



GREENE COUNTY

SHERIFF



JIM C. ARNOTT

OFFICE: (417) 868-4040

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June 9, 2015

Robert L. Stephens, Mayor
Office of the Mayor
840 Boonville Avenue
Springfield, MO 65801

Dear Mayor Stephens:

I am in receipt of your letter dated June 3, 2015. In your letter I read your example of a situation that is concerning to you and I would like to address that first. You said that a Springfield officer's report noted that: *"On 05/02/15 at 1811hrs I responded to 620 College in reference to a trespassing incident. Timothy Caldwell had been barred from this location and had threatened to assault the manager. I located Caldwell at Market and College. He acted like he was going to run, but the parking garage blocked his escape. Caldwell was anti police and difficult to deal with. He advised the police had just been called on him at his residence at 911 W. Webster. Due to the fact Caldwell had the police just called on him and his behavior, I normally would arrest him and took to the jail for book and release. This would have given him a calm-down period. Without being able to arrest on municipal charges, Caldwell was released with a summons for trespassing."* I have several concerns with this situation, much like you do.

First, Mr. Caldwell, while reportedly violating a municipal ordinance, more importantly would be in violation of Missouri RSMO 569.140 1st Degree Trespassing, a Class B Misdemeanor. This is a charge that the Springfield officer could have booked and released Mr. Caldwell on; or in the extreme case, where he is a danger, a 24 hour hold could have been established while the officer sought charges from the Greene County Prosecuting Attorney.

Second, the language that you included from the officer's report makes me question whether the City of Springfield's officers are being told to include statements in their reports such as *"I normally would arrest him and took to the jail for book and release"* and

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"Without being able to arrest on municipal charges." But, in any event, there is absolutely no reason Springfield officers cannot arrest on a municipal charge; that decision is being made by the City of Springfield not me or Greene County. That brings me to my next point.

In your letter you also stated: *"This example shows how the present situation leaves the City of Springfield without the tools needed to enforce municipal laws. As illustrated by the above example, this is not an acceptable condition for the citizens of Springfield."* The City has known since April 1st that there is a population condition and inmates on municipal charges would no longer be held. I know at least three other counties have contacted the City to offer their jails if the City needed to have a prisoner jailed. The City has refused to take any of those counties up on those offers. It is also my understanding that the City has not contacted any of the local municipalities with jails to discuss available space at those jail facilities for municipally charged prisoners. Consequently, the City of Springfield's claim that the above example is not an acceptable condition indicates the City should take reasonable steps to make other arrangements for its prisoners.

Also, another reason it appears the Springfield officers are being prodded into making such statements in their reports is that the officer stated that he was going to arrest for trespassing to give a "calm down period." This is very concerning since an arrest for trespassing would not be a reason for a "calm down period." In fact, if that is the reason for the arrest, and detaining him for criminal charges is not, this could be viewed as unconstitutional and may be perceived as a false arrest; and detention in the Greene County jail could expose the Sheriff's Office to a lawsuit. We have specific laws such as domestic violence offenses that do allow for that, but trespassing is not one of them. To remedy these situations, instead of urging its officers to get involved in the jail population issue in their reports, it seems the City would better serve its citizens by additional training on the law and their options. That seems especially true since it appears the officers were there on two occasions before the assaults and did not recognize the option to file state trespassing charges. This situation can be rectified by providing proper legal training to your officers, so they will have the knowledge to make an informed decision and avoid this unfortunate outcome in the future. On the other hand, such decision making cannot be rectified by jail space.

Lastly, your letter comes as a surprise to me, because I thought we were moving toward mutual cooperation evaluating the jail situation without litigation and the needless attorney's fees and costs that come with litigation. Looking back on why the new policy was implemented and the approach since that time makes it clear that the City has been inconsistent in its position and has given Greene County and me little in the way of options that will rectify our current issues. The following demonstrates my point:

On **March 31st**, I retained Jennifer Wilson with nForm Architecture, Joan Hand (Architect) and contracted with DeWitt to complete a construction project giving us an accurate number of bed space to utilize.

On **April 1st**, I stopped taking all municipal offenders because the jail was full utilizing Missouri RSMO 479.180.

On **April 2nd**, the Mayor sent a letter stating that we would (a) continue to accept municipal prisoners (b) the county will work to develop a more workable solution (paraphrasing) and that the County propose possible solutions within 90 days.

On **April 2nd**, I responded and said I cannot take municipal inmates at this time and I am looking forward to work on a solution within 90 days.

On **May 12th**, I received a letter from Mayor Stephens that now says that in the April 2nd letter that I continue to accept municipal prisoners and "in return," the City would give me 90 days to develop a solution. This is not what the letter said. I then was provided Options A and B:

Option A:

- *The Sheriff guarantees 10 beds in the Greene County Jail for Springfield municipal prisoners effective immediately and continuing through the construction phase. Once the planned remodeling is complete, the Sheriff guarantees at least 25 beds in the Greene County Jail for Springfield municipal prisoners on an ongoing basis. (Note: The City Council understands that the renovations will require the temporarily relocation of some State prisoners. That is why we are willing to accept a reduced number of beds (10) during the construction period.)*
- *The City and County will work together to file a motion in Circuit Court to seek a clarification of the 1997 agreement. The City feels the agreement clearly requires the Sheriff to accept the City's municipal prisoners. It is our understanding, however, that the Sheriff feels that agreement is not enforceable. Thus, we are proposing that both sides jointly and collaboratively seek a clarification in an expedited manner.*

Option B:

- *The City will seek an injunction from the Court to enforce the 1997 agreement and require the Sheriff to accept all municipal prisoners.*

The letter goes on to say "On behalf of City Council, we stand ready to discuss these options with you".

On **May 15th**, Jill Patterson responds on my behalf that I have had a death in my family and will respond as soon as I am able.

On **May 15th**, Mayor Stephens responds back and grants an extension on my reply due to the death of my mother.

On **May 20th**, I respond in writing advising that I want to discuss options as noted in the May 12th letter from the Mayor.

An arrangement is made to meet and discuss on May 22nd.

On **May 22nd**, Bob Stephens, Bob Cirtin, Tim Smith, Chris Coulter, Paul Williams and I meet in the City Managers Conference Room. The meeting lasted approximately 2 hours. It was decided that we would come up with points that we all agree on to work towards the solution regarding jail population. It was agreed upon that we will document the results that we all agree on and are satisfied with to move forward. It was also agreed, so that no one disagrees with what was discussed, that as we agreed on the points, Tim Smith would draft them in the form of an email while we were there and email it to everyone involved. These key points from Tim Smith's email were:

1. Remodeling of the jail is expected to commence within the next 10 days and is expected to take 12-15 weeks. The County will send a construction schedule within the next few weeks.
2. The Jail will be open to municipal prisoners at completion of the construction as space is available.
3. City and County will continue to engage in discussions as to how to manage the entire jail population in the long term.

While we were still seated at the table, Tim Smith emailed this document and we all agreed that this is the plan we are proceeding with until the construction project was completed. (See attached email). It was also discussed and unanimously agreed upon, that we would come again to sit at the table and agree on the terms of the 1997 Sales Tax Agreement WITHOUT going to court and utilizing our lawyers to do this, when we are ready to have that discussion. This WAS agreed on.

Later on the evening of May 22nd, at 7:04PM, Chief Williams emailed an additional note, I followed with a response regarding bed space and PC arrests, and Chief Williams responded back with, "Thanks Jim. Appreciate your efforts on this." (See attached email).

Your letter of June 3rd is written different than the others, as the prior letters have said "On behalf of City Council we stand ready to discuss these options with you;" but now, the City demands we select from only Option A or Option B; throwing the other discussions and agreements out the window. I hope you now understand how confused I was when I received your June 3rd letter.

The City of Springfield does not present an option that I can agree to at this juncture. If the City moves forward with either Option A or Option B and wants to seek clarification on the 1997 Agreement by a declaratory judgment or seek an injunction, I will obviously attend as the defendant and offer information on behalf of the Greene County Sheriff's Office. I cannot accept municipal inmates from any jurisdiction until our construction project is completed and I will then do so if space is available.

In regards to agreements on limiting the number of bed spaces for City of Springfield prisoners in the Greene County jail, it has never worked. The Springfield Municipal Court has never follow this. When they would get over the allotted space, the then County Administrator, Tim Smith, would contact the City Manager's Office, who would in turn say we can't tell the judges what to do. I feel delegating bed space is not an option as there is an established history of abuse and noncompliance. For example, even when 25 beds were agreed to, the number exceeding 80 at times, with no assisting to be sure dangerous felons (these are also criminals that committed a felony in the City of Springfield) have space to be kept in jail.

The 1997 Sales Tax Agreement that states I will accept municipal prisoners, does not supersede Missouri Statue 479.180 which says: "If a municipality has no suitable and safe place of confinement, the defendant may be committed to the county jail by the judge, and it shall be the duty of the sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such sheriff

for the keeping of other prisoners in his custody." In addition, the 1997 Agreement itself says the sheriff will accept prisoners according to established Policies and Procedures. I have the duty to establish those procedures because it is my responsibility by statute and the Agreement to set those policies which allows for a safe and effective jail.

I doubt a judge would issue an injunction to supersede a statute, so please be patient until construction is completed, which is what I asked at the beginning of this process. I have advised you of my decisions before implementing them; therefore, I would ask you for the same courtesy, and if you do decide to file suit that you please advise me at least 48 hours in advance.

I hope we can continue to discuss the population situation that we face and instead of wasting money on litigation, address the issues and a solution that benefit the citizens of our county.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim C. Arnott", written in a cursive style.

Sheriff Jim C. Arnott



Jail Statement

Robert Stephens, Burris, Greg , Williams, Paul
Smith, Tim to: (Police) , Bob Cirtin,
CCoulter@greencountymo.org,

05/22/2015 10:41 AM

History: This message has been forwarded.

1. Remodeling of the jail is expected to commence within the next 10 days and is expected to take 12-15 weeks. The County will send a construction schedule within the next few days.
2. The Jail will be open to municipal prisoners at completion of construction as space is available.
3. City and County will continue to engage in discussions as to how to manage the entire jail population in the long term.

Sent from Surface



Re: Jail Statement

Smith, Tim to: 'jarnott@greencountymo.org', Williams, Paul
(Police)

05/28/2015 06:53 AM

Cc: Robert Stephens, "Burris, Greg", Bob Cirtin,
"CCoulter@greencountymo.org"

Thanks Jim. Appreciate your efforts on this.

Sent from Surface

From: 'jarnott@greencountymo.org'<mailto:JArnott@greencountymo.org>
Sent: Wednesday, May 27, 2015 7:46 PM
To: Williams, Paul (Police)<mailto:Pfwilliams@springfieldmo.gov>
Cc: Tim Smith<mailto:Twsmith@springfieldmo.gov>, Bob Stephens<
mailto:rstephens@springfieldmo.gov>, Burris, Greg<
mailto:gburris@springfieldmo.gov>, Bob Cirtin<
mailto:BCirtin@greencountymo.org>, CCoulter@greencountymo.org<
mailto:CCoulter@greencountymo.org>

Just to clarify, bed space would be that number. We are going to have to come up with controls and agreements on PC Arrests and work on the book and release issues. That is a process more than anything else. I am working on that and in discussions with the PA.

Sent from my iPhone

> On May 27, 2015, at 7:04 PM, Williams, Paul (Police)
<Pfwilliams@springfieldmo.gov> wrote:

>

> Greg

> Here are Tim's original notes as the points from the mtf on Friday

>

> I would add one-- the Sheriff agree that the number to be used to determine how many are in jail moving forward is the actual jail count number from the daily report (2nd number from the bottom)

>

> Chief Paul Williams

> Springfield Police Department

>

> Sent from my iPhone

>

> On May 22, 2015, at 10:43 AM, Smith, Tim

<Twsmith@springfieldmo.gov<mailto:Twsmith@springfieldmo.gov>> wrote:

>

>

> 1. Remodeling of the jail is expected to commence within the next 10 days and is expect3ed to take 12-15 weeks. The County will send a construction schedule within the next few days.

>

> 2. The Jail will be open to municipal prisoners at completion of construction as space is available.

>

> 3. City and County will continue to engage in discussions as to how to manage the entire jail population in the long term.

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Re: Greene Co. Jail Renovations (Egress): Construction Schedule

CCoulter@greenecountymmo.org,

Smith. Tim to: 'jarnott@greenecountymmo.org', Bob Cirtin, Burris, 05/26/2015 07:46 PM
Greg, Williams, Paul (Police), Robert Stephens

Thanks Chris. Very helpful.

Sent from Surface

From: CCoulter@greenecountymmo.org<mailto:CCoulter@greenecountymmo.org>
Sent: Tuesday, May 26, 2015 9:16 AM
To: 'jarnott@greenecountymmo.org'<mailto:JArnott@greenecountymmo.org>, Bob Cirtin<mailto:BCirtin@greenecountymmo.org>, Burris, Greg<mailto:gburris@springfieldmo.gov>, Tim Smith<mailto:Twsmith@springfieldmo.gov>, Williams, Paul (Police)<mailto:Pfwilliams@springfieldmo.gov>, Bob Stephens<mailto:rstephens@springfieldmo.gov>

All

Here is a construction schedule from DeWitt

cjc

Christopher J. Coulter, AICP
County Administrator

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Administration Building
933 N. Robberson
Springfield, MO 65802

Phone: (417) 868-4873
Fax: (417) 868-4175

----- Forwarded by Chris Coulter/GCMO on 05/26/2015 09:04 AM -----

From: Rob Rigdon <RRigdon@dewitt-associates.com>
To: "'CCoulter@greenecountymmo.org'" <CCoulter@greenecountymmo.org>,
Cc: "KBarnes@greenecountymmo.org" <KBarnes@greenecountymmo.org>, Jeff Jones <JJJones@dewitt-associates.com>, Jim Newton <jnewton@dewitt-associates.com>
Date: 05/22/2015 04:46 PM
Subject: Greene Co. Jail Renovations (Egress): Construction Schedule

Chris,

Here's a quick and dirty schedule on a Friday before a holiday weekend.

Thanks,
Rob

This e-mail contains information which (a) may be PROPRIETARY IN NATURE OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee, or the person responsible for delivering this to the addressee(s), you are notified