneficial training.

Recommendation #7E: Budget for attendance at both mandatory and discretionary, skill building, operationally beneficial training.

Recommendation #7F: Budget for newly developed or available training opportunities that may arise during the year, attendance at which would be beneficial to SPD and staff.

Recommendation #7G: Revised training related policies, General Order 12-1, Chapter 12, Training and Career Development, Section 1, Training, dated June 21, 2006 and General Order #12-2, Chapter 12: Training and Career Development, Section 2: Field Training Program, dated June 21, 2006 should be reviewed and revised for consistency with recommendations provided in this report prior to assigning any newly appointed officers to field training.

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Recommendation #7H: Review and update the Field Training Program to assure consistency with current field training practices relating to subject matter, performance standards, and program duration.

Recommendation #7I: Assure members assigned as Field Training Officers are appropriately trained and willing to competently fulfill the duties assigned.

8. INTERNAL AFFAIRS AND DISCIPLINE

Finding #8 *SPD needs to ensure the effectiveness of their internal affairs process to timely and consistently investigate complaints of misconduct to ensure effective discipline in the department.*

An effective complaint/internal affairs process serves dual purposes of assuring the public that police conduct will be fairly and impartially investigated and adjudicated and of assuring department members that they will be protected against false allegations. Establishing a policy for accepting and investigating citizen complaints is essential to ensure that Departments accept all complaints of misconduct, in any form; fairly and impartially investigate all complaints of misconduct; and timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. Present national standards suggest responses to allegations of officer misconduct as critical not only to correct officer behavior and identify policy, training, or tactical concerns, but also to build community confidence and police legitimacy.

Our analysis of the complaint and investigative practice found areas of improvement are necessary to ensure an effective system. The Collective Bargaining Agreement (CBA) currently hampers the way complaints are received and investigated. The process of required notification of the subject of the investigations can and does hinder an investigation specifically in that the CBA requires the identity of the complainant, the substance of the complaint and the date upon which the investigation is expected to be completed upon receipt of the complaint. These requirements can and do hamper an effective investigation.

During our review it was apparent that SPD has a low number of investigations. This included one (1) in 2015, two (2) in 2016, three (3) in 2017 and four (4) in 2018. One officer was four of the ten investigations. We also identified that limited to no discipline has occurred during this time frame. Based on our review we found many areas where discipline should have

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occurred to support effective operations. This included not completing criminal investigations and reports in a timely manner, not following the orders and instruction of supervisors and violations of department policies.

The Chief needs to ensure the department has the capacity to meet the requirements of an effective IA and disciplinary process. This includes proper direction in department policies to provide clear direction to ensure that officers lawfully, effectively, and ethically carry out their law enforcement responsibilities. The department should ensure that the Captain and Lieutenant received necessary training to ensure they conduct a complete and fair investigation into allegations of misconduct. We recommend that supervisors are also trained to self-initiate internal complaints against their subordinates when they identify possible policy violations or misconduct.

Recommendation #8A: Ensure the department has the capacity to meet the requirements of an effective IA and disciplinary process through a comprehensive IA policy.

Recommendation #8B: Department should ensure that all supervisors receive necessary training to ensure they conduct a complete and fair investigation into allegations of misconduct.

9. DATA AND RECORDS MANAGEMENT SYSTEMS

Finding #9 *SPD is currently using a data and records management systems that is not fulfilling or being used to enhance operational effectiveness.*

Policing practices of yesteryear were largely dependent on knowledge of the community, its residents, and the intuitiveness of the police; however, with the advent of ever-improving technology, can now be more directly focused on complaint, crime, traffic, and other service demands made of the police. And although this review did not include an in-depth analysis of the system's capabilities, we found the following issues worthy of mention.

The SPD has invested in computers and other technology purportedly to effectively manage its resources and to best address community complaints, crime, traffic or other trends; however, we find little evidence the available data is used to do so. In addition, the current

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report writing records management system is ineffective and does not allow proper accountability of timeliness.

During our interview with SPD officers, we heard frequent concerns regarding inoperability and lack of expeditious repair of in-car technology. This must be addressed. Also, importantly from an operational standpoint and important to our review, we learned there exists a tendency of officers to return to the station to complete reports that could and should be completed in the field in the cruiser. Although primarily an issue of supervision, the computer disrepair issue may be complimentary to this practice.

The present records management system can upon request provide a myriad of data; we requested various datasets to assist with this review; however, several of the printouts provided by the Chief include data that is confusing, conflicting, and sometimes inaccurate. For example, Dispatch Log Data incorrectly included personnel on duty that were not on duty.¹⁶ Dispatch Analysis of Call Reasons and time spent on calls included inaccurate average times on scene, i.e., an average time spend for taking fingerprints (14.4 hours), parking violation (5.5 hours); school traffic (32 hours) directed patrols (22 hours).¹⁷ This clearly incorrect data is of no value; it suggests inappropriate input of initial data by officers that, if appropriately used for assessing and directed operational activities, would have been identified and corrected by the administration.

Clearly, SPD does not routinely use the available data for planning and patrol deployment purposes, i.e., traffic accident, complaint, radar, accidents, and response times given supervision was oblivious to the above described issues. This lack of interest inhibits the department's ability to adjust or appropriately manage resources and even in cases where the data clearly warrants a response, that response is not satisfactory. For example, while acknowledging adjustments to shift staffing are challenging even when data indicates the need for such adjustments, directing the focus to officers on specific areas of concern during their duty hours is

¹⁶ Suffield Police Department, Dispatch Log; From 02/15/2019 Thru 02/17/2019, 0000-2359, Printed 02/21/2019.

¹⁷ Suffield Police Department, Dispatch Analysis, Call Reason Breakdown, printed 03/19/2019.

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not. A disappointing example dealing with traffic accident rates which have been steadily increasing since 2015 is demonstrative of the present situation.

Accidents have been steadily increasing – from 191 in 2015 to 220 in 2018 (15%); however, citations for the same period have decreased by 55%.¹⁸ At some point during 2018, the Chief issued a notice and order addressing this issue wherein he outlined the days, times and locations of accidents and the low rate of enforcement. The Chief “directed” Sergeants to increase traffic enforcement activities; however, there has been no compliance with this order according to the Chief due to “morale.”¹⁹ This is an inappropriate response and not only reflective on the chief, but on the sergeants who received, but did not adhere to the directive.

Although the present records management system was not primary in our review, the effectiveness of the system is acknowledged as very important to the ongoing operational effectiveness of the SPD. The system should be configured to reliably provide information to enhance SPD operational effectiveness. However, based on the various data provided to us by the chief, which in some cases was meaningless, inaccurate, or inconsistent; we conclude there is a need to conduct a specific assessment of its present capabilities to determine the extent to which it fulfills SPD requirements by providing accurate information useful in day to day operations and SPD management.

One of the most detrimental and concerning aspects of the current record management systems was the inability of the system to support an effective report writing system. Report writing is one of the most significant tasks conducted by SPD members. SPD General Order #45-3 states in relevant part:

Reports prepared by officers are records that document events and subsequent police actions. These reports are the primary source of information used for prosecution, crime analysis, investigative follow-up, statistical reports and management information. A competent report review process performed by an officer's immediate supervisor constitutes the best

¹⁸ Suffield Police Department, Data Analysis for period 2006-18 provided by Chief Brown 01/28/19.

¹⁹ Suffield Police Department, Collision Reduction and Safe Highways, Town of Suffield-Accident and Enforcement Efforts, provided by Chief Brown February 21, 2019.

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means of insuring a high standard of investigation and documentation within the Department.

Our review found that there was no operational directive for report writing timelines and that the current system was not being used in an effective manner to monitor timelines. The current report writing system does not allow proper monitoring for timeliness and completion. The members circumvent the system for the archaic process of printing out reports for review. Effective technology would assist supervisors and officers on the timeliness of completion and accountability.

Recommendation 9A: Research and consider changing the current SPD records management system to a more effective system that ensures accountability of members.

Recommendation 9B: Establish a reliable maintenance/repair program to assure the record management system, including in-car units, are operationally reliable.

Recommendation 9C: Assess whether information regarding patrol and investigative activities is accurately collected and accessible for the management of resources

Recommendation 9D: Assure the in-car capabilities are sufficient to provide officers with the capability to efficiently complete specified reports in the patrol car in the field rather than returning to the police station.

10. COLLECTIVE BARGAINING AGREEMENT

Finding #10 *Multiple areas of the SPD Current Collective Bargaining Agreement are ineffective, inconsistent with contemporary policing principles and detrimental to the operation of the department.*

Contracts between employers and employees are agreements that must be carefully crafted and meticulously adhered to by the parties. At the time of re-negotiation of any contract, all provisions should be carefully reviewed to address, clarify or resolve issues that may have arisen via grievances or have negatively affected operational effectiveness. Absent such as review, outdated, non-applicable provisions or provisions contrary to sound, contemporary police practice may remain, and become the basis for future grievances.

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The parties must approach the process with open minds with the understanding that negotiations are just that – changes, gives and takes rather than demands and acquiescence. Once agreed to, the parties, most importantly the Union leadership, has a responsibility to report the results in a forthright manner as the “Agreement.” This does not appear to be the case within SPD. Even where the Union has agreed to contractual provisions, the sentiment is that the town took something. The attitude is reflected in interviews with officers, several who expressed the opinion that the objective of the town has been to simply take or reduce benefits rather than to negotiate, exchange or modify benefits. Singular focus by union leadership on their requests not agreed to by the town, which we understand has occurred is not helpful nor reflective of responsible leadership – neither is focus on requests by the town without an explanation of the reasoning for such requests. These misunderstandings and/or misrepresentations should be addressed.

Our review of the Contract suggests the following selected issues affecting administrative and operational effectiveness warrant further review during the negotiations process – either for alteration or clarification of intent. We grant the achievement of the several recommendations made regarding contract revisions may be challenging; however, if the parties approach negotiations with intent to improve both the operational effectiveness of SPD and member’s well-being, the challenge can be met.

Article III, Wages

Section 1: Wages, always a source of content or discontent are an ongoing issue, which we discuss later in this report.

Section 4: This provision relating to police work performed on special assignment for any town funded organization has been the subject of a grievance: The applicability of this provision – whether it strictly refers to *outside work* performed for *outside organizations* should be further clarified.

Article IV, Holidays

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Sections 3-5: This provision requires the “Chief or his representative” develop a special holiday schedule at least four weeks prior to each of the 12-13 authorized holidays. The inclusion of specific staffing requirements in the contract is an operationally unsound practice. Staffing requirements vary, including on the various holidays; it’s the responsibility of the administration to vary staffing according to operational requirements. To include a cumbersome, inflexible schedule is an unwarranted diversion of administrative efforts and a diminishment of operational effectiveness.

Article VI, Vacations, cross reference with Article X.

Article X, Replacement, Wages, Work Schedule and Overtime.

Section 3.A: Reference to a pre-designed work schedule, attached or otherwise, defies reality in a police department that must adjust with not only emergency situations, but with operational changes/requirements throughout the year. Any preconceived work-schedule is as best aspirational, but factually mythical. Officers are required to work the agreed upon 4-2 schedules; the details should remain within the discretion of the Chief who is responsible for operational effectiveness and responsiveness to community concerns, especially for a department the size of SPD.

Section 4: The present six (6) week work cycle is disruptive and de-stabilizing; moreover, the requirement that the Chief post the six-week work roster at least five weeks in advance is at best a fruitless, time-consuming, counterproductive exercise. Our review of work schedules finds them to include frequent, nearly daily, changes. As recommended elsewhere in this report, we suggest along with additional shift staffing, more permanency in shift assignments. In addition, shift swapping should be based on a consequential need rather than a whimsical desire to work a differing shift. Officers select shifts based on seniority, which is an agreed upon provision of the contract; they should adhere to that provision by working the shift selected.

Section 5: This section requires the roster to remain the work schedule for the duration of the contract discounts reality and rejects the importance of adjusting to varying operational requirements, personnel changes and staffing levels likely to occur; therefore, this provision appears to be unwarranted.

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Article XIV: Grievance Procedure: Sound grievance procedures are a necessary and sound practice within contemporary policing. Such processes are necessary to bring finality to differences of opinions on the applicability to agency contracts, policies or practices. Accordingly, grievances should be resolved based on fact, not emotion, and should either solidify or negate the interpretation of the particular contract provision, policy or practice in question.

The present practice, while generally in conformance with usual and customary grievance procedures, lacks some definition, i.e. it does not specifically require findings at each step of the process and limits the chief's authority. For example, the first step of the process (Section 1.A) places the issue before the chief; however, does not specifically authorize or require the chief to make a finding; rather it merely provides. "*if the grievance is not resolved to the satisfaction of said employee within seven (7) calendar days, then...*" the employee submits the grievance to the BPC. Similarly, rather than assigning the task of affirming, modifying, or reversing the chief's finding, the BPC is required to "*meet with the employee...for the purpose of adjusting or resolving such grievances.*" Similarly, if not satisfactorily resolved, the process moves to the First Selectman and if not resolved, to the Connecticut State Board of Mediation and Arbitration.

Our review of grievances and discussions with the chief found a general reluctance of the chief to make a finding; instead often merely denying the grievance and allowing it to move to the BPC. This, to some degree, is based on authority issues regarding the BPC and TFS discussed earlier in this report. In addition, there is sentiment the BPC resolves grievance based on personalities rather than contractual or policy provisions. Whether accurate or not, each decision must clearly verify, modify or negate the contractual or other specific requirement in question. Accordingly, the grievance procedure should clearly authorize/require the chief to make a written finding to include the specific contract or policy basis and rationale for it. The contract should require the BPC and TFS to similarly do so.

Article XV: Disciplinary Action

Section 5: Progressive Discipline: The removal of disciplinary actions from the records as described; oral or written reprimands after eighteen (18) months absent a reoccurrence of a related offense; suspensions of 4 days or less, after 3 years absent a reoccurrence of a related

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offense; and suspensions of 5 to 9 days after 5 years absent a reoccurrence of a related offense may subject the town to significant liability. Discipline is a legitimate part of an officer's work history that he or she created; its removal from the record is not universally recommended. This may also be in violation of State Librarian Schedule M7.

Article XVIII: Training and Education

See Training recommendations.

Article XIX: Seniority

Section 2: The provision regarding seniority within the SPD vs. seniority or experience in law enforcement poses an issue frequently cited during interviews with officers. SPD has employed officers with extensive experience in other jurisdictions; however, are junior in seniority with regards to time with SPD. The issue arises during times when a police officer with limited experience is assigned as shift supervisor, therefore in charge of these experienced officers. This amplifies the need to assure shifts are sufficiently staffed with sergeants.

Article XX Promotions:

Sections 1-9: Contract provisions regarding promotions are inconsistent with effective management and generally accepted, contemporary principles and clearly have not resulted in the development of a broad, strong, effective, first level of supervision. This is reflected in the results of the employee survey conducted prior to interviews, field inquiries and document analyses.

Although the majority (83%) of respondents agree supervisors are willing and able to help them, and 54% agree supervisors treat them with respect and understand what is expected of them by the supervisor; 74% strongly disagree or disagree supervisors exhibit good leadership and supervisory skills; 67% strongly disagree or disagree the supervisory staff provide adequate direction, and 71% strongly disagree or disagree supervisors take corrective action with non-performers when required. These findings are troublesome and demonstrative of the need to carefully review the efficacy of the promotional process, the training provided to officers

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promoted to the supervisory positions, and the degree to which they are authorized or expected to exercise supervisory responsibilities. We address the promotional process below.

Sergeant Promotions:

The objective of any promotional process is to select the best possible candidate to fulfill the duties of the position in question. The promotional process must not only identify those with knowledge and/or the ability to take tests, particularly written tests, but also those whose known performance is demonstrative of leadership requirements. Care must be taken to assure, to the degree possible, written, oral, assessment centers or other testing elements are job related, objective and non-biased. We are advised the present promotional process does not result in a high success rate, which is troublesome even when understanding that one must only successfully pass the written test to be eligible for promotion as described below.

The contract provides for the posting of the promotion, the job description and the basic requirement to have completed three or more years as an SPD officer. Our review of the 2016 sergeant selection process includes an undated “Sergeant Job Description.” However, we found no reference and little conformance to the duties and responsibilities of a sergeant outlined in the SPD General Orders, which are clearly pertinent and applicable.²⁰

The contract further sets forth, the “*vacancy will be filled by the employee who attains the highest score.*” This is inconsistent with our above comment and generally accepted practice. In addition, the contract provides each year of seniority shall count for one point, an advantage clearly not based on knowledge, ability or performance.

The contract established promotional criteria for a written examination administered and corrected by a neutral party, followed with a list of those scoring at least 70% which is provided to the Chairman of the Police Commission. This initiates a convoluted and in our opinion, an unproductive process involving letters to the Union President and the Chief (the chief’s letter must remain sealed); following which an assessment center is conducted, then more letters to the

²⁰ Chapter 11, Organization and Administration, Section 2: Job Classifications, Sergeants, pp.7-8; effective April 15, 2006.

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Union President at his home and to the Chief (again, the Chief's letter must remain sealed); following which the management staff, including existing sergeants, lieutenants, captains and the chief complete evaluations rating those who passed the written test and assessment center. This is followed by further processes that, except for the oral board, adds nothing to the objective of selecting the most suited and qualified candidate for the position.

Moreover, our review of the 2016 sergeant promotion process noted only one officer passed the written test, which is required for an applicant to advance through the balance of the testing process. However, it appears that with only one officer eligible to move through the entire process, that candidate was not required to complete the process. While this seems reasonable, it resulted in the promotion of the best test taker, without the benefit of further relevant assessment, assuming a key leadership position within SPD.

We find no fault with the apparent effort by the Union to develop an objective process; it undoubtedly was developed based on a perceived need to address real or perceived shortcomings at that time. We suggest however, the process does not appropriately assess and result in the selection of an individual who meets present organizational requirements. It is time to move on.

A contemporary promotional process is generally multi-faceted; including a specifically designed written test, which includes scenario based questions; an oral examination by detached officers who evaluate the applicants supervisory capabilities and organizational attitude; an evaluation of the applicants training and developed skills applicable to the position; and an assessment exercise designed to assess disciplinary dilemmas and other real life situations that may be presented. The present process falls short of these requirements.

The 2016 sergeant promotional process is demonstrative of a serious effort by the town to comply with contractual requirements; however, it resulted in but one officer successfully passing the written examination. This leads to one of two conclusions; the written test was not sufficiently relevant to the responsibilities and duties of an SPD sergeant, or the SPD simply lacks qualified candidates. We address the former.

The written promotion test for SPD sergeant contains 100 pre-written questions in four content areas: Laws Relating to Police Work; Police Field Operations; Investigative Procedures;

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Supervisory Principles, Concepts, and Reports; and Records and Paperwork.²¹ The primary shortcoming of this examination is the lack of inquiry regarding a relationship to Connecticut and Suffield law and code and SPD policies, procedures or department and community expectations. In essence; while testing general police knowledge, there is no testing of knowledge specifically relevant to the requirements of a Suffield police sergeant.

Source material for all phases of testing should be specific to the role of the sergeant in Suffield and include applicable state statutes, local codes, a contemporary text, and agency rules, regulations, policies and procedures. The 2016 promotional announcement included the test publishers Reading List, containing six publications, which may or may not be applicable to SPD. Rather, one or two publications along with recommended Connecticut/Suffield/SPD specific laws, codes, policies, or documents is preferred.

We conclude the present pre-written general tests do not meet the present needs of the SPD. Neither is it good practice to forego the assessment center or additional inquiry when only one candidate successfully passes the written test. The contracting with an independent firm competent to construct the above described process may be required.

Lieutenant Promotions:

The lieutenant promotional processes are also set forth in the contract and for the most part similar to those described for sergeant. Should the intermediate rank of lieutenant be continued with responsibilities for guiding, coaching and overseeing the effectiveness of the sergeants and to assure the command directives are effectively carried out, we recommend the process be revised as described below.

Recommendation 10A: Review Articles III, IV, VI, XV, and XVII to assure consistency with contemporary police practices, operational effectiveness and the well-being of staff.

²¹ International Public Management Association for Human Resources, PSUP Police Supervisor (Corporal/Sergeant) Test.

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Recommendation 10B: Revise Article XIV to include clarify of authority and responsibility of decision makers at each level of the grievance process.

Recommendation 10C: Revision of the present eligibility requirements and testing process for the position of sergeant to assure the most qualified candidate(s) is promoted.

Recommendation 10D: Eliminate the awarding of seniority points to an applicant's final score. Seniority is a factor to be considered when all else is equal.

Recommendation 10E: The chief of police has overall responsibility for operational effectiveness; therefore, the requirement for the chief to promote the top scoring candidate should be revised to allow the chief to select one of the top three scoring candidates.

Recommendation 10F: The present testing process for sergeants should be revised to include the development of an agency-specific examination process. A competent, independent firm should be engaged to construct the process.

Salary-Compensation

It is well established that the performance of officers is largely dependent upon being well-trained, properly equipped, and competitively paid. One of the more concerning issues raised by officers during their interviews is salary and benefits. Several are convinced their pay and benefits are low in comparison with similar communities. Aside from salaries, there is considerable concern regarding the differing retirement programs. These concerns and beliefs of the rank and file clearly affect the morale and attitude of individual officers and the department as a whole; therefore, require further inquiry that is not within the scope of this review. However, our limited inquiry and findings may assist in furthering more specific analyses.

First, our interview revealed significant distress and concern with the differing retirement programs, most specifically the Defined Contribution Plan. There is considerable, specific concern that this Plan is restricted to regular salaries, exclusive of overtime earnings, which

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significantly reduces member's later returns; moreover, that a similar limitation does not apply to other town departments. Some in leadership positions are festering these concerns; clearly, there are differing benefits among officers; however, this provision is an agreed upon provision of the contract; therefore, SPD and Union leadership have an obligation to quell this disharmony over this agreed upon provision.

We have reviewed three sources of information upon which to base commentary regarding salaries; Appendix I to the contract; the February 2019 Salary Survey for the position of Chief of Police and Second in Command for Hartford County Connecticut; and data from salary.com.²² The pay rates illustrated in Appendix I to the contract are hourly; however those included in the Hartford County Study and listed in salary.com are annual. This precludes direct comparison without knowing the work week schedule – whether a 40-hour or other work schedule, which differs from SPD 4-2 work schedule. For example, the 40-hour work schedule commits officers to 2080 hours annually (work and leave) compared to a 4-2 schedule that commits officers to 1920 hours annually (work and leave).

Available data depicts the chief's salary at \$112,000 annually ranking 25th of the 25 towns or cities reporting; the captain/second in command salary is reported at \$104,000 ranking 22nd of the 23 towns or cities reporting. Lieutenants are not included unless second in command of which there are four with the lowest salary being \$110,893 in Wethersfield.²³ Additional source data lists Suffield Lieutenant at \$95,136, ranking 24 out of 25 reporting; SPD Sergeants at 75,942 rank 24 out of 25, and SPD Police Officers at \$53,581-62,514 ranking 25 out of 25.²⁴ The population of Suffield at 15,698 is 21 of 25.²⁵

While there may be some variance in specific reported salary rates, the comparative low pay ranking warrants detailed assessment to assure the comparisons are accurate. As noted above, SPD officers work a 4-2 schedule or an obligation of 1920 hours per year, either on duty,

²² Salary.com represents itself as the leading consumer and enterprise resource for compensation data, software, consulting, and education, and for delivering accurate, up to date market pricing information for more than 15,000 job titles.

²³ Hartford County Municipalities, Police Executive Salary Survey, February 2019.

²⁴ Salary.com, February 2019. March 28, 2019

²⁵ Hartford County Municipalities, Police Executive Salary Survey, February 2019

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vacation or authorized leave. This is clearly beneficial resulting in 160 less hours less than the 40-hour work week requirement; therefore, requires a more detailed hourly comparison to accurately determine whether SPD officers are competitively compensated.

Recommendation 10G: Adopt a contemporary promotional process for lieutenants to assure the most qualified candidate(s) is promoted.

Recommendation 10H: The present testing process for lieutenant should be revised to include the development of an agency-specific examination process. A competent, independent firm should be engaged to construct the process.

Recommendation 10I: Recommend the conducting of a competent salary and benefit assessment to determine the need for and/or the amount of adjustment required to provide SPD competitive compensation and benefits.

IX. CONCLUSION

This holistic report to analyzing the operations of SPD was an effective application of collaboration with the all parties, this includes DLG staff, Chief Richard Brown, First Selectman Melissa Mack and union membership. The report draws upon years of effective and constitutional policing operations knowledge by DLG staff and the continuous introspection, review and reflection of SPD members. Each of the findings identify a host of recommendations that all parties should consider enhancing police services to the citizens of the Town of Suffield. These recommendations are not a starting point or an endpoint. They are progression in the ever-changing and ever-improving commitment to promote a safe, caring, respectful and accessible environment that enhances the continued development and capacity of members of the Suffield Police Department.

XI. DLG STAFF

Eric P. Daigle:

Mr. Daigle is an attorney whose primary area of expertise is in civil litigation in both federal and state court with an emphasis on municipalities and municipal clients in civil rights actions, including police misconduct litigation. After serving with the Connecticut State Police, Mr.

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Daigle practiced with the firm of Halloran & Sage, LLP as an attorney in the Police Defense Group. In 2010, after eight years of litigation experience, Mr. Daigle incorporated Daigle Law Group, LLC, which specializes in Law Enforcement Operations. Mr. Daigle spent six years as member of the Federal Independent Monitoring Team for the City of Oakland Police Department, California. He has also served as a member of the Independent Monitoring Team for the Niagara Falls Police Department, NY Consent Decree, brought by the State of New York. As a lawyer with civil rights and law enforcement experience, Mr. Daigle brings to his position both the police perspective and the civil rights perspective when examining all compliance tasks. It is his position that all problem-solving strategies must make sense from both perspectives. His expertise focuses on: Officer Involved shooting investigations, tactical operations, crowd management, and Use of Force standards.

Mr. Daigle works as a consultant and expert witness for law enforcement pattern and practice abuse. He has worked as a Police Practices Consultant for the Virgin Islands Police Department and the Puerto Rico Police Department, which are under a Federal Consent Decree by the U.S. Department of Justice. Mr. Daigle acts as a consultant with multiple departments across the country to revise and develop department policies, provide daily operational legal advice, evaluate and revise use of force and internal affairs operations, accreditation standards and employment operations procedures.

Charles Reynolds:

Mr. Reynolds' policing career spans over 35 years during which he has served as Chief of Police for over 26 years and as Assistant to the Director of Public Safety for the Navajo Nation. He is a Past President and a current member of the International Association of Chiefs of Police Executive Committee and its Civil Rights and Wrongful Convictions Committees. Mr. Reynolds is a former member and Vice Chair of the Commission on Accreditation for Law Enforcement Agencies.

Mr. Reynolds has served as Deputy Monitor for the consent decrees in the cities of Detroit (MI), Oakland (CA), and Niagara Falls (NY). He previously served as the Independent Auditor for the consent decree in the city of Steubenville (OH) and as a member of the monitor teams for the

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consent decree and the memorandum of agreement between the USDOJ and the State of New Jersey (State Police) and Prince George's County (MD) police, respectively. Moreover, Mr. Reynolds was one of the principle evaluators with the Oversight Commission on Policing Reform in Northern Ireland, responsible for monitoring and reporting on progress with the "Patten Report" recommendations as part of the ongoing peace process.

Mr. Reynolds has consulted on police organizational and management issues in eighteen states and internationally. He also serves as a police practices expert for the Civil Rights Division of the U.S. Department of Justice. He holds a BS degree in Criminal Justice and a master's degree in Public Administration (MPA).