



MINUTES

September 27, 2023

SECOND MONTHLY MEETING OF THE CITY COUNCIL CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Debbie O'Neal-Roundtree and Jerry A. Smith Jr., J.D.

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Communications Manager Allison Justus, Budget Manager Adam Murr and others.

Absent: Dr. Jennifer Hensley, Council Member

Via Zoom: Angela Becker, City Attorney

1. **CALL TO ORDER**

Mayor Barbara G. Volk called the meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. **CONSIDERATION OF AGENDA**

Council Member Debbie O'Neal-Roundtree moved to approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

3. **CONSENT AGENDA**

- A. Henderson County Tax Adjustments – *Amanda Lofton, Deputy Tax Collector*
- B. Special Event Application Harvest Festival – *Jamie Carpenter, Downtown Manager*
- C. Waiving Competition – Network Infrastructure – *Jay Heatherly, IT Manager*

Council Member Lyndsey Simpson moved to approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

4. **PRESENTATIONS**

- A. **K-9 Program Assessment Report** – *Thurman Whisnant, Hickory Police Chief (Ret.) and Blair Myhand, Police Chief*

Both Chief Myhand and Chief Whisnant presented the PowerPoint presentation that reviewed the process they used and the conclusions they came too. Council thanked them for their time and effort in preparing such a detailed report to help bring us to higher standards.

Hendersonville Police Department

K9 Program Assessment and Council Presentation

North Carolina Association of Chiefs of Police

September 27, 2023



Incident

- On 8/2/2020, a police animal attacked a male neighbor causing significant injuries.
- The incident resulted in the city being sued by the plaintiff.
- The city, through its insurer, settled with the victim for \$1.75m.

Why this assessment?

- Accountability
- Transparency
- Continuous improvement
- Professionalism
- Public trust

Assessors

- Conducted by NCACP

➤ Chief (ret.) Thurman Whisnant, Hickory Police Department

- Chief Whisnant recently retired after 30 years with Hickory PD. During his career, he led numerous internal investigations, oversaw a robust K9 program, and served as Chief of Police from 2017-2023. Thurman is a graduate of the FBI National Academy.

➤ Commander (ret.) Chris Williams, El Monte, CA Police Department

- Commander Williams recently retired after 30 years law enforcement service in California. He was a K9 handler, trainer, and commander of field operations. Chris is a graduate of the FBI National Academy and now resides in Hendersonville.

➤ Officer David Green, Raleigh Police Department

- Officer Green currently works for the Raleigh Police Department. He is a certified K9 trainer for the department with over 20 years' experience training police dogs and handlers. He is a USPCA Master Trainer.

Assessment

- The assessment focused on three things primarily:
 1. The August 2, 2020, incident.
 2. K9 deployments for five years proceeding the 8/2/2020 incident.
 3. A general overview of the HPD K9 program to date.
- The assessment was **not** an investigation to place blame on any individual.
- It set out to identify deficiencies and offer recommendations to improve K9 operations.

Assessment *cont...*

- The assessment took more than three months to conduct.
- Assessors interviewed the O'Neills, their neighbors, five HPD employees, two former HPD employees, and other subject matter experts.
- Assessors reviewed more than 1,000 pages of information relevant to this incident.
- Assessors submitted a 120-page final report.

Findings

- Multiple failures were identified in the 8/2/2020 incident.
- The scope and severity of the incident was not shared with City leaders outside the department.
- There was a systemic pattern of mismanagement of the K9 program preceding the 8/2/2020 incident.
- Documentation, accountability, and/or support was absent leading up to the 8/2/2020 incident.
- The environment within the department was ripe for an incident of this magnitude to occur.

Recommendations

- Adopt industry best practices in the development of a K9 policy.
- All K9s must be property of the City of Hendersonville.
- A rigorous handler selection is necessary.
- Regular training must be an agency priority.
- Accountability for deficiencies is necessary.
- All K9 operations must be the responsibility of one member of the PD executive team reporting directly to the Chief of Police.

Improvements

- Even prior to the assessment, the City Manager and Chief of Police put protocols in place to reduce risk.
- The O'Neills expressed appreciation for the actions the city is taking following the filing of the lawsuit.
- HPD staff are encouraged by the direction the department is headed under Chief Myhand's leadership.
- The city is being open and responsive to the recommendations documented in the report.

Departmental Response

- K9 program was suspended indefinitely September 2022.
- HCSO conducts all K9 operations for HPD thru mutual aid.
- Policy and procedures are in place to ensure the department's response to a negative incident does not mirror the 8/2/2020 incident.
- HPD has implemented performance management software to document employee performance.
- Any future K9 program will be highly structured and monitored by my office.

Departmental Response *cont.*

- HPD is working to be the most transparent police agency in western NC.
- We regularly reinforce an improvement mindset to staff.
- We are accredited through the NCLM Risk Reduction Review.
- We are enrolled in the accreditation processes through CALEA and NCLEA.
- CALEA Accreditation is expected in fall 2024.
- We will maintain excellence and accountability moving forward.

Departmental Response *cont.*

- Personal and agency accountability is a requirement.
- Robust leadership training plans will be implemented.
- Performance management is our highest priority.
- Achieving and maintaining accreditation is critical for future risk management.
- Making sure we do not repeat history is essential.

5. CLOSED SESSION

At 4:33 p.m., Council Member Jerry Smith moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

6. ADJOURN

There being no further business, the meeting was adjourned at 5:42 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk