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**July 19, 2023**

**Findings & Observations of the Town of Hurt Government Operations**

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**To: The Honorable Gary Hodnett, Mayor and Town Manager – Town of Hurt Virginia**

**Greetings Mr. Mayor,**

Here is the **“Findings & Observations”** report that provides an overview of operations/personnel/policies/training and general quality of performance of the Town of Hurt beginning with my contract to provide services as the Chief of Police for the town. Based upon my 46 years of experience in policing and public safety at many levels, including multiple assignments as Chief of Police, public safety director, local government and state government consultant as well as 12 years of public safety consulting, I am providing this report per your request to provide a detailed, written report of my observations of town government operations, actions and personnel along with my findings, observations and recommendations for improvement/correction.

As you are aware, I was contracted by the Town due to a systemic problem with the police department that was dysfunctional in many ways. An immediate evaluation of the issues revealed systemic failures of many areas of responsibility of the town. It should be noted that the Mayor and Council in charge at the time my contract was signed had Mr. Gary Poindexter serving as Mayor at the time of my appointment. Mayor Poindexter was in charge of all personnel, operations, finances and facilities and it was the Mayor’s duties to manage and supervise staff.

My initial task was to restore professionalism and order to the Office of the Chief of Police and the police department. At that time, it was a department in severe disorder that had lost the respect of its law enforcement partners and its citizens. To effectively administer this task, I was sworn in as the Chief of Police for the Town of Hurt VA and I assumed command of the department and its employees. The task of restoring the police department was completed over a period of two + years. An integral part of the restoration was the suitability evaluation, integrity investigation, professional education and training of Officer Michael Lovelace – the sole police officer remaining. I became his training officer and assigned him to attend professional police training courses to make up for the stunning lack of training that he was intentionally deprived of by former the former chief. His previous chief failed to properly

train Officer Lovelace and the Mayor and council at the time failed to correct this problem. In addition to this tasking, I was also requested to oversee town operations to review and make recommendations for improvement to all areas of town operations.

Accordingly, the following findings and observations are reported:

#### **POLICE DEPARTMENT:**

1. **CRITICAL LACK OF SWORN AND CIVILIAN STAFF:** Having only one police officer for an entire town is simply dangerous as well as depriving its citizens of the ability to have police services respond whenever they were needed. Having a department where the one police officer is the Chief and NO administrative staff makes a difficult job even more difficult. Hurt is very lucky to have a current Chief of Police who is greatly respected by his regional peers and by a majority of the citizens of the town. Hurt is NOT providing full policing services to the town and its citizens. Currently, not one day goes by with 24-7 police coverage by Hurt police. OSHA requires the implementation of Lone Worker protocols when a person works alone as the dangers of being solo in policing is well known. The staffing study I conducted indicated that the Town routinely FAILS to have full policing coverage on a 24-7-365 basis. If the Town does not increase the sworn police staff to basic minimum coverage, (around the clock protection seven days a week and holidays), it significantly increases the personal risk of harm to Chief Lovelace to a severe level of risk along with the citizens, businesses and property of the town.

Many businesses will likely NOT choose to relocate to Hurt because it does not have adequate police coverage to protect their business, its capital resources and their employees around the clock. This is a reality that the Town faces and it will probably lose potential business prospects to this problem. The Mayor at that time was made aware of the problem but took no action of any type that I was aware of.

**RECOMMENDATION:** The Town needs a minimum of five police officers full time including the Chief of Police. This staffing number could be reached by a variety of means, including, but not limited to the use of part time, DCJS CERTIFIED police officers and use of retired police officers. The Police dept budget must be increased to accommodate this service as it is a core service. As of my departure on July 1, 2023, the one police officer/Chief has to perform the following duties: general policing, public safety, traffic control, animal control, warrant service, accident investigation, response to calls for service of all types, manage the administrative duties of the department and the statutory duties of the chief of police, maintain police, training and administrative records, maintain and audit the evidence room, handle a variety of complaints and assist other town departments etc.... **It must be noted that when the Chief of Police takes the "time off" for regular duty scheduled days off (he cannot work 7 days a week) as well as vacation and other leave, the town has -0- police protection from its own dept and must rely upon the sheriff's Office. Altavista PD can assist but that is a mutual aid situation where the Town of Hurt must support any liability claims if an APD officer is injured or is sued for misconduct. The Town is not prepared for a situation of this type.**

2. **MUTUAL AID – NOT A FULL SOLUTION:** Pittsylvania County Sheriff's department has statutory jurisdiction within the town. **Factually, the county does not have enough sworn staff to support the north end of the county, much less the Town. Simply put, you cannot expect one person to provide protection and services to our citizens and visitors on a 24-7-365 basis.** You would not be realistic to expect that the county sheriff's office would be able to fully support

our town police on a 24-7-365 basis. They are short staffed as are most police departments nationally. The Town has a mutual aid agreement that supports other police agencies nearby when they come to our assistance in an emergency basis under the terms of the agreement. It does NOT support the town for routine, non-emergency police matters. There are times when staffing does not allow for mutual aid to respond and the town would be left to fend for itself. That is not a safe situation for the town, our police, the citizens, our businesses and our schools. It is an officer safety hazard.

**RECOMMENDATION:** a) review the Mutual Aid Agreement to include Campbell County Sheriff's Office, Town of Gretna Police, Lynchburg Police and Altavista Police; b) specifically redefine the duties expected to be performed by responding agencies and the coverage for injury, arrest and liability that responding agencies will have under the agreement; c) discuss the need and response for mutual aid with the state agencies that serve the area such as the Virginia State Police, Virginia Conservation Police and the Virginia ABC Police.

3. **CONSEQUENCES FOR INADEQUATE STAFF:** During my economic development efforts with my firm, I have witnessed a prime business refuse to relocate to a town if there was not adequate protection and services to provide policing services around the clock. I would expect that the Town will lose opportunities due to this fact.

**RECOMMENDATION:** Conduct a detailed study to recruit and retain full time police officers, utilize part time police officers/deputy sheriffs who are retired but who are DCJS certified and maintain their training via Hurt PD. Consider the use of non-sworn civilian personnel known as "police aides" who provide adjunct policing services on a non-sworn basis. They can be used to take reports of minor, nonviolent crimes, provide crime prevention services, direct traffic at nonviolent incidents, assist in searches for missing persons, provide motorist assistance services and other non-sworn duties.

4. **MUTUAL AID IS NOT GUARANTEED:** Mutual aid is the agreement of surrounding police agencies to come in to the town limits and assist our police in the event of a major event. Mutual aid does NOT guarantee the availability of external resources due to the number of calls in their own community.

**RECOMMENDATION:** Ensure that the Chief of Police coordinates with and maintains contact with partner agencies leadership to ensure that the capacity for response to mutual aid requests can be met at any given time.

5. **RADIO COMMUNICATIONS ARE CRITICAL:** Having radio communication for all police officers is an absolute must. The radio is the lifeline of every police officer and they cannot safely function without a radio. The town needs to ensure interoperability of communications with other nearby policing and public safety partners. The Town also needs a police radio located in the Clerk's Office to support police services and officer. The Clerk can double as a dispatcher for the town provided that they have training.

**RECOMMENDATION:** Train town staff in the use and operation of the assigned Town Hall radio and require daily use of the radio by staff.

**RECOMMENDATION:** Issue each town employee a portable radio for in duty/on call use. Communications between town staff is an essential need and it assists in providing timelier and coordinated services.

6. **POLITICAL INTERFERENCE AND LACK OF INTEGRITY IN TOWN BUSINESS:** Certain members of council at various times intentionally interfered and tried to influence police decisions with operations by inserting themselves into active police situations as well as exhibiting a lack of integrity and operational knowledge. It must be decided by Council as a whole that to allow individual council members to intervene and/or interfere with direct operational/management issues of the police department and administrative operations is improper for many reasons.

For example, the following issues occurred during my tenure at the Town:

- one council member created a severely hostile work environment by their intentional interference with staff that resulted in the departure of two staff members. Complaints were filed by the staff at that time.
- Another council member intentionally deceptive about the recently appointed Mayor Gary Hodnett (who was appointed after the sudden departure of Mayor Gary Poindexter) by reporting that Mayor Hodnett was violating the law by carrying a loaded firearm on his hip while he was engaged in the "feed the children program" sponsored by the Town at the school during the pandemic. I investigated that incident and it was untrue.
- Another council member was deceptive twice about actions that Chief Lovelace was involved in that involved this specific council member. As Chief of Police, I investigated those complaints (known as an Giglio Violation) against Officer Lovelace by the council member and they were proven false based upon witness interviews and a review of body camera images that the council member refused to view. That council member refused to cooperate with the investigation despite the fact that they were individually involved in the incidents discussed. Council has a duty and a right to ADVISE the Mayor in managing police services but they do not have a right to interfere in operations and/or to refuse to cooperate in an investigation that they insert themselves in. Council Member interference is demoralizing, improper and is not appropriate. Interfering with a police officer's duties can be a criminal offense.
- One Council Member made it very clear to many people that they did NOT want Officer Lovelace to become the Chief of Police due to an encounter in their past that was based purely on personal animus. This was highly inappropriate.
- Another Council Member failed to get sworn in by the Clerk of the Pittsylvania County Circuit Court at the designated time and place and missed the deadline for being sworn in. This person subsequently tried to get another sitting Council Member to falsely affirm that they were sworn in at the same time with this council member as proof of being sworn in. The other council member declined to participate with that request.
- Several Council members requested information about active criminal investigations that they were not entitled to.

**RECOMMENDATION:** develop an internal policy that clarifies the chain of command to be limited to sworn police staff and that elected town officials, other than the Mayor/Town Manager or their designee, have no authority to intervene, supervise/manage police or administrative staff or interfere with police operations and administrative operations. They may only advise the Mayor of their concerns and must cooperate and NOT interfere in any investigation.

**RECOMMENDATION:** Establish a Council Code of Ethics that each council member will take an oath they will follow all the required rules and regulations required of them in a timely manner and provide the appropriate written documentation to the Town Clerk as proof of compliance.

7. **NUISANCE ORDINANCE ENFORCEMENT:** Now that the Public Safety Director is no longer serving as of July 1, 2023, police will need to assume the enforcement duties of nuisance ordinances. This was removed from the police duties by the Public Safety Director due to the hostile response by the public to the enforcement of these ordinances. Enforcement was recently assigned to the Public Safety Director so that any anger by the citizens would be directed to him and not to the police. Police will now assume that duty and endure that anger that is counterproductive to police – citizen cooperation.

**RECOMMENDATION:** Hire a qualified person on a part time basis to investigate nuisance ordinance violations for the Town of Hurt and remove that duty from the police department.

8. **LACK OF NECESSARY POLICE DUTY EQUIPMENT:** The department is lacking in modernized patrol rifles, forensic evidence collection materials, cctv surveillance devices, spare radios, ballistic shields, duty coveralls, Halligan tool, door breach tool, laptop & desktop computers, car based mobile data terminals and other items. Lacking proper equipment is a hazard to officers in the field.

**RECOMMENDATION:** Require the Chief of Police to provide an annual statement of need with budget estimates for equipment to ensure that the department is not lacking in professional police technology and equipment and the requisite training required. It is also recommended that the Town utilize state contract services whenever possible to reduce costs.

9. **COLLATERAL THREAT TO ADMINISTRATIVE STAFF:** Having the police department in the same office as the administrative staff creates a higher risk to our civilian staff. Prisoners will be brought into the office from time to time for processing and interviewing and this creates a potential hazard as there is no appropriate detention room. Victims of crime sometimes come to the Town Hall seeking assistance from the police and they have been followed by persons who were harassing them to Town Hall.

**RECOMMENDATION:** Continue to follow through with the physical and operational security renovation to ensure that civilian staff are kept separated from prisoners. Prisoners shall enter and leave from the police basement offices and a secure door from the basement to the first floor shall remain locked at all times.

**RECOMMENDATION:** Increase live cctv surveillance on the stairwell and the police offices as well as exterior entrances. Develop a town hall security policy that applies to all persons who

enter town hall. Install a motion activated intrusion alarms that would cover the entire Town Hall and would notify 911 if an attempt to burglarize the facility was attempted or was successful.

10. **DERELICTION OF TRAINING DUTY – Chief of Police & Mayor at the time:** Officer Lovelace was significantly lacking in the career progression professional police topical training areas that would be expected of a police officer of his tenure. I immediately him enrolled in a variety of professional training courses and experiences that brought his level of expertise to a much more appropriate level for his tenure. This lack of professional training is a critical error that occurred over time and can be directly attributed to Chief of Police at the time who failed to properly train Officer Lovelace in the advanced topics of policing that his tenure should have provided him as well as the direct supervisor of the Chief - the Mayor at the time who failed to properly discharge his duties by failing to adequately manage and supervise the Chief of Police and the police department. This type of neglect was noted by other regional police agencies who all knew Officer Lovelace as a valuable officer but one who lacked in the appropriate training and skills appropriate and expected for his tenure. I can attest that Chief Lovelace was a stellar student with an excellent ability to learn and apply the training that he learned. Chief Lovelace has grown into a very respected and effective Chief of Police.

**RECOMMENDATION:** Ensure that all police officers for the town are kept updated to the standards developed by the Chief of Police and the Commonwealth of Virginia – Department of Criminal Justice Standards.

**RECOMMENDATION:** Ensure that all police officer have a career development plan that includes pay for performance, longevity raises, specialty raises, holiday pay, training officer pay upgrade and other compensation for outstanding service. A similar plan for non-sworn personnel should be developed for all staff.

**RECOMMENDATION:** Integrity Checks: Each staff member shall have a criminal history background check performed on them on their date of hire anniversary each year. This would also include a review of driving records and verification of an active, unexpired Virginia drivers license. An annual credit check would be performed on each police officer and each staff member whose duties require the handling of town funds.

#### **ADMINISTRATIVE FAILURES:**

11. **COUNCIL MEMBERS MANDATORY TRAINING FAILURE:** Many council members failed to attend mandatory training as promulgated by the Code of Virginia or by the Mayor. This is an embarrassment and neglect of their duty.

**RECOMMENDATION:** Assign the Clerk with the duty of assigning required/mandatory training to all council members annually and to maintain the appropriate records.

12. **Staff Misconduct:** In addition to the police dept problems, indications of poor job performance were detected in the Clerk Treasurer's office. Significant amounts of uncollected tax revenue along with water bills were not collected and other delinquent fees were never collected and the town was always in arrears with fees and back payments owed to the Town. This series of

failures to properly collect fees owed by residents was never followed up by the then current Mayor. Fiscal competency was lacking along with supervisory oversight if the clerk treasurer and the town lost a significant amount of money due to an egregious lack of administrative oversight by the one person in charge. Money was left carelessly out in an opened safe with the Clerk's office door being open – this was a common practice. The DMV stop loss program was never followed up on until the new Mayor took charge. Despite a history of fiscal mismanagement and previous embezzlements by a former employee, no effort was made by the Mayor at that time to ensure fiscal integrity in the Town's financial affairs.

**RECOMMENDATION:** Have the town contract accountant conduct a forensic audit of the last five years of all town financial transactions prior to Gary Hodnett taking over as Mayor.

**13. Mayoral & Council Failure To Supervise, Guide and otherwise manage/support/guide the town employees:**

**For years, town staff was loosely managed by the Mayor. This lack of professional management led to embezzlement of town funds, inaccurate time and finance records and created a general air of disarray in town operations.**

**Financial Irregularities:** Safe left open with contents visible to the public during business hours, door to Clerk/Treasurer office left open and unattended when the public was present, no physical security for town funds and records. The typical generally accepted accounting procedures (GAAP) along with checks and balances to ensure fiscal and personnel integrity were not in place and the finances of the town suffered. There was no dedicated fiscal policy for the town.

**Lack of Policy Guidance:** No Defined policy, Internal Inspection or internal audit was performed annually of finances, records, evidence, overtime, grant funds, water services, sewer services, delinquent debt of water, sewer, real estate tax, personal property tax et al. The Town was always behind in the collection of the various funds owed by residents. The Mayor at the time made no effort to ensure that fiscal integrity was ensured. The town owes its taxpayers a fiscally professional town.

**Safety of Town Staff & Visitors to Town Hall:** Physical & Personnel Security was totally inadequate. No CCTV, alarms, inspections etc.... Town Hall did not provide the safety and security that is expected for a seat of government. Town employees should not be insulted, cursed or otherwise abused by people who have a dispute with the town. This happens too much to town staff. They should not be abused by the public they serve nor should leadership allow it to continue.

**Summation of Final Recommendations:** Under previous administrations, a stunning lack of competency in the administrative, executive and operational services of the town was demonstrated by the lack of dedicated involvement and job knowledge of staff and council. Ordinances such as property nuisances and junk autos were not enforced, the lack of administrative oversight for the documents and operations of the town clerk, public works and police chief resulted in a town in disarray and functions of the town not being properly performed and documented. Most telling was the fact that the finances of the town were in

general disarray and no generally accepted accounting procedures (GAAP) and self-audits (SA) were performed. Responsibility for these systemic and staff failures lies solely with the Mayor in charge at the times these deficiencies occurred. Develop an internal administrative policy that will ensure that internal self-audits and 3<sup>rd</sup> party audits are conducted of all town functions, finances and personnel actions on a regular and unannounced basis.

**Council should vigorously defend their staff against derogatory and false comments that impugn the character and work ethics of town staff that are made by members of the public.**

**The administrative and operational staff of the past cannot be solely blamed for their lack of efficiency and job knowledge as their leader at that time made no documented efforts to ensure that they were trained, supervised, guided and disciplined. This was simply failure to perform the duties of town leadership at the most basic level.**

**The current administrative and operational staff are trained, guided, evaluated, mentored, supervised and procedures for discipline are in place should they be required. The professionalism of the staff is directly attributed to the hiring of qualified staff, training the staff and having the staff supervised by the Mayor (serving as Town Manager), the former Deputy Town Manager (position eliminated) and the Chief of Police. This supervision has led to significant improvements in town operations and services.**

**The employees have worked very hard to bring professionalism to the town operations and great improvement has been noted. They are self-motivated and take great pride in their work.**

**This report is a summation of the findings and observations made by the author and by information provided to the author by current and past employees as well as members of the community who provided information on condition of anonymity.**

**End of Report**