

## Geffken, Carl

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**From:** Andre Good <good4ward2@gmail.com>  
**Sent:** Sunday, May 21, 2017 4:01 PM  
**To:** Geffken, Carl  
**Cc:** Mathis, Wendy; Board of Directors Email Group; Clark, Nathaniel; Sanders, Sandy; Roundtree, Naomi  
**Subject:** Re: Recycling and Police

Thank you Carl for submitting this to the board.

Board, I hope you are as disturbed and dismayed by this action of the Fraternal Order of Police ("FOP") as I am. We just welcomed a new, highly qualified police chief just a few months ago. Already, without even giving our new Chief a chance to do the things we hired him to do, the FOP threatens a vote of no confidence in our Chief. How is it even possible to have no confidence in someone whom you have given NO CHANCE?

There will always be those few who don't like change; who don't value diversity and inclusion; who work and fight to protect doing things as "the way we've always done them". We cannot and we will not let anyone stand in the way of the real and substantial progress we've asked our new Chief to make.

Equally important, we have to give our Chief the tools he needs to do the job he's been charged with. One critical element in that toolbox is the power to create the dynamic team we need to do law enforcement the right way. The Chief, not the Civil Service Commission, needs to make critical staffing decisions for the Fort Smith Police Department. As is, the Chief is hamstrung by the inability to assemble and align staff as, in his professional judgment, the job requires.

The FOP has no real power. They are not a union. If this vote of no confidence in the police chief goes forward and is even considered by the Civil Service Commission, I recommend the board not only support the policy changes requested by the Chief but instead completely remove and dissolve the out-dated commission.

There is a quote that reads "For evil to succeed, all it needs is for good men to do nothing." Conversely, when good men stand up, evil cannot prevail.

We can do better. We are going to be better.

Let's commit, fully, to the person we've hired to take us to the next level, to be the premier policing agency in the region. Let's not be distracted by those who simply want to maintain the status quo. We're a twenty-first century city. Let's act like one. I for one want to be on the right side of history.

Andre'

On May 20, 2017 3:24 PM, "Geffken, Carl" <[CGeffken@fortsmithar.gov](mailto:CGeffken@fortsmithar.gov)> wrote:  
Mayor and Directors,

I received a text from Charlie Edwards from channel 5 asking to meet with me on Monday afternoon, after he meets with Joey McCutcheon. According to Charlie, the "stuff he's going to say is kind of intense," and he wanted to give me the fair chance to respond.

I told Charlie that I didn't have a lot of time due to nearly back to back meetings. The back to back meetings

involve the civil service commission. I'm meeting with Colby Roe and the Chief from 2 until 3 and the CSC meeting is at 3:30. This is important because retired Captain, Jarred Copeland may speak and one of the items he on which he may speak is a vote of no confidence. We heard this was going to happen and then, late in the day on Friday, we heard that it was not going to happen.

Having experience with votes of no confidence in Reading, if a vote of no confidence is going to happen, they do it. It is never threatened.

The Chief has my confidence 100%. Unfortunately there are a few people who don't like change; the change in culture, the change in processes, or the changes to increase professionalism.

Thanks,  
Carl

Carl E. Geffken  
City Administrator  
City of Fort Smith  
Office: [479-784-2201](tel:479-784-2201)  
Mobile: [479-561-1510](tel:479-561-1510)  
Fax: [479-784-2430](tel:479-784-2430)  
[cgeffken@fortsmithar.gov](mailto:cgeffken@fortsmithar.gov)  
[www.fortsmithar.gov](http://www.fortsmithar.gov)

## Geffken, Carl

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**From:** Clark, Nathaniel (Chief of Police) <Nathaniel.Clark@fortsmithpd.org>  
**Sent:** Sunday, May 21, 2017 6:39 PM  
**To:** Geffken, Carl  
**Subject:** Fwd: FOP MOTION.docx  
**Attachments:** FOP MOTION.docx; ATT00001.htm

FYI

Get [Outlook for Android](#)

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**From:** Colby Roe <CRoe@dailywoods.com>  
**Sent:** Sunday, May 21, 2017 6:25:35 PM  
**To:** Clark, Nathaniel (Chief of Police)  
**Subject:** Fwd: FOP MOTION.docx

Chief,

I received the attached. Let's talk in the morning.

ctr

Begin forwarded message:

**From:** "[Candicesettle@aol.com](mailto:Candicesettle@aol.com)" <[candicesettle@aol.com](mailto:candicesettle@aol.com)>  
**Date:** May 21, 2017 at 5:20:18 PM CDT  
**To:** [lkaelin@fortsmithar.gov](mailto:lkaelin@fortsmithar.gov), [croe@dailywoods.com](mailto:croe@dailywoods.com)  
**Cc:** [csexton1@yahoo.com](mailto:csexton1@yahoo.com)  
**Subject:** FOP MOTION.docx

Please note I represent the Fraternal Order of Police with regard to the proposed changes to the Civil Service Regulations currently being considered. I am requesting the Civil Service Commission consider the attached Motion and that I be allowed to speak on behalf of the Fraternal Order of Police at tomorrow's public hearing. I also request a court reporter be present to properly preserve the record of tomorrow's hearing.

Thank you.

Sincerely,

Candice A. Settle  
Settle & Jernigan, PLLC  
2501 Fayetteville Road  
Van Buren, AR 72956  
479-474-0700

479-474-0753 FAX

**BEFORE THE CIVIL SERVICE COMMISSION FOR THE CITY OF FORT SMITH, ARKANSAS**

**MOTION TO EXCLUDE PROPOSED SECTION 12**

Comes now, the Fraternal Order of Police, by and through their attorney at law, Candice A. Settle, and for their Motion, states as follows:

1. That a public hearing is currently scheduled on Monday, May 2, 2017 before this Honorable Commission for the consideration of proposed changes to the Rules and Regulations of the Civil Service Commission of the City of Fort Smith, Arkansas.
2. That proposed Section 12 titled "External Applicant Requirements" should be excluded from consideration in its entirety as it is inconsistent with Act 1597 of 2001 and *Burcham v. City of Van Buren*, 330 Ark. 451, 954 S.W.2d 266 (1997) and unlawful.
3. A court reporter is requested to record the public hearing.

WHEREFORE, the Fraternal Order of Police, by and through its attorney at law, Candice A. Settle, and prays that proposed Section 12 be excluded in its entirety; for a court reporter to be present to record the hearing; and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

SETTLE & JERNIGAN, PLLC

/s/Candice A Settle

CANDICE A. SETTLE

2501 Fayetteville Road

Van Buren, AR 72956

479-474-0700

479-474-0753 FAX

candice@settlejerniganlaw.com

**CERTIFICATE OF SERVICE**

I, Candice A. Settle, certify that I have sent a copy of the foregoing by email to Chip Sexton, Chairman, [csexton1@yahoo.com](mailto:csexton1@yahoo.com), and Colby Roe, Attorney for the City of Fort Smith, Arkansas, [croe@dailywoods.com](mailto:croe@dailywoods.com), on this the 21<sup>st</sup> day of May, 2017.

/s/ Candice A. Settle

Candice A. Settle

## Geffken, Carl

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**From:** Sanders, Sandy  
**Sent:** Sunday, May 21, 2017 8:48 PM  
**To:** Geffken, Carl  
**Subject:** Fwd: FOP Resolution Opposing External Applicants for Promotion  
**Attachments:** FOP Resolution Opposing External Applicants-Signed.pdf; ATT00001.htm

FYI

Sent from my iPad

Begin forwarded message:

**From:** Anthony Parkinson <[anthony.parkinson@foplodge39.org](mailto:anthony.parkinson@foplodge39.org)>  
**Date:** May 21, 2017 at 5:17:31 PM CDT  
**To:** <[mayor@fortsmithar.gov](mailto:mayor@fortsmithar.gov)>  
**Subject: FOP Resolution Opposing External Applicants for Promotion**

Good afternoon Mayor Sanders,

I heard a disturbing rumor that was recklessly brought to the chief regarding the FOP. The rumor I heard was that the FOP was going to personally attack the chief's integrity and issue a vote of no confidence. The rumor was passed to the city administrator who then informed the board of directors, or so I have been told. This is an outright lie! At no time did we ever vote no confidence in Chief Clark. The Fort Smith Fraternal Order of Police voted to oppose section 12 of the proposed civil service rules that the civil commission will vote on Monday at 3:30 P.M. in the community room of the police department. I cannot be more clear than this; we support Chief Clark but oppose section 12 of his proposal. Attached is a resolution opposing section 12. My executive board has contacted almost every single police officer in the Fort Smith Police Department. I am **not exaggerating** when I say **90% of the officers in the department oppose** the promotion of external candidates for vacant supervisory positions. We plan on voicing our opposition to section 12 at the civil service hearing. The opposition will be professional and strictly business, not personal. The culmination of past events has officers viewing the proposal as another reduction they are being forced to live with. Retirement benefits have been reduced, there has been little to no COLA over the years, there has been little to no advancement of officers to the next pay grade in the step scale over the years, there has been several reductions in authorized officers over the years, the lack of replacement vehicles over the years has taken a toll on the fleet, a reduction in our training budget over the years has put officers at a disadvantage when compared to other agencies, there is a strong perception by officers that the board of directors do not support them, there is a strong perception that the police department is always on the defense because the board of directors won't approve budget and resource requests we desperately need, officers have seen an increase in calls for service with no additional help, officers and city employees have seen substantial increases in health care costs over the years (mainly the city no longer covering individual officers healthcare premiums as was promised when they were hired), and the revolving door of trained experienced officers leaving for bettering pay and benefits offered by neighboring law enforcement agencies or the private sector. The totality of the circumstances is why we cannot support this change. This is not about anything Chief Clark has done or might do, simply how we all feel after ten years of morale taking a hit year after year.

Fraternally,

Anthony Parkinson

President  
Fort Smith Fraternal Order of Police Lodge 39  
803 North 9th Street  
Fort Smith, AR 72901  
Office: 479-709-5212  
[anthony.parkinson@foplodge39.org](mailto:anthony.parkinson@foplodge39.org)  
[aparkinson@fortsmithpd.org](mailto:aparkinson@fortsmithpd.org)



Fort Smith  
Fraternal Order of Police Lodge 39

Physical Address  
803 North 9<sup>th</sup> ST  
Fort Smith, AR 72901

Mailing Address  
P.O. Box 1146  
Fort Smith, AR 72902

ANTHONY PARKINSON  
PRESIDENT

DAVID WILLIAMS  
SECRETARY

**RESOLUTION IN OPPOSITION OF SECTION 12 OF THE PROPOSED CHANGES TO THE FORT SMITH POLICE DEPARTMENT CIVIL SERVICE RULES AND REGULATIONS**

**RESOLUTION**

**Whereas**, On May 22<sup>nd</sup>, 2017 the Fort Smith Civil Service Commission will review and consider approving proposed rules changes to the Fort Smith Police Department Civil Service Rules and Regulations, specifically section 12; and

**Whereas**, The Fort Smith Fraternal Order of Police, Lodge 39 was chartered on September 15<sup>th</sup>, 1985 for the purpose of bettering the existing conditions of police officers in Fort Smith and law enforcement officers in Sebastian County Arkansas, solidifying their strength and promoting their association and affiliation with the state and national organizations of the Fraternal Order of Police; and

**Whereas**, The representatives and delegates of the Fort Smith Fraternal Order of Police, Lodge 39 do hereby associate the lodge we represent and the members thereof together for the following purposes: to support and defend the Constitution of the United States and the State of Arkansas; to inculcate loyalty and allegiance to the United States of America; to promote and foster the impartial enforcement of law and order; to improve the individual and collective proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among all law enforcement officers; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to support the improvement of the standard of living and working conditions of the law enforcement profession through every legal and ethical means available; to create and maintain tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property; and, now, therefore, be it resolved,

**Resolved**, That the Fort Smith Fraternal Order of Police, Lodge 39 strongly opposes section 12, external applicants, of the proposed Fort Smith Police Department Civil Service Rules and Regulations change because of the detrimental effect this will have on the morale of current police officers of the Fort Smith Police Department; and

**EXECUTIVE BOARD MEMBERS**

PRESIDENT: Anthony Parkinson - VICE PRESIDENT: Brett Rogers - 2<sup>nd</sup> VICE PRESIDENT: Jeff Taylor  
SECRETARY: David Williams - TREASURER: Jason Scarborough - SERGEANT-at-ARMS: Troy Williams  
CHAIRMAN of TRUSTEES: Jeff Carter - CHAPLAIN: Robert Schibbelhut – STATE TRUSTEE: Levi Risley





Fort Smith  
Fraternal Order of Police Lodge 39

Physical Address  
803 North 9<sup>th</sup> ST  
Fort Smith, AR 72901

Mailing Address  
P.O. Box 1146  
Fort Smith, AR 72902

ANTHONY PARKINSON  
PRESIDENT

DAVID WILLIAMS  
SECRETARY

**RESOLUTION IN OPPOSITION OF SECTION 12 OF THE PROPOSED CHANGES TO THE FORT SMITH POLICE DEPARTMENT CIVIL SERVICE RULES AND REGULATIONS**

**RESOLUTION**

**Resolved**, That Fort Smith Fraternal Order of Police, Lodge 39 opposes allowing external applicants to test for promotion when a sworn officer supervisory position becomes vacant or is newly created within the Fort Smith Police Department, section 12 is fundamentally unfair to those who already met the strict requirements of becoming a Fort Smith Police Officer through Civil Service testing and Civil Service interviews, Fort Smith Police Officers have answered the call of keeping our community safe, it takes officers five years to become proficient with Arkansas law, city codes, departmental rules and regulations, and departmental policies and procedures to ensure they are prepared to be a Fort Smith Police Department Sergeant, Fort Smith Police Officers committed themselves to the community and are grateful that the community has allowed them to serve, approving section 12 will significantly impact the recruitment of new officers, as well as retention of existing officers and supervisors who view the rule change as a reduction in promotional opportunities within the police department; and

**Resolved**, That the Fort Smith Civil Service Commission is requested to vote no to section 12 of the proposed Fort Smith Police Department Civil Service Rules and Regulations change; and be it further

**Resolved**, That copies of this resolution be forwarded to the Fort Smith Civil Service Commission and the Fort Smith Board of Directors.

**IN WITNESS WHEREOF**, I have hereunto set my hand as President and caused the seal to be affixed hereto this 17<sup>th</sup> day of May, 2017.

*Anthony Parkinson*

Anthony Parkinson  
President  
Fort Smith Fraternal Order of Police, Lodge 39

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## Geffken, Carl

---

**From:** Andre Good <good4ward2@gmail.com>  
**Sent:** Tuesday, May 23, 2017 11:55 AM  
**To:** Geffken, Carl  
**Subject:** Civil Service Commission Meeting 05/22/17

Carl,

Below are my personal notes from today's Civil Service Commission meeting.

Service Commission Chair Chip Sexton's actions were confusing possibly on purpose. He began stating that his Law partner Joey McCutchen was involved in a possible case against the city. He said that he told Joey and their staff not to mention anything about the case in front of him and then Chip asked Carl Geffken and Colby Roe if it was ok to proceed or should he recuse himself. Carl and Colby said it was Ok. He proceeded, knowing that without his legal background the CSC would not have fared well, especially considering the legal back and forth conversation between Attorneys Settle and Roe. Chair Sexton asked such questions to imply that Arkansas officers are more qualified to promote more-so than external applicants. Ms. Candice Settle and Major Mark Hallum also made such statements. Chair Sexton not only challenged but baited Chief Clark in his questions. Sexton also stated his position in opposition to the proposed measure #12 before asking for a motion and second to open discussion. I find this completely disrespectful, unprofessional and unethical. The Chair's focus remained on the membership of the FOP and not the agency or our citizens. Commissioner Cooper asked how the new process would affect the CSC's process in promotions. Again, the focus of the commissioner was on its body, not the agency or our citizens. Commissioner Smith asked about last Tuesdays meeting vote on adding the rank of Lieutenant. Commissioner Shell spoke to respond to Tuesdays board question of why the list term of 1 year was changed to two years. It was stated that reason was for cost efficiency. Ms. Candice Settle, supporting the FOP, was against Chief Clark's policy change to include section #12 - External Applicants stating it is inconsistent with state law. Chair Sexton also seemed to have had the law and cases readily at hand to support the FOP'S request to exclude #12 but when Attorney Roe referenced material, Chair Sexton seemed lost and unprepared. Daily and Woods attorney Colby Roe defended his stand in support of #12. Morale was also a topic of question.

To speak: Fire department local #33 not in favor of #12.

Major Mark Hallum also spoke against #12

Cpl. Wendall Sampson spoke in favor of #12

Andre' Good spoke in favor of #12

Rhonda Royal - Justice of the Peace - spoke in favor of #12

Barbara Williams - Former FSPD - spoke against #12 - Also stated change is good, when needed, but implied there are no issues in the department with hiring and promoting.

Chief Nathaniel Clark made a clarification statement of his previous sworn staff.

Ms. Settle questions #12 jeopardizes the safety of our citizens. Chair Sexton also asked this same question to Mark Hallum who replied that yes, this change implementing #12 would jeopardize the safety of citizens. This same question was NOT asked of Wendall Sampson or Chief Clark.

Mr. Roe's final comments were for the commission to adhere to the facts given I believe.

Commissioner Tidwell in favor of #12 I believe. Spoke to addressing diversity issue.

Chair Sexton spoke that he was not in favor of #12 after everyone else spoke but before asking for the motion.

Chair Sexton asked for a motion. Hearing none, Section #12 failed for lack of a motion and 2nd.

Vote to change section #9 failed as well I believe.

Its blatantly obvious that this commission is solely focused on the power of its agency and the well-being of the FOP. Publicly the CSC appeared to be self-serving. Is this the mission of this agency?

It just looks like the deck is stacked and decisions already made. The CSC needs new blood if it continues to exist. Hiring only internally does not protect anybody but those who are already obstructing progress. Outsiders bring diversity and, with it, fresh perspectives and attitudes. Progress will not happen as long as this closed system persists. Why on earth would a reasonable system not afford the most knowledgeable law enforcement professional the discretion to hire the people, in his considered judgment, who bring the most to the table for the citizens of Fort Smith? We bring in a chief, Carl and the board gives him a directive but a board of civilians and the Chief's subordinates dictate the process. This inaction of CSC gives power to the FOP that they rightly do not have. We allow restructuring of other departments but won't allow the Chief of Police to do so. Why is that? What's the difference?

Please share with the entire board of directors. I believe it is in our best interest to dissolve our Civil Service Commission as quickly as possible.

Andre' Good

## Geffken, Carl

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**From:** Geffken, Carl  
**Sent:** Tuesday, May 23, 2017 11:55 AM  
**To:** Board of Directors Email Group  
**Subject:** FW: Civil Service Commission Meeting 05/22/17

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Board of Directors Email Group	
	Sanders, Sandy	Read: 5/23/2017 12:18 PM
	Geffken, Carl	Read: 5/23/2017 12:46 PM
	Dingman, Jeff	Read: 5/23/2017 1:43 PM

Mayor and Directors,

Director Good asked that I forward his personal notes from yesterday's Civil Service Commission meeting.

Thank you,  
Carl

Carl E. Geffken  
City Administrator  
City of Fort Smith  
623 Garrison Avenue  
Fort Smith, AR 72901  
Office: 479-784-2201  
Mobile: 479-561-1510  
Fax: 479-784-2430  
[cgeffken@fortsmithar.gov](mailto:cgeffken@fortsmithar.gov)  
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