

Memorandum

To: Pawhuska City Council
From: City Manager, Jerry Eubanks
Date: August 27, 2024
RE: Departments Review

Governments are responsible for ensuring transparency, accountability and integrity in its operations. An annual financial audit is conducted to monitor the fiscal integrity of the organization. Agencies that provide federal or state funds to the organization will review the use of the funds provided to ensure appropriate spending. Risk assessments may be conducted to determine if there are other deficiencies such as a need for policies and procedures or ensuring that current policies and procedures are being followed or in need of updates.

On June 28, 2024, the City of Pawhuska entered into an agreement to conduct a Risk Management Assessment of departments within the municipal government, including but not limited to the Pawhuska Police Department and Emergency Medical Services. The purpose of the assessment was to determine potential environmental, physical or societal risks that could impact the city and/or its legal interests. Accountability, transparency and adherence to ethical standards are fundamental pillars of governmental operations and especially within law enforcement.

Emergency Medical Services

The Pawhuska Emergency Medical Services (EMS) - Ambulance Services play a crucial role in the city by providing emergency medical care and transport to residents and visitors. These services ensure that individuals facing medical emergencies receive prompt and professional care, which can be lifesaving in critical situations.

Benefits to the City:

1. **Emergency Response:** The EMS team provides rapid response to medical emergencies, ensuring timely treatment and transport to medical facilities. This is essential for improving patient outcomes and saving lives.
2. **Public Safety:** By being available 24/7, the EMS services enhance public safety and give residents peace of mind, knowing that help is readily accessible in emergencies.
3. **Revenue Generation:** Services like the wheelchair van program generate revenue for the city. With a strong payment record, these services contribute financially, helping to offset operational costs and support city budgets.
4. **Community Support:** EMS services offer community education and support, raising awareness about health and safety and encouraging preventative care. This helps reduce the incidence of emergencies and promotes overall community well-being.

5. Economic Impact: By providing reliable medical services, Pawhuska EMS supports the local economy. Businesses and events rely on the assurance of medical support, making the city an attractive place for residents and visitors alike.

Overall, the Pawhuska EMS - Ambulance Services are vital to the city's health infrastructure, ensuring the safety and well-being of the community while contributing to the city's economic stability.

Outcomes and Concerns:

Overall, there are no major concerns with the EMS department. There has been a recent change in the management of the EMS department due to the retirement of the long-time director. With change comes opportunity and I will work with the department to review processes and determine steps forward. Initially, a review of staffing levels, including part-time employment, will be conducted and utilizing the wheelchair van more fully will help increase the revenue generated by the department.

Pawhuska Police Services

The Pawhuska Police Department is responsible for maintaining law and order, protecting citizens and property, preventing crime, and ensuring the overall safety and security of the city. The responsibilities include patrolling neighborhoods, responding to emergencies, investigating crimes, and community engagement to address concerns and build trust.

Benefits to the City:

1. Crime Prevention and Reduction: By actively patrolling and monitoring the city, the police deter criminal activities and ensure swift responses to any incidents. This helps to reduce crime rates and enhance the safety of residents.
2. Public Safety and Security: The presence of a professional police force provides reassurance to the community, making residents feel safer and more secure in their daily lives.
3. Community Engagement: The police play a vital role in community outreach and education, helping to build relationships with residents, businesses, and local organizations. This collaboration fosters mutual understanding and cooperation.
4. Crisis Response: Police officers are trained to handle emergencies, whether they involve accidents, natural disasters, or public disturbances. Their ability to manage crises effectively helps maintain order and protect lives.

Importance of Core Values in Policing:

The following core values are crucial to the operations of any governmental department but especially law enforcement. By integrating these values into its operations, the Pawhuska Police Department can effectively serve the city, creating a safer and more harmonious community.

- **Accountability:** Holding officers accountable for their actions ensures that they act in the best interest of the community and maintain public trust. Transparent processes for reporting and addressing misconduct are essential for accountability.

- **Transparency:** Open communication and clear policies help build trust between the police and the community. By being transparent about their operations and decisions, the police can foster greater public confidence.
- **Professionalism:** Upholding high standards of conduct and expertise ensures that officers perform their duties effectively and respectfully. Professionalism enhances the credibility of the police force.
- **Ethics:** Adhering to ethical principles guides officers in making fair and just decisions. This is crucial for maintaining integrity and public trust.
- **Honesty:** Being truthful and straightforward in all interactions reinforces the community's confidence in the police. Honesty is fundamental to building strong relationships with residents.
- **Community Service:** Emphasizing service to the community as a core mission helps align police efforts with the needs and priorities of residents. It ensures that policing is focused on protecting and serving the public.

Findings:

Through this assessment, findings have been identified that demand immediate action to restore the department's integrity and trust. Implementing stringent measures to enforce ethical behavior, compliance with policies, and a culture of accountability and respect is imperative.

These issues, detailed below, emphasize the need for comprehensive reform to ensure accountability, transparency, professionalism, ethics, honesty, and community service within the department.

Finding #1: Not following Pawhuska Police Department Firearms Policy

Pawhuska Police Department

Pawhuska Police Department Policy Manual

Pawhuska Police Department Policy Manual

Firearms

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

Pawhuska Police Department

Pawhuska Police Department Policy Manual

Pawhuska Police Department Policy Manual

Standards of Conduct

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

Incident #1: Planting of Firearms in City Manager's Vehicle. On February 20, 2024, an incident involving Pawhuska Police Chief Lorrie Hennesy and myself, City Manager Jerry Eubanks, occurred, raising policy and ethical concerns. On this date, Chief Hennesy sent a photograph to City Manager Eubanks. The image depicted Chief Hennesy sitting in her Pawhuska Police Department office, with her firearm unholstered and angled towards the ground. She directed a stoic and intimidating glare at the camera. Upon receiving the photo, Eubanks responded by asking, "Is this a threat?"

Further investigation revealed a more complex and troubling policy violation involving Chief Hennesy and Sgt. Warren Towers. The two allegedly placed firearms inside Eubanks' vehicle with full knowledge of Eubanks prior felony conviction. The act of entering Eubanks' vehicle without permission, all while possessing firearms. Raises policy concern and search issues.

By way of information, Oklahoma State Title 21-1283 prohibits a convicted felon from possessing firearms. Chief Hennesy and Sgt. Towers knew Eubanks was a prior felon and their actions, at a minimum, exhibit conduct unbecoming of an officer.

In conclusion, the incident on February 20, 2024, involving Chief Lorrie Hennesy and Sgt. Warren Towers has revealed significant policy violations. The actions of Chief Hennesy and Sgt. Towers have serious implications, and further actions will address these violations appropriately. Sgt. Towers openly admits to placing firearms inside Eubanks vehicle and taking photos with his department cell phone. The firearms used were those of Sgt. Towers. *Chief Hennesy was confirmed to be present during the incident.*

Incident #2: Officer Unholstered Firearm & Placed at Back of City Manager.

On May 15, 2024, City Manager, Jerry Eubanks, was contacted by Chief Lorrie Hennesy and requested to come to her office. Upon arrival, he observed Chief Hennesy, Sgt. Warren Towers, and Officer Denver Millard present in the office. At the conclusion of the meeting, Sgt. Towers allegedly unholstered his service weapon and placed it behind Eubanks back on the chair. In response to these actions, Eubanks immediately stood up and moved toward the door, expressing that the handling of the weapon was inappropriate and not a joke. While Sgt. Towers and Chief Hennesy were seen laughing. Upon interviewing Sgt. Towers, he states that this was intended as a joke. Sgt. Towers admitted his participation in the incident on 07/23/24 in a recorded interview. Chief Hennesy and Millard denied that it happened. Both Chief Hennesy and Ex-Officer Millard were less than truthful during this inquiry.

07/23/24 – Chief Hennesy volunteered the information about being aware of her officer frequently practicing the quick draw around the police station in a recorded interview. Chief Hennesy was directed to Policy and Procedures manual 306.5 (safe handling, inspection and storage of firearms) regarding quick draw practice and clearing barrel requirements in handling of such weapons. Chief Hennesy was not aware of this policy.

Finding #2: Not following Pawhuska Police Department Standards of Conduct (Horseplay) and Conducted Energy Device (use of the CED) Policy

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

304.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Pawhuska Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

This policy meets statutory requirements requiring the adoption of a professional conduct of officers policy pursuant to 11 O.S. § 34-107.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) **Engaging in horseplay that reasonably could result in injury or property damage.**

Background:

Definition and Purpose

Definition: A taser is a type of conducted energy device (CED) used by law enforcement to incapacitate individuals temporarily through the use of electrical shocks.

Purpose: The primary goal of a taser is to provide officers with a non-lethal option for subduing individuals who are resisting arrest or posing a threat, thereby reducing the need for lethal force.

How Tasers Work

Mechanism: Tasers deliver an electric current through two or more darts that are fired from the device. These darts are connected to the taser by thin wires.

Electrical Shock: When the darts makes contact with the target, the taser emits a high-voltage, low-amperage electrical charge. This charge disrupts the body's neuromuscular system, causing temporary incapacitation.

Effects: The electrical shock impairs muscle control, causing the target to experience intense muscle contractions and a loss of control. The effects are typically temporary, lasting from a few seconds to a minute.

Incident: Dry Firing Tasers

Incidents have been documented within the Police Department involving officers engaging in inappropriate behavior by dry firing their tasers at each other's body parts as a joke or form of horseplay. This was reported by a former ACO who indicated it occurred so frequently he had lost track of the instances.

On July 24, 2024, interviews were conducted with city employees who work in a department other than Police and EMS, who corroborated the fact that dry firing tasers has occurred. One employee stated it had happened to him as well as personally witnessing it occurring to others.

Finding #3: Police Vehicle Accountability

On June 24, 2024, Jerry Eubanks, City Manager, disseminated the following email to all department heads regarding take home vehicles by employees.

----- Original Message -----
Subject: Vehicles and gas cards.
Date: Mon, 24 Jun 2024 11:35:19 -0400
From: "Jerry Eubanks" <jerry.eubanks@pawhuska.org>
To: jsmith <jsmith@pawhuska.org>, lhennesy <lhennesy@pawhuska.org>, plyn
<plynn@pawhuska.org>, Roper Rulo <rulo@pawhuska.org>, yvonne
<yvonne@pawhuska.org>, pawhuskaems <pawhuskaems@pawhuska.org>, larnce
<larnce@pawhuska.org>, mbayro <mbayro@pawhuska.org>, grayben47
<grayben47@pawhuska.org>, jerry.eubanks@pawhuska.org

Effective July 1st 2024, no employee living more than a 10 mile radius of the Pawhuska City limits will be aloud to drive there vehicles home at night. With the exception of the Chief of Police.

As of June 28th 2024 all fleet gas cards will turned off so any employee that has not picked up their gas card from Formby's oil will need to do so by that date or they will not be able to get fuel.

Thank you
Jerry Eubanks

Vehicle Use

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Pawhuska to provide assigned take-home vehicles.

702.2 POLICY

The Pawhuska Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

Due to budgetary constraints, City Manager Eubanks made the decision to revoke take home vehicles for employees living over a 10 miles radius of the city, with the exception of the Chief of Police. The rising cost of gas and the increased maintenance expenses associated with the additional mileage have made it necessary to reconsider the allocation of these resources. This decision was made to ensure fiscal responsibility and the efficient use of city funds.

Following the announcement, City Manager Eubanks received a multitude of text messages from officers arguing against and rebutting this directive. Many expressed their concerns and frustrations, leading to heightened tensions within the police department and the community at large. These messages were incited by Chief Hennesy.

On July 10th it was observed that Sgt. Towers took his department issued police vehicle home, completely disregarding the directive as outlined. Sgt. Towers would later explain that Chief Hennesy was aware of him disregarding the directive.

Finding #4: Lack of Accountability and Leadership

During the course of the recent risk assessment, multiple attempts were made to obtain necessary documents from Chief Hennesy. These requests were consistently ignored, raising concerns about transparency and cooperation within her office. Chief Hennesy denied any knowledge of the risk assessment and claimed ignorance about the purpose of the inquiry. This was despite being hand-delivered a letter on June 26th by the Pawhuska City Manager. This behavior demonstrates a lack of professionalism, truthfulness, and cooperation from her office.

Policy and Procedures

It is generally assumed that police officers adhere to established policies and procedures. However, this risk assessment revealed a different reality within the Pawhuska Police Department, where such guidelines were routinely overlooked.

The 'Wall of Shame'

During the risk assessment, a wall displaying pictures of Pawhuska police officers sleeping on duty was observed. When asked about its purpose, Chief Hennesy described it as the "wall of shame," a memorial showcasing officers caught sleeping. This practice undermines the critical importance of police officers remaining awake and vigilant during their shifts. When sleeping on duty is condoned, the safety and security of the community are compromised. It appears that this behavior is a common and even celebrated activity within the department, which is troubling and unprofessional. One such incident that occurred during a UAD call, Where the dispatcher on duty had to wake the officer up on four different occasions from sleeping on a cot to help the responding Officer.

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Accountability and Leadership

The actions observed during this inquiry do not reflect effective leadership or professionalism and undermine the standards expected of police officers. Effective police department leadership requires adherence to industry standards, with a focus on accountability, integrity, and ethical conduct. A police chief is expected to uphold these standards, ensuring that officers operate within the law and maintain public trust. Sources on police leadership qualities emphasize the importance of transparency, accountability, and the ability to inspire and maintain professional conduct within the force.

The findings of this risk assessment highlight significant issues within the Pawhuska Police Department's leadership and operational practices. Addressing these concerns is essential to restoring public confidence and ensuring that the department operates in accordance with established standards and expectations.

Thank you

Jerry Eubanks