

Oak Ridge Police Department Review

October 2015

Submitted By

 **Municipal Technical Advisory Service**
INSTITUTE FOR PUBLIC SERVICE

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Introduction

MTAS thanks the city of Oak Ridge for the opportunity to conduct a study of the police department on the following topics: morale, turnover and administrative policies.

MTAS provided two consultants to work on this project, they are Police Management Consultant Rex Barton, and Municipal Management Consultant Margaret Norris. The city and MTAS originally signed an agreement on April 9, 2015. That agreement was amended by city council and a new contract was signed June 1, 2015 after which work began again on June 16, 2015. The agreement contained a product transmission of October 15, 2015 and MTAS is pleased to be submitting this report on the agreed upon deadline.

MTAS initially began work on this project in April by drawing randomly selected names and releasing the names to the chief of police for purposes of scheduling the employees. This was done as normal protocol since the chief and command staff should know best about shifts, scheduling and creating the least disruption to work flow. Furthermore, this method protects the selected employees from retaliation because it was not their choice to be interviewed. However, this process was not well received and MTAS was requested to begin the process once again without releasing the names of the individuals. As previously stated, Oak Ridge council passed a new resolution and MTAS entered into a service agreement with the city of Oak Ridge calling for the city's Human Resources department to schedule the interviews.

Additionally, MTAS thanks Penny Sissom, human resources director for the city. She handled scheduling, was polite, courteous, professional, kind and prompt in our interactions. She also spent considerable time in providing research data, assistance and logistics.

From April 13, 2015 through September 22, 2015, Barton and Norris interviewed 54 people. This included 18 current staff members (employees at the time of the interview), who were randomly chosen by MTAS, 12 former employees, 14 current staff members who volunteered to be interviewed, five councilmembers (also volunteers), the city manager, the police chief and three command-level staffers. For the randomly selected interviews, MTAS, using a city-provided organizational chart, drew 20 names. Of those names, two left the police department prior to the selection process, but attended the random sample interviews. Two current employees, whose names were drawn in the random selection were unable to attend interviews due to leave, so MTAS added two randomly selected names – of those, both participated. Furthermore, MTAS conducted one interview by telephone with a former employee. MTAS made several accommodations to accept as many interviewees as possible.

Continuing, MTAS used the offices of its sister agency, the Law Enforcement Innovation Center (LEIC) in Oak Ridge to conduct the interviews. Barton and Norris appreciated the use of those facilities and the hospitality offered by the LEIC staff. The space provided a convenient, in-town location that was away from city hall to further protect the identity of employees and former employees who chose to attend interviews.

The process used by MTAS was to ask all current employees the same seven questions, the last of which was: Do you have anything to add, that we have not already covered, as it pertains to

morale, turnover, and policies/procedures that MTAS needs to know to provide a complete report? For former employees, a different set of six questions was posed. The questions were based on an exit interview format. This format allowed employees, who left up to four years prior, to focus more on *their* reasons for leaving rather than hearsay they may have received from current employees.

At the beginning of each interview, visitors were asked if they knew about MTAS. If they did not, or had only a basic understanding, Barton then gave a brief overview. He proceeded to introduce himself, summarize his career biography; and Norris did the same. Between these two consultants, they have 61 years of municipal experience.

Barton assured visitors that the process of the study had to be transparent. He covered how names were randomly chosen, and thanked those who volunteered to participate. Visitors were told that their individual comments would be held in confidence, that no names were associated with any interview notes, and that if they were the only one to make a comment about an item that comment would not make the final report. The interviewers were looking for trends as they related to morale, turnover, and administrative policies. Each interview lasted approximately one hour.

At the conclusion of the interview, Norris read the interview notes to each interviewee. The participant was able to make any changes or additions to the notes at that time. The interviewers also made their contact information available after the interview in the event interviewees had changes, corrections, or additions to interview notes. More than one participant contacted MTAS to make changes after the interview.

Once interviews were completed, Barton and Norris examined the interview notes for trends and commonalities among the participants. Five common themes included:

- pay;
- equipment/technology;
- inconsistencies;
- the demeanor of the chief of police; and
- trust.

These issues appeared most frequently in the interviews when morale, turnover, and administrative policies were discussed separately. All five of these issues appeared to have significant impact on participants' perceptions of morale, turnover, and administrative policies. This report will delve into the three council-identified problem areas, as well as the five commonalities MTAS found as they relate to the identified areas.

Pay

Pay was the most often cited reason for turnover and low morale. There is more than one issue related to pay. Some had problems with compression of pay –when a new employee with little or no experience enters the workforce at the same rate of pay as a more tenured employee. This occurs when the hiring rate is competitive, yet through the years, due to a lack of inflationary adjustments and lack of merit increases, that rate remains competitive to new employees but the rate of pay for tenured employees is no longer competitive for retention.

Pay compression is better described by Jim Kochanski and Yelena Stiles, © Sibson Consulting / The Segal Group 7/19/2013

<http://www.shrm.org/hrdisciplines/compensation/articles/pages/salary-compression-lid.aspx#sthash.MlxHTdnP.dpuf>

Organizations' employment and salary actions can create the unintended perception that pay is distributed unfairly, which can have undesirable consequences. Consider the not uncommon instance of a 10-year, high-performing employee who decides to start looking for a new job after learning that a new colleague—who has a great deal of potential and enthusiasm but little relevant experience and whom she has been asked to train in the same role—has been hired at her pay level.

This example illustrates one form of salary compression: when the pay of one or more employees is very close to the pay of more experienced employees in the same job. There is another form of salary compression: when employees in lower-level jobs are paid almost as much as their colleagues in higher-level jobs, including managerial positions.

When salary compression and the policies that enable it are sustained over several years, it can be demoralizing and lead to widespread dissatisfaction. Employers should be concerned because salary compression transforms the organization's single largest cost (i.e., compensation) from a motivator into a "demotivator."

Moreover, while salary compression is not illegal, it is often accompanied by pay inequities that could violate equal pay laws. In situations where salary compression causes salary inversion—where newer staff make more than experienced staff—it could create a pay equity problem if the experienced staff are a protected class.

While some interviewees had issues with pay compression, others expressed dissatisfaction with lack of merit increases – MTAS repeatedly heard that merit increases used to be awarded, but in recent years, any slim increase received was across-the-board and therefore did not acknowledge and reward above-average performance, nor provide any separation between experienced and valuable employees and brand new hires. There is a perception that other area law enforcement agencies (both federal and local) offer the potential for advancement in pay over time. The feeling of inequity leads to poor morale and many participants cited the pay issue as a cause of turnover.

While no participants mentioned the city's charter, merit pay is mandated in the city's charter in sections 23 and 24. Section 23 states in part: "The policy of the city shall be to employ those persons fully qualified to carry out the functions of the city. To this end the council shall, by ordinance, establish a merit system providing for the appointment and promotion of city officers and employees on the basis of competence and fitness." Section 24 states (in its entirety):

Section 24. Manager to administer merit system.

The manager shall be responsible for the administration of the merit system. The manager shall, with the advice of the personnel advisory board, develop, maintain, and apply suitable provisions for the classification of positions and for the recruitment, compensation, training, promotions and disciplinary and related aspects of personnel management. The manager shall develop and revise as necessary a comprehensive pay plan and personnel rules setting forth employment conditions. The personnel advisory board shall review such plans and rules and proposed revisions thereof, and submit them to the council with recommendations for adoption.

Another focus area regarding pay was the belief that employees are underpaid in comparison to other surrounding agencies. MTAS was not charged with studying pay, so this report will not explore that subject further. However, again, there is a perception that pay is better elsewhere and this may be part of the reason for turnover. Repeatedly, Barton and Norris heard that the grass was greener in Anderson County, Knoxville, and at the local Department of Energy (DOE) facilities.

Furthermore, more tenured ORPD staff, told the interviewers that the Oak Ridge Police Department used to be the envy of other departments and that it was "*the* agency to work for," in reference to attractive pay and benefits. Over time however, participants in the study stated that this is no longer the case because other area agencies offer higher starting pay and greater pay advancement opportunities. In addition, Barton and Norris were told that another city in the area pays 100 percent of employee and family health insurance premiums while the city of Oak Ridge assesses part of the premium costs to employees. Whether this is completely accurate or not, the perception is that employees at the department are not being compensated fairly, and based on this belief police department employees express objections about this (low morale) or depart for one of the other agencies (turnover).

Recommendations regarding Pay:

- The city may consider a classification/compensation study in the future and adequately fund the results of the study.
- The city should re-examine its merit system for compliance and funding.
- Annually provide employees a breakdown of their individual total compensation package, including employer-paid benefits and costs, hourly rate, and a dollar value of accrued paid time off (sick leave and vacation leave). MTAS can provide a sample document.
- Annually share with employees how their pay and benefits compare to regional agencies. This will eliminate any false information or misperceptions.

Equipment/Technology

This was another highly discussed item. The majority of participants spoke very positively about the department's equipment and technology. In particular, the equipment, including fleet, has improved significantly since the arrival of Chief Akagi. Most participants said they have the tools they need to adequately do their jobs; the software they are using is up-to-date; and implementation of take home vehicles for employees living inside city limits has been a good thing. However, employees ineligible for a take home vehicle due to living outside of city limits expressed a desire for the program to be expanded/to include them. Many employees mentioned that other area agencies provide take home vehicles for employees living outside the city limits. Whether this is completely accurate or not, the perception is that employees at other agencies enjoy an enhanced take home vehicle program. In addition, MTAS heard multiple complaints about shotguns being removed from vehicles and replaced with rifles, which interviewees said are not as good at dispatching wounded animals. Likewise, some employees mentioned a dissatisfaction with changes in some items issued for their uniforms.

Furthermore, in the vein of equipment and technology, the interviewees heard about facility needs. While most were quite satisfied with recent changes to the building security, some mentioned a desire for a larger facility (more space).

Recommendations regarding Equipment/Technology:

- MTAS recommends that Oak Ridge stay the course. Employees (current and former) cited general satisfaction in this area, and said progress made in the last four years needs to be maintained and not regress.
- MTAS was repeatedly told that Chief Akagi has obtained significant funding for upgrading equipment through grants, including funds from DOE. MTAS suggests the chief keep up the good work.

Inconsistencies

This is a broad subject, and spanned many different areas. In some cases interviewees mentioned inconsistencies in personnel-related matters such as hiring, promotions, and disciplinary action. MTAS was told this occurred at the supervisor level, as well as with command-level staff. An example mentioned by more than a handful of people was favoritism in assignment and promotional opportunities. The perception is that some employees are pre-determined for upcoming promotional vacancies and that a favorite of the chief's will get the best job assignments. Some employees indicated that others' dissatisfaction with the promotional process and assignments is merely sour grapes over not getting the promotion or assignment. As previously stated, MTAS is not investigating this aspect, but needs to point out that if perceptions are believed, this has an impact on morale and turnover.

Other examples stated more than once were inconsistencies in policy application. Policies will be covered in-depth later in this report; however, examples were given of Chief Akagi speeding, making traffic stops in an unmarked vehicle, and engaging in high speed pursuits for non-violent offenses (the latter two are not allowed under departmental policy). MTAS was told that if other employees behaved in this manner they would have been disciplined, yet there were no repercussions for the chief.

Furthermore, employees (current and former) expressed concern over different punishments for similar offenses. Or, in participants' views, something that was egregious received a lighter sentence than the punishment for a minor policy violation. MTAS cannot substantiate the validity of these claims, but again stresses the impact of the perception of these claims.

MTAS was told that few disciplinary actions were appealed and few, if any, grievances filed relative to promotions, assignments or disciplinary actions.

Recommendations regarding Inconsistencies:

- While policies will be addressed later, ongoing policy revisions may have some positive impact on this issue. The city needs to make sure that police department employees fully understand the process for filing grievances and appeals through the city's personnel policies.
- The city may want to consider a review of personnel disciplinary actions within the department to determine if indeed there are inconsistencies. If there are, then setting standards may alleviate this problem. If there are no inconsistencies, then better communication may resolve the perceptions that disciplinary actions have been unfair.

Demeanor

Many people who spoke to MTAS indicated that the chief becomes angry easily, overreacts to situations, and is verbally abusive toward police department staff. MTAS was given examples of the chief using curse words and/or vulgar language. Some participants mentioned a stapler incident where presumably the chief got angry and threw a stapler from his desk toward the hallway. No one with actual knowledge indicated that the stapler was thrown directly at any individual, or in anger about/toward anyone. It appeared to MTAS that this has grown to become an urban legend within the department.

While some people spoke negatively about the chief's demeanor, there were individuals who hailed the chief's caring for employees and their families in need. Furthermore, some people stated they had not witnessed the chief exhibiting the previously mentioned negative behaviors.

Recommendations regarding Demeanor:

- Enough people have raised concerns about the chief's behavior, that MTAS recommends the city manager closely monitor the chief's conduct and interaction with employees, both in the office and out in the field to determine if employee concerns can be validated.
- Once again, MTAS recommends that the city educate employees on the city's grievance policies and appeals processes. If employees feel abused by any supervisor or command staff employee, the city should encourage the employees to report that activity and take steps to mitigate future occurrences.

Trust

Multiple times the interviewers heard anecdotal stories about a lack of trust in the department, which leads to an environment of fear. The two items seemed to be closely related. A common phrase was “I don’t feel like they have my back.” Additionally, some people expressed a fear of retaliation if they complained about their work environment, yet no comments were recorded that indicated that any retaliation had actually taken place. Others expressed a fear that what was acceptable yesterday might not be acceptable tomorrow and might result in disciplinary action.

Furthermore, many employees discussed the process of memorandum writing, mandated by the chief, to be a disciplinary measure. Employees inferred that being required to write a memo was a sign of distrust and felt it was a punishment. MTAS asserts that documentation of events is a needed and proper management tool. In fact, the writing of a memo (documenting an activity) can often preempt any additional investigation.

Additionally, some participants mentioned that that they were afraid to do anything beyond minimal performance for fear of having to write a memorandum about it later.

Recommendations regarding Trust:

- Train officers about the necessity of documentation and stress the difference of memorandum writing (documentation) and disciplinary actions.
- Explain what happens to a memo after it has been filed with the supervisor, including where it is stored, and for how long. More than one interviewee said that they did not know what happened to the reports after they were filed.
- A review by the city manager of all disciplinary actions, including the investigation and outcomes, may be warranted to ensure quality and consistency.

Other issues

Other issues cited several times, but not as often as the issues discussed above, included:

The police chief had limited municipal law enforcement experience before becoming the police chief. Whether the lack of municipal experience contributes to the three specific issues being reviewed cannot be determined, but there is some perception that it does.

Several employees complained about frequent policy updates. Some of those issues will be addressed and recommendations made in the section relating to administrative policies and procedures. It appears that the ongoing policy revisions have resulted in some policies being issued, then amended in a short period of time.

Several interviewees complained about staffing levels. Some complained that the overall staffing level (authorized positions) was inadequate for the current population and calls for service. However, more indicated the staffing problem was a result of unfilled positions, necessitating officers working overtime or not being able to take vacation days.

Micromanagement was mentioned many times. These comments were often cited when employees complained about the chief's minimal municipal experience. Interviewees indicated the chief sometimes takes direct control of day-to-day operations. Employees with many years of experience with the police department may perceive direct involvement in operations by a chief relatively new to municipal law enforcement as micromanagement.

Recommendations regarding Other Issues:

- The chief should delegate more responsibilities to command staff and supervisors.
- The chief should ride with and observe police officers without actually being involved in or trying to supervise activities in the field.
- The chief needs to stay at a command-level presence.

Morale

MTAS was asked to study morale in the Oak Ridge Police Department. Morale is difficult to define. Merriam Webster's online dictionary defines morale as "1: moral principles, teachings, or conduct; 2a: 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, 2b: a sense of common purpose with respect to a group: esprit de corps; 3: the level of individual psychological well-being based on such factors as a sense of purpose and confidence in the future."

In short, morale is an emotion, as one of the participants so eloquently stated. So, the question is, how do you measure an emotion? Emotions change many times a day, much less over a period of four years. Instead of asking interviewees if morale was high or low, MTAS instead took the approach of "Do you think there is a problem with morale in the Oak Ridge Police Department?" and asked the follow-up question of "why" or "why not" as appropriate.

Because morale is such an elusive subject, trying to benchmark it against comparable cities is nearly impossible. Morale is not as objective as turnover rates and a review of policies. However, there have been many studies on morale that may prove enlightening for the purposes of this study. Bart Gragg, a national managerial consultant, noted eight indicators of poor morale. They are:

- People take more time off with less notice.
- Workplace theft, either of product or office supplies.
- People show up late and leave early. This one is especially true of that exceptional person that gets in early and stays late because they love what they do – now they will just show up and leave on time.
- The number of near misses goes up (from the safety perspective).
- Dress code limits are pushed.
- If you are monitoring personal time off (PTO) watch that being used up more rapidly.
- Behavior shifts in the workplace – you know from paying attention what a person's normal demeanor is and if they get meaner in their demeanor it's a sure indication that something is going on.
- There's even one guy out there that says the way people park is an indicator of morale. He says if they park facing in it's all good. If people back into their parking spot and face out they want to leave as soon as they can.

(How Do YOU Measure Morale in the Workplace? <http://www.bluecollaru.com/how-do-you-measure-morale-in-the-workplace>)

Interestingly, in a follow up blog to the above-cited article (same citation), Gragg went on to say "One of the major reasons morale is low in almost any situation is that people feel that they are not heard." and "Finding the issue with low morale takes time, effort, and self-control because they are going to test you. One key thing here – the employees have to be given reason to believe that working with you, the morale fixer, is actually going to yield results. They want to know that the top of the management chain really does intend to fix things. Fixing things may be as simple as changing the employees' perceptions, which may not be easy. As Charles Duhigg says: people want to believe in a higher power. And that higher power is upper management."

Employee perception is an issue and concept that arose over and over again to Barton and Norris. Whether or not a problem actually exists, is almost a moot point if a majority of staff believe that the perception is reality. In a recently released study by Lisa Fazio, a Vanderbilt professor - “Knowledge Does Not Protect Against Illusory Truth.” (Fazio, Lisa K.; Brashier, Nadia M.; Payne, B. Keith; Marsh, Elizabeth J., Journal of Experimental Psychology: General, Aug 24 , 2015, No Pagination Specified. <http://dx.doi.org/10.1037/xge0000098>) she found that even when people know the truth about a subject, but they are repeatedly told the wrong information about the same subject, they begin to believe the misinformation. The fact that people believe what they are repeatedly told, even when they know better is relevant in this review, for if there is a small number of employees who vocalize to many that the ORPD is a bad place to work, then the perception of the majority can become reality. Even when participants responded to the question “Is there a problem with morale?” with an affirmative, it was not uncommon to hear in the follow up response “but I don’t have any problems with morale.”

In conclusion, there is a problem with morale in the Oak Ridge Police Department. It may be real, or it may just be perceived, either way, low morale was a cited reason for turnover in the department. To counteract this phenomenon, MTAS recommends, in agreement with Gragg, a greater effort between supervisors and employees to get to know each other and for supervisors to support their employees. In other words, using a quote often credited to Theodore Roosevelt: “People don't care how much you know until they know how much you care.” Once employees feel they are being heard and they feel they have the support of their immediate supervisor as well as upper management, then the morale issue should improve.

Recommendations regarding Morale:

- MTAS recommends a greater effort by supervisors and employees to get to know each other and for supervisors to support their employees.

Turnover

MTAS was asked to review the turnover in the Oak Ridge Police Department. Issues that employees (both current and former) believe relate to turnover have been addressed earlier in this report. This section will discuss turnover without regard to perceived reasons for the turnover.

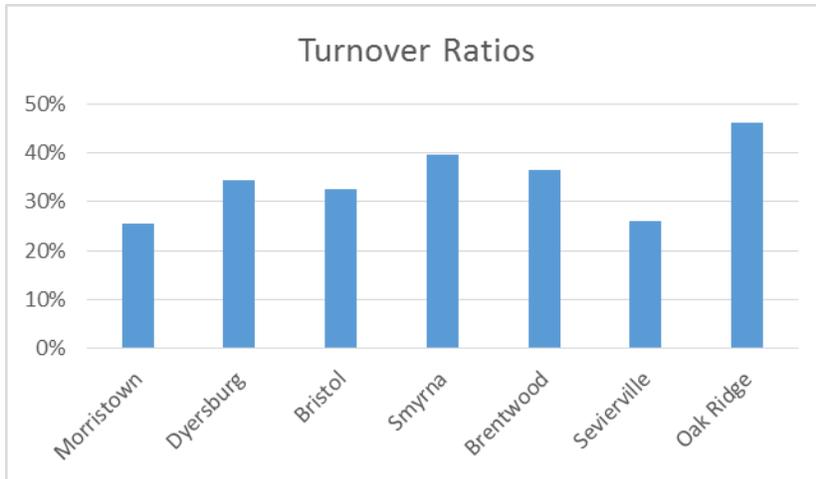
MTAS benchmarked the turnover rate of the Oak Ridge Police Department with several Tennessee police departments. These chosen departments have relatively similar city populations, departmental staffing levels and organizational structures. It should be noted that none of the comparative police departments have an animal control function in the police department. Additionally, Morristown and Dyersburg do not manage a dispatch center in the police department.

Chief Akagi's tenure with the Oak Ridge Police Department began on July 1, 2011. The end of Chief Akagi's most recent year of service was June 30, 2015. This four-year period of time was used for benchmarking purposes. All of the responding cities provided their most recent authorized workforce numbers (Fiscal year 2014/2015) with their turnover data, so the Oak Ridge Police Department's authorized workforce at the end of the same fiscal year was used for comparison purposes.

The following table represents the overall turnover ratios for all of the benchmark police departments. For graphical representation, a bar chart representing the overall turnover ratio also appears.

Turnover Ratios of Selected Police Departments
And the Oak Ridge Police Department (Table 1)

	Total Officers	Resignation	Retirement	Termination	Resignation Requested	Other	Total Turnover	% of Total
Morristown	94	17	4	3	0	0	24	26%
Dyersburg	64	14	5	1	2	0	22	34%
Bristol	92	20	6	4	0	0	30	33%
Smyrna	81	15	8	4	0	5	32	40%
Brentwood	74	21	4	1	0	1	27	36%
Sevierville	73	14	1	2	2	0	19	26%
Oak Ridge	80	24	7	2	7	0	40	50%



The following charts compare the various types of turnover:

(Table 2)

	Resignations		
	Employees	Resignations	% of Total
Morristown	94	17	18%
Dyersburg	64	14	22%
Bristol	92	20	22%
Smyrna	81	15	19%
Brentwood	74	21	28%
Sevierville	73	14	19%
Oak Ridge	80	24	30%

(Table 3)

	Retirements		
	Employees	Retirements	% of Total
Morristown	94	4	4%
Dyersburg	64	5	8%
Bristol	92	6	7%
Smyrna	81	8	10%
Brentwood	74	4	5%
Sevierville	73	1	1%
Oak Ridge	80	7	9%

(Table 4)

	Termination Requested		
	Employees	Termination Requested	% of Total
Morristown	94	3	3%
Dyersburg	64	3	5%
Bristol	92	4	4%
Smyrna	81	4	5%
Brentwood	74	1	1%
Sevierville	73	4	5%
Oak Ridge	80	9	11%

During the interviews, several employees indicated the turnover rate was high, and others indicated they thought the turnover rate was probably average. As seen from Table 1, the turnover rate is higher than the other cities studied. Interestingly, of those who said the turnover rate was high, many of them said the turnover rate had always been high.

MTAS reviewed turnover rates for the four years immediately preceding Chief Akagi's tenure with the police department and compared those statistics with the four-year period mentioned above. The authorized strength of the department (budgeted workforce) varied during each of those four-year periods. MTAS averaged the authorized strength for each year of the four-year periods for the purpose of comparison.

Table 5 represents the overall turnover ratios for the four years immediately before Chief Akagi's arrival and the four years immediately after his arrival.

Oak Ridge Police Department
Turnover Comparison (Table 5)

	Authorized Positions	Resignations	Retirement	Termination	Resignation Requested	Total	% of Total
July 1, 2011 through June 30, 2015	78	24	7	2	7	40	51%
July 1, 2007 through June 30, 2011	76	23	4	1	7	35	46%

As seen, the turnover rate has been high for a long period of time. This might also explain the responses of employees who did not think the department's turnover was high if this turnover rate is all they have ever experienced.

This comparison may be more important to the issues being reviewed than the comparison with other agencies. The turnover rate *is* higher than comparable agencies, but it has been for some time.

The city should ensure that an exit interview is conducted with every willing employee as he or she leaves. The results of the interview should be shared with the department head and command staff. Any egregious complaints should be shared with the city manager. Current discussions of the reasons for employees leaving usually involve anecdotal stories that are often second hand. A comprehensive program of documented exit interviews will counter any misconceptions about the reasons for turnover.

Interestingly, several interviewees mentioned generational differences when discussing turnover. Employees with long career tenures and experience who leave the department are being replaced with younger, less experienced employees. Speaking generationally, it is the Traditional (born between 1900-1945) and Baby Boom (1946-1964) generations being replaced with Millennials (1981-2000). There are a multitude of generational studies in the workforce, and one common theme among them is that Millennials tend to have shorter careers with each employer. So, the city may be replacing a 20-year employee with one who will give the city three to five years of experience before moving on. This too will have an impact on turnover because the younger workforce will depart much sooner, typically, than an older employee would. Gone are the days of young employees retiring with the same employer where they began their career.

Recommendations regarding Turnover:

- The city may wish to track this generational difference moving forward as it may impact turnover numbers.
- The city should ensure that an exit interview is conducted with every willing employee as he or she leaves.

Administrative Policies and Procedures

MTAS was asked to review administrative policies and procedures in the Oak Ridge Police Department. During the course of the interviews, Barton and Norris asked the employees who had issues with policies and procedures to distinguish between the policies themselves (requirements of the policies) versus the application of the policies (consistency). Of the employees who had issues with the department's policies, most indicated the problems were with the application of the policies. That issue was addressed earlier in this report.

Many employees indicated that there had been very few policy reviews or revisions for many years. As an example, some employees indicated that the old policies governing the operation of the city jail are still in place although the city jail is closed.

In August 2010, the Oak Ridge Police Department joined the Tennessee Law Enforcement Accreditation Program, administered by the Tennessee Association of Chiefs of Police. The process of accreditation requires a thorough review of existing policies and procedures to ensure compliance with accreditation standards. The police department solicited model policies from state and nationally accredited law enforcement agencies.

MTAS was told that some of those policies were merely copied and pasted into the Oak Ridge Police Department policies, sometimes leaving the name of the other police department in the document. Some of the procedures outlined in the model policies were different from the actual practices of the Oak Ridge Police Department. The policies were not modified, nor was the actual practice of the department. When Chief Akagi arrived in 2011, the department continued with the accreditation process, requesting and receiving an extension from the accreditation program.

The department implemented an online file management program (Power DMS) to store and disseminate policies. Employees can access the policies from any electronic device that is internet capable. Having the policies online eliminates the problem of having to update hardcopy manuals for every employee each time a policy update or change occurs. As policies are added or changed, employees are notified by email to review the new or changed policy, and their electronic signature indicates they have read and understand the policy. A small number of employees do not like this process, but MTAS finds the overall process of online access and dissemination to be a good practice.

MTAS consultants reviewed several administrative policies of the Oak Ridge Police Department in the online file management system. MTAS has not seen nor reviewed earlier versions of the policies, but most have revision dates of 2012 or 2013, meaning they have been in place for some time. While actual content was not an issue with most employees, MTAS reviewed approximately 15 policies that relate to the issues raised during the interviews.

MTAS found no references to other cities in any of the reviewed policies, nor any policy relating to the operation of the city jail. Current police department policies, 95 policies at the time of the review, appear to be up-to-date and well written.

Recommendations regarding Policies and Procedures:

- Continue the accreditation process, as that process will provide a template for identifying additional needed policies and a process for systematic review, as well as a process for ensuring that departmental policies and procedures are followed.
- Create a review team of line-, supervisory- and command-level officers and staff to review all policy additions and changes before implementation.
- Begin roll call training on all new policies and any policy revisions. Additionally, require periodic roll call training on existing policy, including testing of knowledge of policy.
- Ensure that all outdated hardcopy versions of departmental policy are collected from personnel and emphasize that the Power DMS version of policies is the official version of departmental policies.

Summary of Recommendations

1. City should consider a classification/compensation study in the future and adequately fund the results of the study.
2. City should re-examine its merit system for compliance and funding.
3. Annually provide employees a breakdown of their individual total compensation package, including employer benefits and costs, hourly rate, and a dollar value of accrued paid time off (sick leave and vacation leave). MTAS can provide a sample document.
4. MTAS recommends that Oak Ridge stay the course. Employees (current and former) cited general satisfaction in this area, and said progress made in the last four years needs to be maintained and not regress.
5. MTAS was repeatedly told that Chief Akagi has obtained significant funding for upgrading equipment through grants, including funds from DOE. MTAS suggests the chief keep up the good work.
6. While polices will be addressed later, ongoing policy revisions may have some positive impact on this issue. The city needs to make sure that police department employees fully understand the process for filing grievances and appeals though the city's personnel policies.
7. The city may want to consider a review of personnel disciplinary actions within the department to determine if indeed there are inconsistencies. If there are, then setting standards may alleviate this problem. If there are no inconsistencies, then better communication may resolve the perceptions that disciplinary actions have been unfair.
8. Enough people have raised concerns about the chief's behavior, that MTAS recommends the city manager closely monitor the chief's behavior and interaction with employees, both in the office and out in the field to determine if employee concerns can be validated
9. Once again, MTAS recommends that the city educate employees on the city's grievance policies and appeals processes. If employees feel abused by any supervisor or command staff employee, the city should encourage the employees to report that activity and take steps to mitigate future occurrences.
10. Train officers about the necessity of documentation and include the difference of memorandum writing (documentation) and disciplinary actions.
11. Explain what happens to a memo after it has been filed with the supervisor, including where it is stored, and for how long. More than one interviewee said that they did not know what happened to the reports after they were filed.
12. A review by the city manager of all disciplinary actions, including the investigation and outcomes, may be warranted to ensure quality and consistency.
13. The chief should delegate more responsibilities to command staff and supervisors.
14. The chief should ride with and observe police officers without actually being involved in or trying to supervise activities in the field.
15. The chief needs to stay at a command-level presence.
16. Continue the accreditation process, as that process will provide a template for identifying additional needed policies and a process for systematic review, as well as a process for ensuring that departmental policies and procedures are followed.
17. Create a review team of line-, supervisory- and command-level officers and staff to review all policy additions and changes before implementation.

18. Begin roll call training on all new policies and any policy revisions. Additionally, require periodic roll call training on existing policy, including testing of knowledge of policy.
19. Ensure that all outdated hardcopy versions of departmental policy are collected from personnel and emphasize that the Power DMS version of policies is the official version of departmental policies.
20. MTAS recommends a greater effort by supervisors and employees to get to know each other and for supervisors to support their employees.
21. The city may wish to track this generational difference moving forward as it may impact turnover numbers.
22. The city should ensure that an exit interview is conducted with every willing employee as he or she leaves.

Appendices

**PROFESSIONAL SERVICES AGREEMENT
(Oak Ridge Police Department Review)**

This Professional Services Agreement is entered into on the 9 day of April, 2015 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and The University of Tennessee, on behalf of its Municipal Technical Advisory Service, 120 Conference Center Bldg., Knoxville, Tennessee 37996-0423, hereinafter referred to as MTAS.

WHEREAS, by Resolution No. 2-20-2015 dated February 9, 2015, City Council voted to authorize an independent third party review of the turnover, morale, and administrative policies in the Oak Ridge Police Department; and

WHEREAS, at its Special Called Meeting on March 27, 2015, Council voted to retain the services of MTAS to perform a review of the turnover, morale, and administrative policies in the Oak Ridge Police Department; and

WHEREAS, MTAS is willing to provide such services to the City under the terms and conditions set out in City Council Resolution No. 3-30-2015 dated March 27, 2015.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

1. ENGAGEMENT OF MTAS

The City hereby engages MTAS to perform the services hereinafter set forth, and MTAS hereby accepts such engagement. The services provided by MTAS shall be performed by Rex Barton, MTAS Police Management Consultant, and other MTAS consultants under the direction and supervision of Rex Barton.

2. SCOPE OF SERVICES

The City engages MTAS to provide an independent thirty party review of the turnover, morale, and administrative policies of the Oak Ridge Police Department pursuant to the scope of work and terms of the proposal submitted to Council by MTAS Municipal Management Consultant, Margaret Norris dated March 3, 2015 and incorporated by reference herein and attached hereto as Exhibit A.

3. TERM

This Professional Services Agreement shall commence on notice from the City to MTAS and shall terminate within thirty (30) days from the date this Agreement is executed unless extended by the Parties.

4. COMPENSATION

There will be no financial compensation paid to MTAS by the City of Oak Ridge.

5. ASSISTANCE FROM THE CITY

To assist MTAS in performing this review, the City shall furnish to MTAS without charge copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data also including but not limited to a selection of specific policies titled "Policies and Procedures" to be reviewed for Oak Ridge Police Department (Leadership) Compliance distributed by Councilmember Baughn at the Council's March 27, 2015 Special Meeting; added to this are all other Oak Ridge Police Department Administrative Policies and City of Oak Ridge Policies

regarding personnel and other information reasonably requested by MTAS relevant to the services to be provided under this Professional Services Agreement.

6. ENTIRE AGREEMENT

This Professional Services Agreement constitutes the entire agreement between the parties with respect to the transactions contemplated by this Professional Services Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to matters provided for in this Professional Services Agreement. No amendment, modification or discharge of this Professional Services Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

7. INDEPENDENT CONTRACTORS

The parties acknowledge that the relationship created under this Professional Services Agreement is that of independent contracting parties and this Professional Services Agreement does not create a general agency, joint venture, partnership, employment relationship or franchise between the parties. Neither party shall represent itself to be an agent of the other, nor shall it execute any documents or make any contractual commitments or other obligations to third parties.

8. GOVERNING LAW

This Professional Services Agreement, the rights and obligations of the parties and any claims or disputes relating thereto, shall be governed and construed in accordance with the laws of the State of Tennessee.

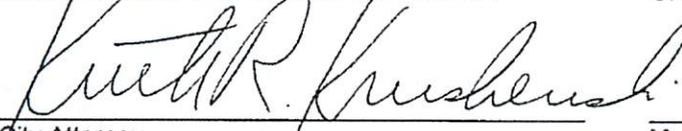
9. CONFIDENTIALITY

Notwithstanding anything to the contrary in this Professional Services Agreement or Exhibit A, any obligation of MTAS to keep documents or information confidential will not apply if disclosure is required by law, including but not limited to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 et seq.

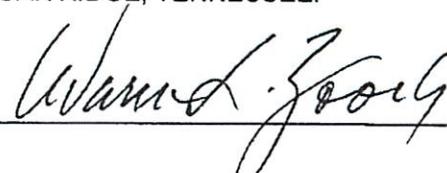
IN WITNESS WHEREOF, the parties have caused this Professional Services Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE:



City Attorney



Mayor

THE UNIVERSITY OF TENNESSEE



Signature

Wm. HERBERT BYRD III
Printed Name and Title
Interim Vice President
UT Institute for Public Service

**PROFESSIONAL SERVICES AGREEMENT
(Oak Ridge Police Department Review)**

This Professional Services Agreement is entered into on the 1st day of June, 2015 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and the University of Tennessee Municipal Technical Advisory Service, 120 Conference Center Bldg., Knoxville, Tennessee 37996-0423, hereinafter referred to as MTAS.

WHEREAS, by Resolution No. 2-20-2015 dated February 9, 2015, City Council voted to authorize an independent third party review of the turnover, morale, and administrative policies in the Oak Ridge Police Department; and

WHEREAS, at its Special Called Meeting on March 27, 2015, Council voted to retain the services of MTAS to perform a review of the turnover, morale, and administrative policies in the Oak Ridge Police Department; and

WHEREAS, a Professional Services Agreement was entered into between MTAS and the City of Oak Ridge on April 9, 2015 for a term of thirty (30) days which has since expired; and

WHEREAS, at its Special Called Meeting on May 21, 2015, City Council passed Resolution No. 05-19-2015, attached hereto and incorporated by reference herein, which approved a new Professional Services Agreement with MTAS to perform a review of the turnover, morale and administrative policies in the Oak Ridge Police Department with a revised scope of work and which will replace in its entirety the expired Professional Services Agreement dated April 9, 2015; and

WHEREAS, MTAS is willing to provide such services to the City under the terms and conditions set out herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

1. ENGAGEMENT OF MTAS

The City hereby engages MTAS to perform the services hereinafter set forth, and MTAS hereby accepts such engagement. The services provided by MTAS shall be performed by Rex Barton, MTAS Police Management Consultant, and other MTAS consultants under the direction and supervision of Rex Barton.

2. SCOPE OF SERVICES

The City engages MTAS to provide an independent third party review of the turnover, morale, and administrative policies of the Oak Ridge Police Department pursuant to the scope of work set out on the attached Exhibit A.

3. TERM

This Professional Services Agreement shall commence on notice from the City to MTAS and shall terminate on October 15, 2015 unless extended by the mutual agreement of the Parties.

4. COMPENSATION

Financial compensation paid to MTAS by the City of Oak Ridge shall not exceed the sum of \$22,700.00.

5. ASSISTANCE FROM THE CITY

To assist MTAS in performing this review, the City shall furnish to MTAS without charge copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data also including but not limited to a selection of specific

policies titled "Policies and Procedures" to be reviewed for Oak Ridge Police Department (Leadership) Compliance distributed by Councilmember Baughn at the Council's March 27, 2015 Special Meeting; added to this are all other Oak Ridge Police Department Administrative Policies and City of Oak Ridge Policies regarding personnel and other information requested by MTAS relevant to the services to be provided under this Professional Services Agreement.

6. **ENTIRE AGREEMENT**

This Professional Services Agreement constitutes the entire agreement between the parties with respect to the transactions contemplated by this Professional Services Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to matters provided for in this Professional Services Agreement. No amendment, modification or discharge of this Professional Services Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

7. **INDEPENDENT CONTRACTORS**

The parties acknowledge that the relationship created under this Professional Services Agreement is that of independent contracting parties and this Professional Services Agreement does not create a general agency, joint venture, partnership, employment relationship or franchise between the parties. Neither party shall represent itself to be an agent of the other, nor shall it execute any documents or make any contractual commitments or other obligations to third parties.

8. **GOVERNING LAW**

This Professional Services Agreement, the rights and obligations of the parties and any claims or disputes relating thereto, shall be governed and construed in accordance with the laws of the State of Tennessee.

9. **CONFIDENTIALITY**

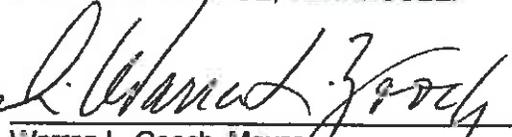
Notwithstanding anything to the contrary in this Professional Services Agreement or Exhibit A, any obligation of MTAS to keep documents or information confidential will not apply if disclosure is required by law, including but not limited to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 et seq.

IN WITNESS WHEREOF, the parties have caused this Professional Services Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY: CITY OF OAK RIDGE, TENNESSEE:



City Attorney



Warren L. Gocch, Mayor

MUNICIPAL TECHNICAL ADVISORY SERVICE



Signature

Gail White
Chief Business Officer

Printed Name and Title

EXHIBIT A
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF OAK RIDGE AND
MUNICIPAL TECHNICAL ADVISORY SERVICE

- 1) The interview pool will consist approximately of 125 individuals to be conducted in accordance with Resolution No. 04-40-2015 to "...extend the interview process to all employees in the Oak Ridge Police Department and attempt to contact all employees of the ORPD who have departed since the Police Chief's arrival."
- 2) The City of Oak Ridge Director of the Personnel Department is designated as the point of contact for MTAS; all interviews of employees and former employees shall be scheduled by the Personnel Director based upon the availability of MTAS Consultants.
- 3) Each interview shall be allotted one (1) hour.
- 4) Mr. Rex Barton, MTAS Police Management Consultant, and Ms. Margaret Norris, Municipal Management Consultant, will serve as primary consultants on the project.
- 5) Twenty (20) interviews shall be conducted from a pool of current and former employees randomly selected by MTAS, with the randomly selected pool being interviewed before the remaining employees and former employees.

RESOLUTION

A RESOLUTION APPROVING A NEW PROFESSIONAL SERVICES AGREEMENT WITH THE MUNICIPAL TECHNICAL ADVISORY SERVICE (MTAS) THAT SHALL ACCOMMODATE THE SCOPE OF WORK AS OUTLINED IN RESOLUTION NO. 04-40-2015 AND INCLUDE THE ASSUMPTIONS OUTLINED IN AN MTAS E-MAIL DATED MAY 11, 2015 FOR A REVIEW OF THE OAK RIDGE POLICE DEPARTMENT WITH A PARTICULAR FOCUS ON TURNOVER, MORAL, AND ADMINISTRATIVE POLICIES FOR AN ESTIMATED COST OF \$26,200.00.

WHEREAS, Resolution No. 02-20-2015 adopted at the February 9, 2015 City Council meeting, approved authorizing an independent third party review of the turnover, morale and administrative policies in the Oak Ridge Police Department pursuant to Article II, Section 9 of the Charter of the City of Oak Ridge; and

WHEREAS, City Council selected MTAS to conduct the review of the Oak Ridge Police Department, at no cost, and to satisfy the requirements of Resolution No. 02-20-2015 with the approval of Resolution No. 03-30-2015; and

WHEREAS, on April 21, 2015, a Special Meeting of City Council was called to address additional items to be added to the Initial Agreement between the City of Oak Ridge and MTAS as amendments to the Scope of Services under Section 2 with City Council approving three (3) items to be utilized during the review of the Oak Ridge Police Department; and

WHEREAS, following submittal of the three (3), new, parameters to the Scope of Services to MTAS, the organization requested clarification regarding the new scope and advised that the review could no longer be performed for free.

WHEREAS, the City Council wishes to clarify the new scope of services for MTAS to provide a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies based on communication between Mayor Warren Gooch and Executive Director Jim Thomas.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That a new Professional Services Agreement shall be entered between the City of Oak Ridge and the Municipal Technical Advisory Service (MTAS) with the scope of services to include the following:

- 1) The interview pool will consist approximately of 125 individuals to be conducted in accordance with Resolution No. 04-40-2015 to "... extend the interview process to all employees in the Oak Ridge Police Department and attempt to contact all employees of the ORPD who have departed since the Police Chief's arrival."
- 2) Designate the director of the Personnel Department as the point-of-contact for MTAS, and all interviews of current employees and former employees shall be scheduled by the Personnel Director of the Personnel Department based upon availability of the MTAS Consultants.
- 3) Each interview shall be allotted one (1) hour.
- 4) Mr. Rex Barton, MTAS Police Management Consultant, and Ms. Margaret Norris, Municipal Management Consultant, will serve as primary consultants on the project.

- 5) 20 interviews shall be conducted from a pool of current and former employees randomly selected by the consultants with the randomly selected pool being interviewed before the remaining employees and former employees.

BE IT FURTHER RESOLVED that the services performed under this Professional Services Agreement are estimated at \$28,200.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 21st day of May 2015.

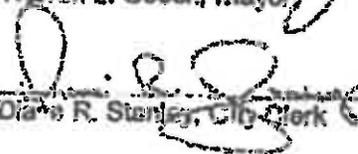
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushanski, City Attorney



Warren L. Gooch, Mayor



Diane R. Stanley, City Clerk