

Truro Police Department

I would like to pass along New Year's greetings from the women and men of the Truro Police Department. Each of us extends to you and your families a wish for peace, good health, and some fun in 2014. I also want to take a moment to thank you for supporting both the Truro Police Department and the Truro Police Association during 2013. As you know, our efforts have turned outward to help care for, assist and make life better for those in our community who are in need of our help. As a community you have been so generous in supporting our efforts. The end result has enabled us to support the Trunk or Treat, Toys for Tots, Shop with a Cop, and Christmas for One, Habitat for Humanity, and other programs on the Outer Cape. Some of these programs we are participating in for the first time. The joy and comfort provided to those in need is a wonderful way to help our community. Additionally, your support has enabled continuing scholarships for graduating High School Seniors and current Undergraduate Students.

Officers have donated time also to support Military Families and to assist in bringing their loved ones home for the final time. Although this work is solemn, the Officers are truly honored to perform this duty.

Many of the Officers and Dispatchers donate hours and hours of their own time to make these programs a success. I'm proud of them and thankful for their kindness.

Staffing Levels

Although I mentioned some of the concerns regarding the staffing of the Police Department last month, I want to provide you with some additional information which was presented to the Budget Task Force and Board of Selectmen on this issue. The Truro Police Department is dedicated to protecting and serving Truro's citizens and visitors with professionalism, compassion, ethical conviction, and constant availability.

This upcoming year, the Truro Police Department is seeking the support of the Citizens and Governance of the Town of Truro to hire two additional Police Officers. For many years, we have been critically short-staffed, operating with as few as seven of our authorized twelve Officers. For the last three years, our staff has numbered between eight and ten Officers. When we are short staffed, many spring, fall, and winter shifts have only a single officer on duty. Additionally, we know that over the next six years there will be six senior people retiring from the Department. Further, due in part to the lack of local affordable housing, 75% of our current Officers reside out of Town and are not readily available for immediate recall.

The complete staff at the Police Department includes twelve sworn Police Officers, including all Officers from the most junior person to the Police Chief. Nine are assigned as Patrol Officers. Although this is our authorized (funded) level, we rarely are fully staffed. We currently have two vacant patrol positions (down to seven Officers) which we are in the process of filling.

We lose Officers off the schedule due to retirements, transfers to other Police Departments, State mandated training, specialized training, court appearances, injuries, illnesses, family medical issues, military leave, specialized duty call-outs, and vacation time. Of these circumstances, the only two we can reasonably predict are retirements and vacation periods. Sometimes even the retirements can be unpredictable.

Our short staffing has two significant impacts on our ability to serve the Community. First, we operate with single-Officer shifts which place the Officers and citizens they serve at risk. Second, we are often unable to deliver the basic services expected of a Police Department. This situation imperils our mission effectiveness and places both our citizens and Officers at risk.

The long-term solution is to increase our patrol staff. I examined three levels of staffing: (1) an optimal level of sixteen Officers which I believe is infeasible, (2) our currently authorized level of twelve, (3) an "acceptable or reasonable level" between our authorized level and the optimal level. The reasonable level for Truro is a total of fourteen Officers. Even at fourteen (which would provide eleven Officers assignable on the patrol staff) based upon what we have experienced in the past several years, known retirements, and unexpected vacancies would likely bring our average staffing level to twelve (leaving only nine on patrol).

The yearly cost to our Town for the two positions is approximately \$110,000.00 (for both) plus their benefit costs, which average an additional 23-28% of salary. I feel this expense is well worth the investment to help safeguard our residents, visitors, and Police Officers.

There are four areas of concern in which I would like to provide further information: Officer/citizen safety, professional standards, health and wellness of the staff, and legal liability (the Town's susceptibility to lawsuits).

Officer & Citizen Safety:

Police work is often unpredictable and dangerous. Officers frequently respond to incidents involving individuals who are under the influence of alcohol or drugs (on occasion both), emotionally unstable, argumentative, and assaulting. When Officers work alone, they have essentially no back-up. They must wait for help to arrive from a neighboring Town, provided, of course, that those neighboring Officers are not busy with their own work. Officers from neighboring communities must know where they are going well enough to arrive in time to make a difference. Since 2006, Truro Officers have been involved in two shooting incidents (one of which started out as a simple well-being check.) This type of assaulting behavior is on the rise, not just across the country, but right here on Cape Cod.

Just last week, one of our Officers who is a member of the Cape Cod SWAT team was involved in a manhunt for Jeffrey T. Leonard who is charged with armed robbery while masked, possession of a firearm after being convicted of a violent crime, and possession of a firearm while in the commission of a masked and armed robbery (twice.) Mr. Leonard was stopped and issued a traffic ticket here in Truro this summer and was observed in Truro at other times during the summer.

Two Officers recently responded to a 911 call about an intruder in a home in North Truro. En route to the call, one Officer was involved in a motor vehicle accident which destroyed his cruiser; and he was

unable to respond. If he were working alone that evening, the resident would have had no police response to a dangerous and intoxicated person in her bedroom. We cannot continue to accept the premise that it's acceptable for our Officers to face these types of risks alone and to leave our citizens vulnerable.

Professional Standards:

Modern professional Police standards dictate that Police Departments develop prudent policies that ensure both administrative and operational excellence. Many of our policies require the response of two Officers to provide basic functions typical to police work. One example is responding to domestic violence calls. Because of the potentially violent nature of these calls, the National standard is for two Officers to respond. At the scene, these Officers separate the parties involved and piece together what happened. Thereafter, tasks such as obtaining a restraining order or placing someone under arrest require two Officers and considerable time. Processing an arrest requires two Officers. Answering these calls with only one officer violates our policies and places both Officers and citizens at risk. A professional Police Department can't arbitrarily decide to follow only some of its policies. We have to follow all of our policies all of the time. Our Community expects consistency and professionalism.

Also, often we are unable to provide basic services to the Town. When the Department is understaffed, we assign Officers to the night and evening shifts first. The Police Chief, Lieutenant, and Detective Sergeant work during the day and are not part of the patrol shifts. The Chief and Lieutenant are continually busy with administrative and leadership functions. As a result, we sometimes don't have any regular patrols on the roads. When the Officers are off the schedule for any reason, the Police Department's overtime budget is not large enough to fill all shifts. Even if it were, we would compound the problems we highlight in this paper. In addition, when the Chief and the Lieutenant are out answering calls because of vacant shifts, the work they are supposed to accomplish comes to a stop.

Health and Wellness:

When we ask our Officers to work all the additional hours, often sixteen or seventeen hours in a row and, in some cases, all or part of that alone, we are setting them up for failure. We know that multiple hours of shift work, double shifts (16 hours) followed by only 8 hours off (minus the travel, meals, and personal time) gives them only 4 or 5 hours of actual rest before starting the cycle all over again. The cognitive reasoning abilities (decision-making skills) diminish over time and, at the end of 16 hours working – 8 hours off – 16 hours returning to duty (or other similar cycles), week after week and month after month, we have to expect their effectiveness and morale will suffer.

Officers frequently transition rapidly from sedentary positions in their cars to adrenalin-pumping physical situations requiring extreme concentration, strength, and stamina under stress. Studies have shown the ability to react to threats, make split-second decisions, defend against attack, or protect someone else can be compromised by lack of sleep. With these demanding work cycles, chronic lack of sleep, affected diets, and inordinate stress without the ability for the employees to de-compress, we risk having an Officer suffer an injury or illnesses. Employees need the opportunity to return to a

basic level of physical and mental normalcy – especially when working in a demanding and stressful occupation.

Liability Concerns:

If we can predict something adverse may happen and do nothing to prevent it, we open ourselves up for lawsuits for failure to perform our duty.

Officers working alone and, in many cases, with no supervisors, not only put the lives of our Officers and citizens at risk but also increase the Town's risk of litigation. The Supreme Court has issued rulings against cities and towns for what is known as "Failure to Supervise." The Federal courts have determined that the custom or policy leading to a city's or town's liability for the failure to supervise is predicated on a deliberate indifference standard. This standard applies in areas of training or supervision: for example, if a municipality knew of a need to train or supervise in a particular area and the municipality made a deliberate choice not to take any affirmative action (such as not providing Officers with direct supervision.)

The U.S. Department of Justice refers to the term of "Deliberate Indifference" whereby (1) an "awareness of facts from which the inference could be drawn that a substantial risk of serious harm exists" and (2) the actual "drawing of the inference" which is a connection from the knowledge to the end result. In Truro's case, if we as a Town understand and recognize that a danger exists (and we do) due to understaffing and that harm may come to either our Officers or citizens as a predictable result and we do nothing to address it, we become liable under the doctrine of "Deliberate Indifference".

This profession is unlike working in a myriad of other trades, retail, or service jobs. When things go wrong in law enforcement, there can be huge and lasting consequences.

As your Police Chief, I balance calculated risks vs. unnecessary risks. Police work is full of calculated risks, but we don't want to put the Town or our Police Officers in a position of unnecessary risk. When a predictable adverse incident occurs and we have knowingly failed to do anything to prevent it, I believe the Town of Truro could be held to have been "deliberately indifferent" and thus liable.

Mr. Gordon Graham, a nationally recognized speaker on risk management and organizational discipline states "Things that go wrong are predictable – and predictable is preventable."

I'm happy to discuss this with any residents, staff, and members of governance. I would respectfully ask for your support in funding the two additional Police Officers to protect properly and to serve our Community.

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