

Memorandum

To: Benton County Quorum Court
From: Mayor Greg Hines, Chief Hayes Minor, Mayor Bob McCaslin, Chief Jon Simpson
Subject: Public Safety Concerns
Date: April 25, 2016

As leaders in the community and local law enforcement and, considering the recent developments with the Office of the Sheriff, we are writing to notify the Quorum Court and the Sheriff's Office of our concerns regarding public safety and the responsibilities of local law enforcement officers.

Over the past several months, our cities have experienced a series of events directly contrary to public safety involving Benton County deputies, specifically those deputies assigned to special operations. Those events can be broadly categorized into two areas:

- **Unsafe vehicle operations**
- **Mismanaged and poorly communicated operations**

Unsafe vehicle operations include multiple accidents and multiple emergency responses exceeding 100 mph on crowded city streets and highways resulting in serious citizen concerns. In these events, deputies are driving recklessly and ignoring their obligations of due care for the welfare of the public during responses. Deputies have a duty to drive with due regard for the safety of all persons, and emergency response does not protect them from the consequences of driving in a way that reveals reckless disregard for the safety of others. These instances are chilling, and, if this behavior continues, it is not a matter of if, but rather when a citizen is killed as a consequence.

Mismanaged and poorly communicated operations include attempts to apprehend suspects within city limits and failed "sting" operations. These operations again result in serious citizen concerns and an overwhelming number of calls to our law enforcement agencies with little or no meaningful information being shared by the deputies involved. Many times our city facilities, such as parks, public places and government facilities are directly impacted by these operations, and the lack of important information from the Sheriff's Office makes it impossible for us, as leaders, to make good decisions to help keep our citizens safe.

These events create a huge strain on law enforcement resources within cities, as we answer calls from panicked citizens, investigate accidents, complaints and incidents, and attempt to resolve matters and protect the welfare of the public within our city limits.

Our law enforcement leadership has relayed these concerns to the Sheriff with either no response or a response that fails to recognize the significance of the issue being communicated. On more than one occasion, ranking members of the Sheriff's Office have responded to our concerns and agreed that they are well founded, only to tell us that they are powerless over the special operations units involved.

The Sheriff's Office has a number of outstanding deputies that we would be proud to work beside each day. However, there are some individuals and units within that office that are demonstrating reckless behavior further complicated by a continuing lack of leadership.

As representatives of our citizens, we can no longer allow those responsible to ignore these concerns. Law enforcement officers must have the integrity to police themselves. At some point, good officers have to look at themselves in the mirror.

The actions we describe are undermining the public trust in law enforcement generally. Our concerns are shared by experts within the field of police liability and individuals within all levels of law enforcement. It is not enough to say that the end of fighting crime justifies the means of any behavior necessary. Law enforcement officers have a fundamental duty to serve the community; to safeguard lives and property; to protect the innocent, the weak, and the peaceful. Public trust and faith in law enforcement is dependent on officers being responsible for their standards, their professionalism and their ideals. Officers have an obligation to the public, an obligation not to conduct operations in a reckless manner that jeopardizes the very public they are sworn to protect.

Therefore, you may not be aware of recent actions by your deputies that are having a negative impact on public safety in Benton County. In the past several months, deputies with the Benton County Sheriff's Office have engaged in the following activities:

In Bentonville

October 13th, 2015 at 12:59 PM, a deputy's emergency response to a suspicious activity incident in Lowell resulted in a three vehicle accident at SE 14th and SE J Street. After an extensive investigation, the deputy's actions were determined to have been a contributing factor in the accident. The accident involved an unmarked vehicle.

December 16th, 2015, at 7:09 AM, a deputy's emergency response and u-turn maneuver for the purpose of stopping a vehicle on a traffic violation resulted in a two vehicle accident at SW 14th and Tunbridge Street. After an extensive investigation, the deputy's actions were determined to have been a contributing factor in the accident. The accident involved a marked vehicle.

January 28th, 2016 at 12:40 PM, a deputy's emergency response to an incident in the Gravette area resulted in a three vehicle accident at SW 14th and Tunbridge Street. It was immediately concerning that a deputy would respond from the vicinity of the Benton County Sheriff's Office, in Bentonville to an incident in Gravette. The investigation of this incident revealed the deputy was driving an unmarked car in excess of 100 MPH, with reckless driving both in the center turn lane and the opposite lane of traffic in a populated area on a section of road with numerous commercial and residential drives and intersecting streets.

Bentonville Police received citizen complaints regarding other deputies that were likewise responding from Bentonville to the above incident in the Gravette area. One of these complainants described a white, unmarked Dodge Charger traveling in excess of 100 MPH as it proceeded westbound on SW 14th through the intersection at SW Elm Tree Road. These observations were made within the same time frame as the aforementioned accident and were further described as being very unsafe due to the location and great volume of lunch hour traffic present. The complainant described the Charger as "outrunning" the sound of its own siren. Investigation revealed this deputy also driving in a reckless

manner at speeds significantly in excess of 100 MPH, as confirmed by the deputies in car camera system. In fact, at the location of the citizen complaint it was determined that the actual speed of the deputy's patrol car at the intersection of SW 14th and SW Elm Tree was 105 MPH. It is also important to note that this emergency vehicle operation was made in response to an incident that was occurring near the Oklahoma border.

In Rogers

During the afternoon hours of December 29, 2015, deputies initiated a "sting" operation in the City limits of Rogers. During the operation, the suspects fled the area with deputies giving pursuit and eventually losing the suspect vehicle. Deputies were reported to be traveling at extreme speeds throughout the City attempting to find the vehicle. Witnesses reported seeing the deputies driving at high speeds in several different directions in the City while trying to find the vehicle. When the suspects were located again, they fled South on South 8th Street with numerous deputies in pursuit. As a result of the pursuit, a citizen was involved in a traffic collision at South 8th Street and Price Lane. No deputies stopped to check on the welfare of the occupants of the vehicles involved, instead they kept pursuing the suspects. The suspects crashed a few moments later at the intersection of Dixieland and Price Lane fleeing their vehicle on foot. Again, no deputies stayed on the scene to secure the suspect vehicle. It wasn't until nearly 30 minutes later that a Rogers officer happened across the scene to secure the vehicle which had been earlier reported stolen. This incident also created alarm in an adjoining residential neighborhood and Rogers officials were left with little information to address citizen concerns.

On February 3, 2016, around 8:15 pm, a deputy with the Sheriff's Office stopped a vehicle in a residential area of Rogers. As the deputy was questioning a passenger in the vehicle who had provided identification, the passenger fled from the scene of the traffic stop. The ensuing response from Sheriff's deputies caused significant alarm among many Rogers residents. Deputies were reported to be responding to the scene at extremely high speeds, blocked entrances to neighborhoods, and panicked residents who asked what was happening. A helicopter eventually responded to the scene and created more panic for residents of the area. Rogers Central Dispatch received 64 calls from concerned residents from the time of the incident until around 10:00 pm when deputies left the area. They had little information to relay to our citizens as communications with deputies and CENCOM was sparse.

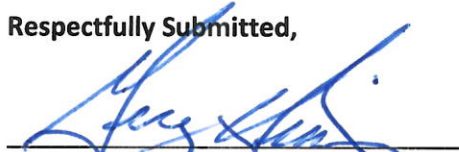
On April 21, 2016, another "sting" operation attempted by deputies evolved into a high speed pursuit through residential neighborhoods of Rogers. The suspect vehicle was observed by Rogers officers travelling in excess of 70 miles per hour west bound on Olrich Street closely followed by a deputy sheriff. Roger Central Dispatch was initially contacted by CENCOM asking for assistance in the pursuit for a "reckless driver." Rogers officers did not respond for assistance as Rogers Police pursuit policy prohibits chases for this type of driving. It wasn't until sometime after the pursuit ended that it was discovered the reason for the pursuit was another flawed "sting" operation.

On Friday, April 22, 2016, deputies again attempted a sting operation in the City limits of Rogers. They notified our dispatch center shortly before midnight that they would be conducting an "operation" in the parking lot of a major local retailer that is open for business 24/7. The requesting Deputy asked that officers of the Rogers Police Department "stay out of the area." Less than 10 minutes later, we were notified that shots were fired in the parking lot placing an untold number of citizens and passersby in extreme danger.

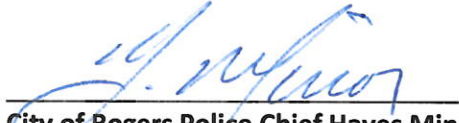
In the interest of promoting the safety of both our officers and our citizens as well as maintaining the reputation of law enforcement, we would appreciate your attention to these matters during your current task of selecting the interim Sheriff of Benton County.

Furthermore, it is our wish that you would address all of the above concerns when selecting the interim Sheriff. It is also our hope that the candidate selected will ensure a safe, professional, and responsible law enforcement environment for the citizens of Benton County.

Respectfully Submitted,



City of Rogers Mayor Greg Hines



City of Rogers Police Chief Hayes Minor



City of Bentonville Mayor Bob McCaslin



City of Bentonville Police Chief Jon Simpson