

Paris City Commission
Commission Chambers
Paris, Kentucky
February 24th - 25th, 2016

The Paris City Commission met in a special session at 3:00 p.m. Monday, February 24, 2016. Mayor Michael Thornton called the meeting to order.

Council for the City of Paris:

Patsey E. Jacobs and Bryan H. Beauman with Sturgill, Turner, Barker & Moloney, PLLC

Counsel for the Police Officers:

Luke Morgan and Daniel E. Whitley, Senior with McBrayer, McGinnis, Leslie & Kirkland, PLLC

Council for the City:

Robert Temple Juett with Law Office of Robert Temple Juett

Also Present:

Commissioner Matt Perraut, Commissioner Tim Gray, Commissioner Wallis Brooks, Commissioner Stan Galbraith, City Manager John Plummer, Police Chief Robert A. Williams, Kevin Anderson, Abdullah Bholat, John L. Humphries, Robert Puckett, J.P. Primm

City Manager John Plummer determined a quorum was present for the transaction of business. Mayor Thornton proceeded to conduct the meeting.

Motion moved by Mayor Thornton, seconded by Commissioner Perraut to enter into deliberations in executive session pursuant to KRS 61.810(1)(f) and KRS 61.810(1)(j): Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's member's or student's right to a public hearing if requested. Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions or boards of adjustment. Upon voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Motion moved by Motion moved by Mayor Thornton, seconded by Commissioner Perraut to come out of executive session. Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Aye.

Mayor Thornton announced the holdings, based upon the foregoing finding of fact, it is the decision of the Board of Commissioners of the City of Paris to approve the suspension without pay of Lieutenant Robert Puckett for a period of six months beginning February 9, 2016, in addition to one year of probation beginning the first day he returns from suspension and being stripped of his rank of lieutenant and remain ineligible for promotion or advancement for a period of two years following his return from suspension based upon substantial evidence proving violations of the Paris Police policy 100.060:

11.04 Conduct unbecoming

11.16 Failure to conform to rules and regulations

11.17 Insubordination

11.18 Inefficiency

11.26 Dereliction of Duty

11.47 Failure to properly enforce the Rules of Conduct as a ranking officer

Officer Puckett shall also be charged 10 hours of annual leave for the charge of claiming ten (10) hours of time worked but the radio log showing no activity and he did not appear at headquarters at any time on the shift of October 6, 2015.

Based upon the testimony, documents and other evidence presented at the hearing, the Board of Commissioners hereby finds and holds as follows:

Regarding Lt. Robert Puckett:

FINDINGS OF FACT

1. In October 2015, Lt. Puckett was in dispatch for 31.38 hours while on duty.
2. In October 2015, Lt. Puckett was in headquarters for 59 hours out of a total of 140 hours worked.
3. In November 2015, Lt. Puckett was in dispatch 7.93 hours while on duty.
4. In November 2015, Lt. Puckett was in headquarters 19.23 hours out of a total 40 hours worked.
5. In December 2015, Lt. Puckett was in dispatch 14.65 hours while on duty.
6. In December 2015, Lt. Puckett was in headquarters 48 hours out of a total 80 hours worked.
7. On the shift of October 6, 2015, Lt. Puckett claimed 10 hours of time worked but radio log shows no activity and he did not appear at headquarters at any time.
8. On the shift of October 11, 2015, Lt. Puckett engaged in physical contact with a co-worker including grabbing the back of a co-worker's head.
9. On the shift of October 18, 2015, Lt. Puckett engaged in physical contact with co-workers including kissing two co-workers.
10. On the shift of October 11, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for over 3 hours without taking any corrective action.
11. On a different occasion on the shift of October 11, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for almost 2 hours without taking any corrective action.
12. On the shift of October 18, 2015, Lt. Puckett was the shift Lieutenant and allowed Officers Toadvine, Harmon and Primm to remain in dispatch for 1 hour, and allowed Officer Bholat to remain in dispatch almost 3 hours without taking any corrective action.
13. On the shift of October 22, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Anderson to remain in dispatch for 1.5 hours without taking any corrective.
14. On the shift of October 24, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for more than 1 hour without taking any corrective action.
15. On the shift of October 29, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for 2.5 hours without taking any corrective action.
16. On the shift of October 30, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for over 2 hours without taking any corrective action.
17. On the shift of November 5, 2015, Lt. Puckett remained in dispatch with all 3 supervisors for the first 2 to 3 hours of the shift.
18. On the shift of December 1, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for over 1 hour without taking any corrective action.
19. On the shift of December 7, 2015, Lt. Puckett was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for 2.5 hours without taking any corrective action.

Motion moved to approve by Commissioner Galbraith, seconded by Commissioner Brooks. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Mayor Thornton announced the holdings, based upon the foregoing finding of fact, it is the decision of the Board of Commissioners of the City of Paris to approve the suspension without pay of Officer Jon Humphries for a period of six months beginning February 9, 2016, in addition to one year of probation beginning the first day he returns from suspension and remain ineligible for promotion or advancement for a period of two years following his return from suspension based upon substantial evidence proving violations of the Paris Police Policy 100.060:

11.04 Conduct unbecoming

11.16 Failure to conform to rules and regulations

11.17 Insubordination

11.18 Inefficiency

11.26 Dereliction of Duty

11.47 Failure to properly enforce the Rules of Conduct as a ranking officer

Officer Humphries shall also be charged ten hours of annual leave for October 24, 2015 no radio activity.

Regarding Officer Jon L. Humphries

FINDINGS OF FACT

1. In October 2015, (then) Lt. Humphries was in dispatch 21.95 hours while on duty.
2. In October 2015, (then) Lt. Humphries was at headquarters for 40.4 hours of a total 180 hours worked.
3. In November 2015, (then) Lt. Humphries was in dispatch 14.33 hours while on duty.
4. In November 2015, (then) Lt. Humphries was at headquarters for 53.43 hours of a total 150 hours worked.
5. In December 2015, (then) Lt. Humphries was in dispatch 4.16 hours while on duty.
6. In December 2015, (then) Lt. Humphries was at headquarters 35.2 hours of a total 100 hours worked.
7. On the shift of October 11, 2015, (then) Lt. Humphries failed to report to roll call.
8. On the shift of October 13, 2015, (then) Lt. Humphries failed to report to roll call.
9. On the shift of October 24, 2015 no radio activity is shown for (then) Lt. Humphries entire shift.
10. On the shift of December 23, 2015, (then) Lt. Humphries reported in-service at 2100 but never appeared to conduct roll call.
11. On the shift of October 3, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officers Bholat and Sandfort to remain in dispatch for 1 hour and failed to take any corrective action.
12. On the shift of October 12, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for 1 hour without taking any corrective action.
13. On the shift of October 17, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for 3 hours without taking any corrective action.
14. On the shift of October 24, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officer Bholat to remain in dispatch for 1 hour, 45 minutes without taking any corrective action.
15. On the shift of November 8, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officers Breslin and Sandfort to remain in dispatch for 2.5 hours and allowed Officer Bholat to remain with you in dispatch for almost 3 hours and failed to take any corrective action|
16. On the shift of December 2, 2015, (then) Lt. Humphries was the shift Lieutenant and allowed Officers Bholat and Sandfort to remain in dispatch for 2.5 hours and allowed Officer Breslin to remain in dispatch for almost 2 hours and failed to take any corrective action.

Motion moved to approve by Commissioner Perraut, seconded by Commissioner Brooks. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Mayor Thornton announced the holdings, based upon the foregoing finding of fact; it is the decision of the Board of Commissioners of the City of Paris to approve the suspension without pay of Officer Kevin Anderson for a period of 90 days beginning February 9, 2016 in addition to one year of probation beginning the first day he returns from suspension and remaining ineligible for promotion or advancement for a period of two years following his return from suspension based upon substantial evidence proving violations of Paris Police Policy 100.060

11.04 Conduct unbecoming

11.16 Failure to conform to rules and regulations

11.17 Insubordination

11.18 Inefficiency

11.26 Dereliction of Duty

11.47 Failure to properly enforce the Rules of Conduct as a ranking officer

Regarding Officer Kevin Anderson

FINDINGS OF FACT

1. In October 2015, Officer Anderson was in dispatch 28.02 hours while on duty.
2. In November 2015, Officer Anderson was in dispatch 39.13 hours while on duty.
3. In December 2015, Officer Anderson was in dispatch 8.13 hours while on duty.
4. On the shift of November 7, 2015, Officer Anderson was the officer-in-charge and allowed Officers Bholat and Primm to remain in dispatch for 1.5 hours and failed to take any corrective action.
5. On the shift of November 10, 2015, Officer Anderson was the officer-in-charge and allowed Officer Primm to remain in dispatch for almost 3 hours and allowed Officer Sandfort to remain in dispatch for over 1 hour and failed to take any corrective action.
6. On the shift of November 11, 2015, Officer Anderson was the officer-in-charge and allowed Officer Primm to remain in dispatch for 1 hour and failed to take corrective action.
7. On the shift of November 13, 2015, Officer Anderson was the officer-in-charge and allowed Officer Primm to remain in dispatch for over 3 hours and failed to take any corrective action.
8. On the shift of November 18, 2015, Officer Anderson was the officer-in-charge and allowed Officer Primm to remain in dispatch for almost 3 hours and failed to take any corrective action.
9. On the shift of November 30, 2015, Officer Anderson was the officer-in-charge and allowed Officer Castle to remain in dispatch for over 1 hour and failed to take any corrective action.

Motion moved to approve by Commissioner Gray, seconded by Commissioner Perraut. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Mayor Thornton announced the holdings, based upon the foregoing finding of fact, it is the decision of the Board of Commissioners of the City of Paris to approve the suspension without pay of Officer J.P. Primm for a period of 90 days beginning February 9, 2016 in addition to one year of probation beginning the first day he returns from suspension and to require that Officer Primm retire at the time he becomes eligible under CERS, based upon substantial evidence providing violations of Paris Police Policy 100.060:

- 11.04 Conduct unbecoming
- 11.16 Failure to conform to rules and regulations
- 11.17 Insubordination
- 11.18 Inefficiency
- 11.26 Dereliction of Duty

Officer Primm shall also be charged 7.5 hours of annual leave for the trip to Barren River.

Regarding Officer J.P. Primm

FINDINGS OF FACT

1. In October 2015, Officer Primm was in dispatch 24.7 hours while on duty.
2. In November 2015, Officer Primm was in dispatch 42.86 hours while on duty.
3. In December 2015, Officer Primm was in dispatch 15.43 hours while on duty.
4. For the shift of October 13, 2015, Officer Primm claimed 10 hours of work time but never properly radioed in service. His first radio traffic does not appear for shift until 00:42, more than 4.5 hours after reportedly being in service.
5. For the shift of October 25, 2015, Officer Primm claimed 10 hours of work time although his entire work that shift consisted only of a drive to Barren River State Park for training an approximate 2.5 hour drive.

Motion moved to approve by Commissioner Gray, seconded by Commissioner Perraut. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Mayor Thornton announced the holdings, based upon the foregoing finding of fact; it is the decision of the Board of Commissioners of the City of Paris to approve the suspension without pay of Officer Abdullah Bholat for a period of 120 days beginning February 9, 2016, in addition to one year of probation beginning the first day he returns from suspension and remaining ineligible for promotion or advancement for a period of two years following his return from suspension based upon the substantial evidence proving violations of Paris Police Policy 100.060

- 11.04 Conduct unbecoming
- 11.16 Failure to conform to rules and regulations
- 11.17 Insubordination
- 11.18 Inefficiency
- 11.26 Dereliction of Duty
- 11.27 Honesty

Regarding Officer Abdullah Bholat:

FINDINGS OF FACT

1. In October 2015, Officer Bholat was in dispatch 24.9 hours while on duty.
2. In November 2015, Officer Bholat was in dispatch 22.3 hours while on duty.
3. In December 2015, Officer Bholat was in dispatch 19.03 hours while on duty.
4. Over a three month period of time, Officer Bholat was in dispatch on a computer working on non-city related activities for extended periods of time.

Motion moved to approve by Commissioner Brooks, seconded by Commissioner Gray. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Yes.

Motion moved by Perraut, seconded by Brooks, to reflect a schedule change for the hearing dates to be documented as February 22, 24 and 25, 2016. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Aye.

Motion moved by Galbraith, seconded by Perraut, to adjourn the meeting at 2:29 a.m. on February 25, 2016. Upon Voting, the Motion carried 5-0 with Mayor Thornton, Commissioners Perraut, Gray, Brooks and Galbraith voting Aye.

Mayor

Attest:

City Clerk/Treasurer

Documented by: Rebecca Fella Registered Professional Reporter
Prepared by: Stephanie Settles

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APPEARANCES

**COUNSEL FOR THE CITY OF PARIS AND POLICE CHIEF
ROBERT WILLIAMS:**

Patsey E. Jacobs
Bryan H. Beauman
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Suite 1500
Lexington, Kentucky 40507

COUNSEL FOR THE POLICE OFFICERS:

Luke Morgan
Daniel E. Whitley, Senior
McBrayer, McGinnis, Leslie & Kirkland, PLLC
201 East Main Street, Suite 900
Lexington, Kentucky 40507

COUNSEL FOR THE CITY:

Robert Temple Juett
Law Office of Robert Temple Juett
208 South Broadway
Georgetown, Kentucky 40324

ALSO PRESENT: Michael E. Thornton, Mayor
Wallis Brooks, Commissioner
Tim Gray, Commissioner
Stan Galbraith, Commissioner
Matt Perraut, Commissioner
John Plummer, City Manager
Rob Williams, Police Chief
Kevin Anderson
Abdullah Bholat
Jon L. Humphries
Robert Puckett
J.P. Primm

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7 ((Above-referenced exhibits, with the exception of
8 Defendants' Exhibits 5, 8 and 9, accompany original and
9 copy transcripts. Defendants' Exhibits No. 5, 8 and 9
10 were not provided.)

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1 MAYOR THORNTON: We'll call this
2 hearing to order. Mr. Plummer, if you could have the
3 roll call, please.

4 MR. PLUMMER: Yes, sir. Commissioner
5 Perraut?

6 COMMISSIONER PERRAUT: Here.

7 MR. PLUMMER: Commissioner Gray?

8 COMMISSIONER GRAY: Here.

9 MR. PLUMMER: Commissioner Brooks?

10 COMMISSIONER BROOKS: Here.

11 MR. PLUMMER: Commissioner Galbraith?

12 COMMISSIONER GALBRAITH: Here.

13 MR. PLUMMER: And Mayor Thornton?

14 MAYOR THORNTON: Here.

15 MR. PLUMMER: We have a quorum, ready
16 to conduct business.

17 MAYOR THORNTON: Mr. Juett, if you
18 could make a few announcements, we would appreciate it.

19 MR. JUETT: Thank you, Mayor. I want
20 to start off by offering an apology and my thanks to
21 everyone involved -- Commissioners, the officers, the
22 media, the public, everyone -- for rescheduling this for
23 3:00 today.

24 The mistake was mine. I was focused
25 on the open meetings requirements and not focused on my

1 own schedule, so I really appreciate the rescheduling
2 and everyone agreeing and cooperating to do that, so
3 thank you for that.

4 I will say that what we'd like to do
5 is, once we get started, at -- if we're not finished by
6 6:00, we take a break for dinner at that time, and we
7 can gauge how long you want to take at that time.

8 And then the other thing is, I know
9 there are some people in the hallway. Again, as
10 yesterday, hopefully you can hear and you should be able
11 to see through the glass.

12 If you have any problems hearing,
13 please let Lieutenant Thomas know, who is at the door,
14 and we'll try to get that fixed for you.

15 So with that, Mayor, I turn it back
16 over to you.

17 MAYOR THORNTON: All right. Pursuant
18 to KRS 15.520 and as requested by the individuals below,
19 which is Kevin Anderson, Abdullah Bholat, Jon Humphries,
20 Robert Puckett and J.P. Primm, a public hearing
21 regarding disciplinary charges against the City of Paris
22 employees is what we're here for.

23 I think we left off with Mr. Morgan.
24 I don't know if there's a certain protocol.

25 MR. JUETT: Just in terms of

1 approaching the witness, Mr. Morgan, if you -- if you
2 have documents to offer to the witness, if you would,
3 you may approach him for that, but if you're not
4 approaching him for that purpose, if you would mind not
5 approaching the witness. Okay?

6 MR. MORGAN: Okay.

7 MR. JUETT: Thanks.

8 MR. WHITLEY: If you all don't mind, I
9 have something to address. I think the last time we
10 were here my colleague started to cross examine
11 Mr. Williams on retaliation on shifting from a ten-hour
12 shift to a twelve-hour shift. There was an objection
13 make that said it was not relevant.

14 I want to address this because we want
15 to put on a good defense. For purposes of the
16 hearing --

17 MR. JUETT: Well, what are you going
18 to address? Are you --

19 MR. WHITLEY: I want to make a motion
20 to allow us to do that, if you don't mind.

21 MR. JUETT: And that's overruled.
22 We've already ruled on that issue.

23 MR. WHITLEY: Can I make a better
24 preservation for the record what our objection is?

25 MR. JUETT: Yes.

1 MR. WHITLEY: The Rules of Evidence in
2 these proceedings are lax, but these hearings are based
3 on due process and a fair -- notion of fair play.

4 COURT REPORTER: I'm sorry; could you
5 say that again?

6 MR. WHITLEY: Due process and fair
7 play.

8 Now, in these proceedings the chief
9 has made a recommendation both of his opinion on the
10 officers' behavior and his opinion on whether they could
11 be counseled or not in these proceedings. That's his
12 subjective belief, and we are allowed to cross examine
13 him on that.

14 The Rules of Evidence are very
15 clear -- even when relaxed -- a person's bias and motive
16 as to why they have those opinions are always relevant
17 evidence.

18 The objection made was that it was not
19 relevant. We argue that it was relevant. It goes to
20 the chief's bias and his motives of why he's making the
21 recommendation he's making -- number one, that these
22 officers are ill equipped to stay on the force, and
23 number two, that they should lose their job for it.

24 I believe that the Rules of Evidence
25 always say these rules and that evidence is applicable.

1 Now, while the rules are relaxed, it doesn't say that --
2 there's no case that says that evidence is inadmissible.

3 When we made that argument I think
4 there was a case that was cited that said it is
5 inadmissible. We need a chance to review it, but I do
6 have the case -- I think it was Stallins?

7 MS. JACOBS: No.

8 MR. WHITLEY: The case is what?

9 MS. JACOBS: Gilberson versus City of
10 Ludlow, 2015 Court of Appeals.

11 MR. MORGAN: What's the cite, Patsey?

12 MS. JACOBS: It's a West Law cite,
13 2015 West Law 1880755.

14 MR. MORGAN: So it's not a final
15 decision?

16 MS. JACOBS: It is a final decision.

17 MR. MORGAN: It's not a published
18 decision?

19 MS. JACOBS: It's not a published
20 decision. It is a final decision.

21 MR. WHITLEY: I don't know the -- the
22 facts of that case. We -- we -- I didn't get a copy of
23 it when the argument was made.

24 But the fact is true that a person's
25 motive and bias and why they make the recommendations

1 they're making is always relevant, and as part of our
2 defense, we have a right -- through due process -- a
3 right to put on a defense.

4 Our defense is, number one, that they
5 were retaliated against, and number two --

6 MS. JACOBS: I'm going to object at
7 this point. It's -- I mean, we're playing for the media
8 at this point. It's been argued. It's been overruled.

9 MR. WHITLEY: Well, ma'am, that's --

10 MS. JACOBS: The case law is very
11 clear.

12 MR. WHITLEY: I'm not --

13 MR. JUETT: You've preserved your
14 objection.

15 MR. WHITLEY: Yeah, but I'm not
16 playing for the media.

17 MR. JUETT: Well, and I understand and
18 I'm not characterizing it that way. What I'm saying is,
19 though, that you're standing up here making an argument
20 about this evidence, what it means and -- as though
21 you're -- you're cross examining the officer on it.

22 I think you preserved the objection.
23 We dealt with this yesterday as well. Mr. Morgan was
24 also able to tell the Commission why he thinks it ought
25 to come in, but we overruled the motion and the evidence

1 is not going to be allowed in.

2 So if you're preserving your
3 objection, it's been preserved, and you get a de novo
4 hearing on appeal anyway, so --

5 MR. MORGAN: We would like to think
6 that decision hasn't yet been made.

7 MR. JUETT: Well, I'm just saying that
8 in terms of preservation, but -- so the -- the issue
9 is -- is -- the -- the motion is overruled, with all due
10 respect.

11 MR. MORGAN: May I proceed?

12 MR. JUETT: Sure.

13 MAYOR THORNTON: Yes, sir.

14 MR. MORGAN: Okay. Thank you.

15

16

CONTINUED EXAMINATION

17 **BY MR. MORGAN:**

18 Q. Chief, when we left on Monday we were
19 looking at your report, the two-page report -- the
20 one-and-a-half-page report?

21 A. Yes, sir.

22 Q. And I think I left off -- you and I were
23 discussing -- we had finished with the second paragraph
24 on the second page, so now we're down to the third
25 paragraph that begins, on February 5, 2016, and

1 February 6, 2016, I and Assistant Chief Best hand
2 delivered a packet to each offending officer and
3 supervisor.

4 And that's going to be the five guys here
5 at the table with -- with Daniel and me, as well as
6 Lieutenant Dempsey, correct?

7 A. No, that would have been actually 13
8 officers.

9 Q. Thirteen officers, okay.

10 A. One did not get served because of the
11 maternity leave.

12 Q. One did not get served why?

13 A. Because he was on maternity leave.

14 Q. Okay. Okay. And then you go on to say,
15 contained in the packets were a schedule of each month,
16 asking for justification for the particular days that
17 the officer or supervisor had remained in the dispatch
18 center or headquarters for an extended period of time, a
19 list of questions asking for explanation or
20 justification for the discrepancies on their time cards
21 and a justification for no activity logged for an entire
22 shift.

23 Now, are you telling the Commission members
24 that when you gave these packets -- you and Assistant
25 Chief Best -- that no decision had been made about what

1 type of punishment to impose?

2 A. No, sir.

3 Q. You had not decided what punishment to
4 impose?

5 A. No, sir, because with the responses that I
6 asked for, I was asking for some form of justification
7 for their actions.

8 Q. Okay. Now, the documents and the packets
9 that you gave these officers on the 5th and 6th of
10 February, are those the charging documents?

11 A. No, sir.

12 Q. That's just what, informational stuff?

13 A. Yes, sir.

14 Q. Okay. And again, we -- as we discussed,
15 you -- did you make available or tell them to look at
16 the video or any of the videos that you were relying
17 upon?

18 A. No, sir.

19 Q. The next part here, the next paragraph
20 says, I received the responses from all officers by
21 Monday, February 8, no later than 8:00 a.m., and that's
22 because you told them to provide this to you by then,
23 correct?

24 A. Yes, sir, that's correct.

25 Q. After reading through the responses, I

1 found three justifications that were plausible from
2 three different officers -- Dempsey, Breslin and
3 Thompson. Other than these three, none of the responses
4 gave a justifiable reason as to any violation listed.

5 So as I understand it, you mentioned you
6 had 13 officers that you looked at, correct?

7 A. Yes, sir.

8 Q. And only three gave plausible answers --
9 those that you mentioned -- so the other ten gave either
10 implausible or ones that didn't justify, in your mind,
11 why -- not going further with pressing charges, correct?

12 A. At that point, yes, sir, but upon further
13 review of some of the responses I did find some
14 justification that I allowed.

15 Q. Okay. Any of these officers?

16 A. Yes, sir, Lieutenant Puckett.

17 Q. Okay. What was that?

18 A. The two hours for the staff meeting.

19 Q. Okay. When did you come to that decision
20 that -- that there were these plausible answers from
21 either Lieutenant Puckett or the other three officers
22 you mentioned? When did you come to that decision?

23 A. After I reviewed the responses.

24 Q. That would have been on Monday?

25 A. Yes, sir.

1 Q. Okay. I gather later in the day on Monday?
2 A. No, sir, Monday morning.
3 Q. Monday morning. Now, Monday morning you
4 also talked with a lawyer named Jerry Wright, correct?
5 A. That's correct, sir.
6 Q. And did you tell -- and you talked to
7 Mr. Wright, who's a lawyer in Lexington, used to be a
8 police officer with you in Lexington, correct?
9 A. That's correct, sir.
10 Q. And when you talked to him on the telephone
11 Monday morning you told Mr. Wright then that you wanted
12 these officers -- these five officers -- to resign,
13 correct?
14 A. I -- I don't recall that -- saying that,
15 sir. I might have, but I don't recall saying that.
16 Q. Well, the -- as I understand it, that phone
17 call would have occurred early in the morning, by 8:00.
18 A. I -- I remember talking to -- to
19 Mr. Wright, yes, sir.
20 Q. Okay. And that was by 8:00, early in the
21 morning Monday morning?
22 A. I can't -- I don't know the time, sir, but
23 I did talk to Mr. Wright.
24 Q. Okay. And you -- you say that you could
25 have told him that you wanted these five to resign?

1 A. I don't -- I don't -- if I had already
2 looked at their responses, possibly. I don't know. I
3 don't remember the conversation, sir.

4 Q. You -- but you remember talking to him?

5 A. Yes, sir, I do.

6 Q. Okay. The -- when -- so you -- on Monday
7 then, that would have been -- let's see, the 8th --
8 Monday, the 8th of February --

9 A. That is correct.

10 Q. -- correct?

11 A. Yes, sir.

12 Q. Did you conduct any further questioning of
13 these officers?

14 A. I did not.

15 Q. Is -- at any point in time did you question
16 these officers?

17 A. I do believe I had a conversation with
18 Officer Primm.

19 Q. Primm?

20 A. Yes, sir.

21 Q. When would that -- when was that?

22 A. That same morning.

23 Q. On the Monday morning?

24 A. Yes, sir.

25 Q. Okay. Was he on duty?

1 A. He was not.

2 Q. And I gather that -- well, were any of
3 these officers on duty when they wrote up their
4 responses to you?

5 A. Actually, can I back up to the previous
6 question?

7 Q. (Nods head.)

8 A. We'd actually -- I'd actually called them
9 in that morning, so actually, they -- technically, they
10 were on duty and being paid at that point.

11 Q. On Monday morning?

12 A. Yes, sir.

13 Q. And that's in compliance with KRS 15.520,
14 Sub 5, Sub D, which says that they have to be on duty
15 when you question them, correct?

16 A. That's correct, sir.

17 Q. All right. Well, Chief, so you talked to
18 Jerry Wright, and you may have told him something about
19 these guys resigning.

20 When you met with these officers on that
21 Monday morning you presented them with only papers to
22 resign, correct?

23 A. No, sir.

24 Q. What did you do?

25 A. They were given -- given their suspension

1 letter. They were given their disciplinary -- or their
2 charging document, the suspension letter and a
3 resignation letter.

4 Q. Okay. That's what I'm saying. You -- you
5 gave them one option --

6 A. Correct.

7 Q. -- and that was to resign --

8 A. Yes, sir.

9 Q. -- on Monday morning?

10 A. That is correct.

11 Q. Okay. And that was at the same time -- how
12 much later after receiving these documents did you
13 present them with this, with your recommendations and
14 the option of resigning?

15 A. Could you repeat the question, sir? I'm
16 sorry.

17 Q. When did you get the responses from these
18 officers? You got them on Monday morning, correct?

19 A. I had some prior to that.

20 Q. Sure.

21 A. Some -- some emailed them to me, yes, sir.

22 Q. But most of these guys you got from --
23 responses on Monday morning, correct?

24 A. Yes, sir, that's correct.

25 Q. And when did you meet with these officers?

1 A. Monday morning.

2 Q. Okay. So you were very quickly able to see
3 that you were not going to do anything except accept a
4 resignation?

5 A. After reviewing their responses, yes, sir,
6 that was my recommendation.

7 Q. How long did it take for you to review
8 their responses?

9 A. I can't give you an exact time. I read
10 them before they came in.

11 Q. And what time did they come in?

12 A. They were set to come in at 9:00. There
13 was a different -- there was a schedule for each one to
14 come in, and it started at 9:00.

15 Q. So you had everybody at -- had everybody's
16 response in by 8:00 and had them all reviewed by 9:00 --

17 A. Yes.

18 Q. -- within an hour --

19 A. That's correct.

20 Q. -- in addition to all the other duties as
21 chief?

22 A. That was my only duty that morning, sir.

23 Q. Did you meet with Puckett at 8:00 that
24 morning -- on Monday morning?

25 A. Did I meet with Lieutenant Puckett?

1 Q. Yes.

2 A. No, sir.

3 Q. It would have been after 9:00?

4 A. Yes, sir.

5 Q. Do you have a schedule that shows who you
6 met and when?

7 A. I don't know that I have it with me. I
8 did. I just wrote it up, who was coming in at what
9 time.

10 Q. Okay. Would you give that to your lawyers,
11 please?

12 A. I will.

13 Q. Thank you. Isn't it true, Chief, that when
14 you met with these officers you did not have any -- any
15 other paperwork other than the charging document with
16 the recommendation of termination and the -- the
17 resignation letter that you gave to them so that they
18 could sign it and go ahead and quit right then and
19 there, no other documents besides that?

20 A. That is the documentation that I had, yes,
21 sir.

22 Q. Okay. And when these officers told you
23 they weren't going to resign you had to put together
24 basically the charging documents and get -- and get all
25 that together and had to give that to them the next day,

1 on Tuesday, correct?

2 A. That is correct, yes, sir.

3 Q. But you're telling this Commission you
4 didn't already have your mind made up until -- before
5 9:00 a.m. on Monday morning?

6 A. That's correct, sir, because I -- I gave
7 them the opportunity to give me their justification.

8 Q. Chief, when did you get the Mayor's
9 permission to sign and the Clerk's permission to sign
10 the charges that you presented these officers?

11 A. Sir?

12 Q. The charges that you presented the officers
13 on Monday morning --

14 A. Yes, sir.

15 Q. -- when did you get the Mayor's permission
16 to sign those charges?

17 A. I don't know, sir.

18 Q. Was it Monday morning? Did you talk to him
19 that day?

20 A. I -- I do not recall when I talked to the
21 Mayor.

22 Q. Well, let's -- let's walk through that a
23 little bit, please, because you're -- these five and
24 Dempsey are the only officers that you asked to resign,
25 correct?

1 A. That's correct, sir.

2 Q. The other -- the other ten -- I'm sorry;

3 the other four you gave some other type of discipline,

4 correct?

5 A. There was 14 total, sir.

6 Q. Okay. All right. Fourteen total, so then

7 that would be -- and three, you accepted what they had

8 to say, so then there's eleven?

9 A. No. On these three it's not -- there were

10 certain things that I accepted, not the whole

11 justification that they gave me.

12 Q. Oh, okay. All right. So you've got 13

13 officers --

14 A. Yes, sir.

15 Q. -- on your force -- that's almost half the

16 force, right?

17 A. Fourteen is over half the force.

18 Q. Fourteen officers is more than half the

19 force, and you're not sure when you talked to the Mayor

20 about this disciplinary issue?

21 A. No, sir, I'm not. I know I talked to the

22 City Manager.

23 Q. Okay. When was that?

24 A. I do not recall when I spoke -- spoke to

25 Mr. Plummer.

1 Q. Well, would that have been on that Monday?
2 Was it -- when?

3 A. Sir, I do not remember.

4 Q. How was it that you communicated with him?

5 A. I spoke with him in his office.

6 Q. Okay. Any emails?

7 A. No, sir. I walked down to his office and
8 told him about it.

9 Q. And what did you say?

10 A. I told him what had been going on. I told
11 him that this was coming and that -- just the situation
12 as it was.

13 Q. And you don't know when that was, though?

14 A. I don't, sir.

15 Q. Do you know when it was that you got the --
16 that you talked to the Mayor, though, about your
17 recommendation to -- to fire these guys --

18 A. Sir --

19 Q. -- terminate their employment?

20 A. -- I don't -- I do not remember talking to
21 the Mayor, sir.

22 Q. About it at all?

23 A. I don't remember talking -- I talked to the
24 City Manager.

25 Q. Okay.

1 A. I do not remember talking to the Mayor.

2 Q. Okay. What about the other Commissioners,

3 did you get their permission to do this?

4 A. No, sir.

5 Q. Okay. When you talked to the lawyer, Jerry

6 Wright -- and I'm almost done on this -- it was on the

7 phone, right?

8 A. Yes, sir.

9 Q. Was it on your cell phone?

10 A. I don't think so. I think it was on the

11 office phone. Yeah, I'm pretty sure it was the office

12 phone.

13 Q. Okay. So on -- so that happens Monday.

14 Tuesday you provide these officers with their notice

15 that they're -- they're going to be fired,

16 recommendation is termination, and they're suspended

17 without pay --

18 A. Yes, sir.

19 Q. -- until Monday, until the hearing, which

20 started the day before yesterday, correct?

21 A. Correct.

22 Q. When did you get the City Commissioners'

23 permission to do that, to suspend them without pay?

24 A. I did not get their permission, sir.

25 Q. Okay. Do you know that Section 3 of the

1 Paris Police Department policy at 100.060 says that you
2 must get the Commission's approval to suspend the
3 officers without pay --

4 MR. BEAUMAN: Object.

5 Q. -- before you do that?

6 MR. BEAUMAN: Mr. Mayor, we covered
7 this Monday morning. First of all, 15.520 was recently
8 amended. That would clearly supersede any policy of the
9 police department or ordinance of the City that may read
10 to the contrary.

11 This line of questioning is not called
12 for under 15.520, and I think it's inappropriate. It's
13 also asking him to construe the ordinance and the policy
14 and make a conclusion of law, which is not appropriate
15 either.

16 MR. JUETT: I would like -- I would
17 like for him to answer whether he is aware of that
18 policy. In terms of an ultimate conclusion, I would
19 agree.

20 Do you want to repeat your question,
21 Mr. Morgan?

22 Q. Well, let me ask it then a different way,
23 sir.

24 Are you aware that under the City of Paris,
25 the City policies that -- upon which you relied in part

1 of your -- the discipline that you brought against
2 Lieutenant Puckett, you relied on City of Paris
3 policies, right?

4 A. Yes, sir.

5 Q. Okay. And on Part 3 of the City of Paris
6 policies, Part 3, Sub 3, dealing with suspension it
7 says, suspensions without pay must be approved by the
8 City Commission.

9 Were you aware of that?

10 A. I was not, sir.

11 Q. Okay. Let me show you --

12 MR. MORGAN: And I'll tender to the
13 Commission and the Mayor -- may I approach the witness,
14 sir?

15 MR. JUETT: Yes.

16 MR. MORGAN: And what -- I'm sorry; I
17 miscalculated on our exhibit numbers. What number?

18 COURT REPORTER: 5.

19 MR. MORGAN: We're on Number 5 now?

20 COURT REPORTER: Yes.

21 (Defendants' Exhibit No. 5 was marked
22 for identification.)

23 Q. Chief, this is marked as Exhibit Number 5,
24 and if you turn to the last page there's a highlighted
25 section there dealing with what you're supposed to do.

1 A. Yes, sir.

2 Q. And did you look at the policies of the
3 City of Paris before you suspended these men without
4 pay?

5 A. I looked at the policies, sir, for the
6 charges -- for the charging document.

7 Q. Okay. Well, my answer -- my question was,
8 did you look at the City of Paris policies, and I guess
9 your answer is no?

10 A. No --

11 MS. JACOBS: His answer is --

12 A. -- my answer is I did look at them.

13 Q. Okay.

14 A. I looked at the charging part of -- of the
15 policy.

16 Q. Okay. But did not look at what you need to
17 do when you suspend somebody, correct?

18 A. I did not look at the suspension part, no,
19 sir.

20 MR. MORGAN: Okay. So I'm sorry;
21 Bryan, are we -- is it the City -- or Patsey or
22 whoever -- are we saying that the Paris Police policies
23 are inapplicable because of the change made to the
24 citizen complaint section of the peace officer's Bill of
25 Rights?

1 MR. BEAUMAN: I don't think that's an
2 accurate description of the revisions to 15.520, but I
3 don't think this is the time or place for our legal
4 arguments about what the effect of that was.

5 You all can laugh at me all you want
6 to, but we don't --

7 MR. MORGAN: I'm sorry; I'm not
8 laughing.

9 MR. BEAUMAN: -- need to have this
10 legal argument. You can ask your questions of him.

11 Q. Well, Chief and Counsel -- lawyers -- my
12 question is, were you aware about the -- whether it was
13 in effect or not -- the requirement under the Paris
14 Police Department policies that before you could suspend
15 somebody without pay you've got to get the permission of
16 the Commission?

17 A. No, sir.

18 Q. And these are Paris Police documents --
19 policies, right?

20 A. Correct, sir.

21 Q. And you as assistant chief were in charge
22 of reviewing and knowledge of and implementation and
23 creation and modification and whatever needed to be done
24 with policies, correct --

25 A. No.

1 Q. -- for the four and a half years you were
2 assistant?

3 A. No, sir. That is the job and duty of the
4 police chief.

5 Q. Oh, okay. So you've only had that job for
6 some six months --

7 A. Yes, sir.

8 Q. -- to know about the policies and what
9 needs to be done in that regard, because I thought
10 Monday you said part of the job as the assistant chief
11 was to make sure of what the policies were and make sure
12 they were up to date and all that?

13 A. Of the assistant chief?

14 Q. Yeah.

15 A. That is -- I don't remember -- recall
16 saying that, sir. I might have, but I -- my answer is,
17 that is the job of the Chief of Police. He makes
18 policy.

19 The assistant may help, but the -- it's the
20 job of the police chief to review and make policy.

21 Q. Okay. Why didn't you look at the policies
22 of the City of -- City of Paris?

23 A. Sir, I did look at the policy.

24 Q. Okay. Why didn't you look -- well, you
25 looked at things you could charge somebody with, but --

1 A. Sure.

2 Q. -- why not look at the ones dealing with
3 how you discipline?

4 A. Oversight on my part, sir. I did not look
5 at that section of the policy.

6 Q. Is it your understanding, Chief, that when
7 you suspend somebody without pay that you're preventing
8 them from collecting a paycheck, they don't get paid for
9 that period of time?

10 A. Yes, sir, I understand that.

11 Q. That's a big deal, isn't it?

12 A. It is, sir, and I do not take it lightly.

13 Q. But yet you didn't look to how you -- the
14 process for going about that, correct?

15 A. Sir, I thought that was within my rights
16 and I took that action.

17 Q. Were you concerned that if you went to the
18 Commission that they would not let you do that?

19 A. No, sir, not at all.

20 MR. JUETT: Mr. Morgan, before you go
21 on, I think -- I'm trying to find the relevance of this
22 to the ultimate issue, which is whether there's
23 substantial evidence to support that there were
24 violations of the City's policies.

25 You're questioning him on issues

1 related to why he didn't follow certain things. I don't
2 know that that's relevant to the ultimate issue.

3 And I've given you leeway on it
4 because I was wanting to see where you were going. I'd
5 like, though, for you to move on.

6 MR. MORGAN: I'll move on.

7 Q. Chief, do you remember instructing someone
8 on your staff to cancel Kevin Anderson's training
9 sometime on or about February 5 -- 4 or 5 -- training
10 that Anderson had scheduled at DOCJT?

11 MS. JACOBS: I'm going to object to
12 the relevance to whether it goes to if there's
13 substantial evidence to sustain the charges or not. It
14 doesn't have anything to do with that.

15 MR. JUETT: I see where you're --
16 let's see where you're going, but I agree. I mean, this
17 is what I'm looking for is how we're tying this in to
18 the substantial evidence --

19 MR. MORGAN: Okay.

20 MR. JUETT: -- of whether the policies
21 were actually violated.

22 MR. MORGAN: All right. And I
23 understand your -- your point, but I think it's -- I
24 mean, in all due respect, this goes back to our
25 complaint about 13(b) and the --

1 MR. JUETT: I don't think --
2 MR. MORGAN: -- the netherworld --
3 MR. JUETT: -- we need --
4 MR. MORGAN: -- in which we are here
5 about --
6 MR. JUETT: Right.
7 MR. MORGAN: -- on the peace officer
8 Bill of Rights and the role that a quasi-hearing officer
9 has in a quasi 13(b) hearing.
10 My understanding is it's the
11 Commission, they -- they get to decide what they want to
12 hear, what they need to hear, and it's not -- it's their
13 call. It's their decision.
14 MS. JACOBS: Your Honor, 13(b) doesn't
15 apply to cities. It doesn't apply to this proceeding.
16 We're going under 15.520. It's very clear that that is
17 the proceeding we're going under.
18 Even the City's policies say all of
19 the provisions supplement or -- or supersede anything in
20 the City's provisions when it's under 15.520.
21 And 15.520 gives the maximum
22 protection to the officers -- that's what they're
23 getting here -- but it's not a field day. It's not a
24 fishing expedition.
25 MR. JUETT: I understand, and I agree.

1 I don't think 13(b) applies here, so I don't think we're
2 talking about 13(b).

3 And I want to give you latitude, but I
4 think what I want to do is -- and in terms of who is
5 actually making the decision, it is the Commission.

6 To make this an orderly proceeding,
7 Mr. Morgan, they have asked me, who has at least some
8 knowledge -- more knowledge than most of the
9 Commissioners -- of courtroom procedure -- probably not
10 as much as the lawyers in the room -- but that part has
11 been delegated to me, and that's why I am handling that
12 at -- with the Mayor.

13 In terms of what questions you're
14 asking, I think it needs to -- it needs to not confuse
15 the issue of what the purpose of this hearing is, and I
16 think the purpose of the hearing -- not -- not think --
17 the purpose of the hearing, once again, is to see if
18 there is substantial evidence to support that the City's
19 or the Police Department's policies have been violated.

20 Going into issues of how you handled
21 this or what your other motives might be are not
22 relevant to that inquiry.

23 MR. MORGAN: Okay. And in all due
24 respect, there are two prongs, two decisions that need
25 to be made.

1 The first one you've illuminated --
2 you've addressed, that whether a policy has been
3 violated.

4 The second prong, though, in all due
5 respect, you haven't touched on, and that is, if it has
6 been, then what should the punishment be and --

7 MR. JUETT: Which is not reviewable
8 by --

9 MR. MORGAN: I'm sorry. I'm sorry.
10 But what we're trying to do is establish that when the
11 chief sets the bar at firing, at termination, then --
12 and we can't hear why the chief wants to fire these
13 guys, then we are not allowing this Commission to have
14 the information it needs in making the decision as to
15 whether they should fire -- allow the chief to fire
16 these men.

17 MR. JUETT: I think they've heard from
18 the chief why they -- why he has said he wants them
19 terminated.

20 We've heard from you and your
21 co-counsel -- both -- arguments about the -- the basis
22 of your questions.

23 You have -- you have stood up and
24 you've told everybody what you want to question him
25 about and what you think the relevance is, and so I

1 think going into that any further -- I don't think
2 there's anyone here who isn't aware of the fact that
3 you're -- you're making that argument, so I don't want
4 to confuse the issue anymore about what the punishment
5 ought to be, which is not reviewable by an appellate
6 court --

7 MR. MORGAN: It is, actually, but --

8 MR. JUETT: -- so let's --

9 MR. MORGAN: -- anyway, what -- you
10 know, I think it's important -- and I'm sorry to argue
11 this with you in front of the Commission, but the issue
12 here, though, also is, if the chief has already made up
13 his mind before he even sends notices to these guys and
14 he's canceling Anderson's training a week in advance of
15 even providing Anderson with notice of this charge, that
16 goes to show that his mind has been made up before the
17 information is even in.

18 MS. JACOBS: Mr. Temple (sic), the
19 fact of the matter is, he didn't have to give them that
20 chance to respond anyway. His mind could have made
21 up -- been made up at any point in this process.

22 He's the -- the chief and he gave them
23 a chance to respond, but he didn't have to do that. He
24 did consider that. He's moved forward with the process.

25 MR. JUETT: I -- I think it's getting

1 back to what's relevant here, and I think if you can
2 limit your questioning to whether substantial evidence
3 exists for these underlying charges, that's what's
4 relevant to this proceeding.

5 MR. MORGAN: And punishment. Do you
6 agree with that, that there's two issues here?

7 MR. JUETT: I don't -- I don't agree
8 that the alternative motives evidence that you want to
9 present should be brought in.

10 MR. MORGAN: Okay. But to be real
11 clear and to make this on the record, there are two
12 issues here.

13 One is substantial evidence, two --
14 and the second one is the penalty, punishment, if there
15 is a finding of substantial evidence. Do you agree with
16 me on that?

17 MR. JUETT: They -- the Commission
18 does need to determine what the penalty would be, that
19 is correct.

20 MR. MORGAN: And they need evidence
21 for that.

22 MR. JUETT: If you want to ask your
23 questions, Mr. Morgan, please proceed.

24 Q. Let's go to the video.

25 A. Yes, sir.

1 Q. People like that. Let's go to December 4,
2 please, and please go to 8:00 a.m. on December 4.

3 And while you're doing that, Chief, tell
4 us, please -- you know, you mentioned that the time
5 stamp on the dispatch video is some 20 minutes off,
6 correct?

7 A. That's correct, sir.

8 Q. Is the time stamp on the outdoor video
9 camera, the one for the parking lot, is that off as
10 well?

11 A. That's correct, sir.

12 Q. It's also off?

13 A. Yes, sir.

14 Q. By how much?

15 A. Twenty minutes.

16 Q. By the same amount of time?

17 A. About 20 minutes, yes, sir.

18 Q. Okay. December 4, please, at 8:00 a.m.,
19 and you can put this on the fast -- fast mode here if
20 you want.

21 A. Which camera would you like, sir?

22 Q. The dispatch, please. That's the -- is
23 this the 4th?

24 A. Yes, sir.

25 Q. Okay. Is that 8:00 a.m., sir?

1 A. It is now.

2 Q. That's 9:00. Okay. There we go, yeah.

3 Who's that dispatcher, sir?

4 A. I believe her name is Julia Wood, sir.

5 Q. Okay.

6 COURT REPORTER: I'm sorry; what?

7 THE WITNESS: Julia Wood.

8 Q. And the other woman -- it appears to be a

9 woman she's talking to there?

10 A. I believe that is Linda Byrd.

11 Q. Okay. And this is the day of the dog we

12 saw the other day, right?

13 A. Yes, sir.

14 Q. Do you know why that dog was in there?

15 A. I -- I've been told, yes, sir.

16 Q. Okay. Who is that officer who's petting

17 the dog now?

18 A. That is, I think, Captain Rick Elkin.

19 Q. Okay. He's -- he's the one sitting down

20 there?

21 A. Yes, sir.

22 Q. Do you know who that person was who came in

23 with the stocking cap?

24 A. I did not see that, sir.

25 Q. Oh, you didn't see a stocking cap?

1 A. I -- I did, but I don't know who that was.
2 Q. All right. Okay. That's -- that's fine.
3 Let's go to 8:10. Let's do these ten-minute segments
4 like you did the other day.
5 A. It's at 8:12 now, sir.
6 Q. Okay. Then please go to 8:20.
7 That's -- is that still Captain Elkin?
8 A. That's correct, sir.
9 Q. Let's go to 8:30.
10 Who's that officer there standing -- now,
11 Captain Elkin is still sitting, correct, in the same
12 chair he had been earlier?
13 A. That's correct, sir.
14 Q. Who's that man standing there with the
15 sunglasses on his head?
16 A. I would have to look.
17 Q. Okay. Well, play it for a little bit,
18 please.
19 A. That's possibly Officer Hurst, I think.
20 Q. Can you see better there?
21 A. Yes, sir, Officer Bill Hurst.
22 Q. Okay. Are these -- is Hurst first shift?
23 A. That's correct, sir.
24 Q. And Elkin first shift?
25 MS. JACOBS: I'm going to object.

1 Unless any of these officers charged are going to show
2 up on this video somewhere, I don't know how it's
3 relevant.

4 Nothing on December the 4th was
5 charged against these officers, I don't believe.
6 They're not on first shift. That's second shift
7 officers.

8 MR. JUETT: I understand. Let's let
9 him go ahead --

10 MR. MORGAN: Thank you.

11 THE WITNESS: -- see where he's going.

12 Q. Well, let's -- let's go to 8:40, please,
13 Chief. That appears to be everybody still there. Let's
14 go to 9:00, please -- 9:00 a.m. -- 9:00, and play that
15 for a little bit, please.

16 Does that appear to be Captain Elkin --

17 A. Yes, sir.

18 Q. -- still?

19 A. Yes, sir.

20 Q. What were you told about the dog? You were
21 going to -- you had said something -- you had heard why
22 the dog was there. You can keep playing it, please.

23 A. Oh, I'm sorry. I had heard that the dog
24 was in a home that was being neglected maybe -- this is
25 just hearsay -- I don't know the exact story -- but that

1 Officer, I think, Sandfort had taken it out of the home,
2 that Animal Control --

3 Q. Is that Chief Elkin -- or Captain Elkin
4 playing with the dog?

5 A. It is, sir.

6 MS. JACOBS: Again, I'm going to
7 object.

8 MR. MORGAN: That's fine.

9 MS. JACOBS: I don't --

10 Q. Let's stop --

11 MS. JACOBS: -- this is not relevant
12 to --

13 Q. -- you can stop it, please.

14 MS. JACOBS: -- anything.

15 Q. You can stop it now.

16 What -- what discipline did Captain Elkin
17 get for this?

18 MS. JACOBS: Objection; completely
19 irrelevant. He -- they don't get to know that. It's
20 not part of these proceedings.

21 This Ludlow case again -- Gilberson
22 versus City of Ludlow -- is very clear. Gilberson
23 maintains he was denied equal protection because he was
24 terminated while other officers who engaged in conduct
25 violating the department's rules and regulations were

1 not terminated.

2 Not every decision is a constitutional
3 matter. It's not relevant. It's only whether these
4 officers violated the policies. That's it. That's all.

5 MR. JUETT: I agree.

6 MR. MORGAN: Well, that's -- for the
7 record, that's an unpublished decision. We're using
8 this --

9 MS. JACOBS: It's exactly on point,
10 and it is --

11 MR. MORGAN: Okay. I'm sorry --

12 MS. JACOBS: -- citable and reliable.

13 MR. MORGAN: -- to interrupt there,
14 Patsey, but --

15 MS. JACOBS: Me too.

16 MR. MORGAN: -- I was talking. You
17 know, let's -- we're -- let's be okay here. It's going
18 to be okay.

19 MR. JUETT: I -- I --

20 MS. JACOBS: Excuse me?

21 MR. JUETT: -- let's --

22 MS. JACOBS: Excuse me?

23 MR. JUETT: -- everybody, please,
24 let's respect one another, and you can continue.

25 MR. MORGAN: Yes.

1 Q. Well, Chief, you punished these guys -- in
2 particular, the ranking officers, the lieutenants --
3 for -- and singled out this day with the dog as being
4 particularly reprehensible conduct, correct?

5 A. That's correct, sir.

6 Q. But you didn't do anything to Elkin, did
7 you?

8 MS. JACOBS: Objection. Don't answer
9 it.

10 MR. JUETT: Sustained.

11 Q. Well, okay. Chief, did you testify on
12 direct that you were disciplining these guys because
13 this was a severe infraction?

14 A. Yes, sir, I did.

15 Q. But --

16 MR. MORGAN: And I gather, Mr. Juett,
17 you're going to -- if I ask him what he did here you're
18 going to sustain any objection? I mean, this -- this
19 door is open. He has created this as an issue.

20 MR. JUETT: Let's --

21 MS. JACOBS: Let me respond to that.
22 What he testified to was that these infractions were
23 serious infractions.

24 This is not based on December the 3rd
25 with the dog in there totally, and we've seen plenty of

1 video to establish that.

2 Whether anybody else was punished or
3 not is simply not relevant, and to say that only because
4 that night of the dog is why this came about is simply
5 untrue and an unfair characterization.

6 MR. JUETT: I think with regard to any
7 individual, what was done with them, I do think it's not
8 relevant.

9 I think if you want to ask generally
10 whether there were other officers that had the same
11 conduct that were treated differently, I think that's
12 something that the Commissioners might like to hear.

13 MR. MORGAN: Okay. Well, with the
14 same conduct that they were treated differently
15 Commissioners might want to hear?

16 MR. JUETT: Well, I'm -- your --
17 your -- your question to the officer is whether he --
18 well, repeat your question. What is your question? I
19 don't want to repeat the question.

20 MR. MORGAN: Sure.

21 Q. Well, we've seen the conduct here from --
22 from Captain Elkin. We've seen the conduct the other
23 day with regard to this same dog, same time frame, with
24 these -- with these officers.

25 Some of these officers -- and particularly

1 the lieutenant, the commanding officer -- how is what
2 they did different from what Elkin did?

3 MS. JACOBS: Objection. Same
4 objection based on the same thing. It's just simply not
5 relevant. I think the case law is clear.

6 MR. JUETT: Go ahead. Answer.

7 A. One, the conduct of Captain Elkin being in
8 the room is that he was the supervisor over
9 communications at the time.

10 As far as you asking about the conduct of
11 petting the dog, I did not charge these officers for
12 petting a dog. I charged the officers for a pattern of
13 conduct for dereliction of duty for being in dispatch.

14 Q. The -- the guy who's sitting there with the
15 sunglasses on his head and hands behind his head, did he
16 get --

17 MS. JACOBS: Objection.

18 Q. -- how was his --

19 MR. MORGAN: I'm sorry; I'm almost
20 done.

21 Q. -- how was his conduct different than what
22 the other officers here did?

23 MS. JACOBS: Note my objection.

24 A. I did not observe a pattern of conduct --
25 conduct from Officer Hurst.

1 Q. Chief, do you agree with me that none of
2 these officers -- Anderson, Bholat, Puckett, Humphries
3 or Primm -- none of these officers brought in that dog,
4 that that --

5 A. No, sir.

6 Q. -- that dog was brought in by Animal
7 Control, correct?

8 A. No, the dog, I believe, was brought in by
9 Officer Sandfort, another officer. I think Animal
10 Control was called, but they didn't show up.

11 Q. Okay. Just to be real clear, these guys
12 did not bring in this dog --

13 A. That's correct.

14 Q. -- right?

15 A. That's correct, sir.

16 Q. All right. Let's turn off the dog, please.
17 Chief, you mentioned that Captain Elkin was
18 at that time in charge of communications.

19 Communications is -- contains dispatch,
20 among other things, right?

21 A. That's correct, sir.

22 Q. When was it that Lieutenant Puckett got in
23 charge of communications?

24 A. He was transferred to the communications
25 unit 12/14.

1 Q. Okay. When you say transferred to the
2 unit, he was -- as a lieutenant, he's going to be in
3 charge of communications, right?

4 A. He -- he wasn't at that point, sir. It
5 wasn't until the first part of the year. I wanted him
6 to spend a few weeks under Captain Elkin to learn the
7 job.

8 Q. Okay. So he comes in on the 14th, and then
9 I guess on 1/1 or thereabouts he becomes the guy in
10 charge?

11 A. Somewhere at the first of the year. I'm
12 not sure of the exact date, sir.

13 Q. And this is in the midst of your
14 investigation into Lieutenant Puckett for his activities
15 in dispatch, correct?

16 A. That's correct, sir.

17 Q. So you put him in charge of the place that
18 you're now wanting him to be fired -- of dispatch,
19 correct, because of conduct that he did in dispatch?

20 A. That's correct, sir.

21 Q. And at the time you put him in charge of
22 dispatch you were investigating him and you were looking
23 at these videos involving dispatch, right?

24 A. Yes, sir, I was.

25 Q. Okay. You gave him no instructions on your

1 investigation; you didn't tell him that you were looking
2 at him or any of these other officers then, did you?

3 A. No, sir, I didn't.

4 Q. And you gave him no instructions or other
5 direction on how to operate dispatch other than this
6 email that came out in -- in December -- December 8 --
7 don't hang out in dispatch and whatever Captain Elkin
8 may have told him?

9 You didn't give him anything -- any other
10 guidance, correct?

11 A. No. I relied on Captain Elkin to give him
12 the instruction, sir.

13 MR. MORGAN: May I approach the
14 witness, Mr. Juett?

15 MR. JUETT: Yes. Thanks for asking.

16 (Defendants' Exhibit No. 6 was marked
17 for identification.)

18 Q. Chief, let me show you what will be marked
19 as Exhibit Number 6 and ask you if that's a fair and
20 accurate copy of the email that was sent at your
21 direction on or about December 8?

22 A. Sir, I did not give direction to send this
23 email.

24 Q. So Captain Elkin did this without any
25 direction?

1 A. Possibly, sir, but I -- I did not give
2 direction to send this email.

3 Q. Okay. Then I misunderstood then, I guess,
4 what you said Monday, because I thought you said that
5 you were aware of this email and that you did not send
6 it?

7 A. No, sir, that -- that was the email by
8 Assistant Chief Best.

9 Q. Regarding dispatch?

10 A. That was sent to all the officers, yes,
11 sir.

12 Q. Okay.

13 A. I was aware of that email.

14 Q. Okay. So this is a different email?

15 A. If it's --

16 Q. How many emails went out?

17 A. I knew about one, sir.

18 Q. And this isn't it?

19 A. No, sir.

20 Q. All right. Do you have the one from Chief
21 Best?

22 A. No, sir. That's the one we talked about
23 the other day.

24 Q. And we didn't give -- you didn't give it to
25 the Commissioners in their packet previously?

1 A. No, sir, I don't believe so.

2 Q. Okay.

3 MS. JACOBS: For the record, I do have
4 a copy of that email. We just didn't have it copied at
5 the time. I'll give it to the Commissioners at the
6 appropriate time.

7 MR. MORGAN: Okay. May I see that
8 real quick, please? May I approach the lawyer?

9 MR. JUETT: Yes.

10 MR. MORGAN: Thank you.

11 MR. JUETT: At your own peril.

12 MR. MORGAN: Yes. Okay. Well,
13 Patsey, may I have -- I'm going to go ahead and mark
14 this as Exhibit Number 7, sir.

15 (Defendants' Exhibit No. 7 was marked
16 for identification.)

17 MR. MORGAN: May I have some copies
18 and just go ahead and give it to the Commission?

19 MS. JACOBS: Can I keep my own copy
20 this time?

21 MR. MORGAN: You may, and I need a
22 copy too.

23 Q. Okay. So the one that is marked as
24 Number 7, sir --

25 A. Yes, sir.

1 Q. -- that's the one that on the top left it
2 says, officers in dispatch?

3 This is the one of which you were aware?

4 A. That's correct, sir.

5 Q. Did you tell Chief Best to send this?

6 A. I did, sir.

7 Q. Okay. This was -- as I see this -- would
8 have gone out on the 8th at about 5:17 p.m., and is this
9 everybody on the police force, sir?

10 A. Without reading the names, it -- it appears
11 to be.

12 Q. Okay. And it says, as a reminder, we're
13 not to be in dispatch unless we have business that needs
14 to be taken care of or a short visit; please do not stay
15 in dispatch for extended periods of time.

16 And then going back to Exhibit Number 6,
17 this one is from Richard Elkin.

18 That's Captain Elkin that we saw in the
19 video earlier today, correct?

20 A. Correct, sir.

21 Q. And this is to Kevin Anderson, Jeannette
22 Benson, Julia Wood -- those are dispatchers -- as well
23 as Richard Elkin -- he's himself, I guess -- Abdullah
24 Bholat, and there are these dot, dot, dot, at the end of
25 that line of names, which I take as being there's a

1 whole bunch of other names along with that, correct?

2 A. I would assume so, sir.

3 Q. Okay. And this one is a little different
4 in tone, effective immediately -- with a specific date
5 and time, 11:30 on 12/08/2015 -- patrol personnel are
6 not to be in dispatch.

7 And as I understand, patrol is something
8 different than supervisors, correct?

9 A. Patrol personnel, I take that to be all
10 under patrol, which I would include supervisors.

11 Q. Oh, okay. So lieutenants are -- are patrol
12 personnel?

13 A. Yes, sir, they would -- they would fall
14 under patrol.

15 Q. Okay. Are captains?

16 A. It depends on where they're assigned, sir.
17 Captain Elkin at the time, no, sir, he would not have
18 been part of patrol.

19 Q. So anyway, it gives us 11:30, 12/08, patrol
20 personnel are not to be in dispatch unless on police
21 department business and must leave in minimal time; it
22 applies to all shifts.

23 Chief, let me ask you, did you look at
24 first shift and how long they hung out in dispatch?

25 A. I reviewed some of first shift, sir, but my

1 initial complaint was in the evening hours, and that's
2 where I was focused on.

3 Q. Okay. So you looked at some, but not all?

4 A. No, sir, not at -- not at the moment.

5 Q. Are you going to go back and look at first
6 shift?

7 A. Apparently I will.

8 Q. Is it because of what you saw in the video
9 just a few minutes ago?

10 A. No.

11 Q. Is that what you're referencing?

12 A. No, sir. I just want to make sure the
13 officers are doing what they're supposed to.

14 Q. Okay. Do you have any idea why Captain
15 Elkin apparently sent this one out some six hours before
16 Chief Best sent out his email, which appears to be on
17 the same day?

18 A. I -- I can't tell you why Captain Elkin
19 sent it out, sir. I don't -- I don't know why.

20 Q. Does it make any difference to you, Chief,
21 that this -- does it make any -- I'm sorry; were you
22 getting notes there?

23 MS. JACOBS: I was asking a question
24 of him. It's not relevant to what you're asking. Okay?

25 MR. MORGAN: All right.

1 Q. Chief, when -- as a -- as a peace officer
2 and -- you know, and even in the military when -- for
3 that matter, in the law -- when -- when somebody says
4 effective immediately, that means at that -- from that
5 point in time forward this is the way it's going to be?

6 A. That's correct, sir.

7 Q. And -- and my point being, Chief, do you
8 agree with me that if you have to say, effective
9 immediately, then it suggests that before that point in
10 time, before effective immediately, things may not have
11 been quite so clear, because otherwise you don't have to
12 say effective immediately?

13 MS. JACOBS: I'm going to object. He
14 didn't write this email, he's never seen it before, so
15 if you want to ask Captain Elkin about what he meant,
16 maybe that's more appropriate.

17 MR. JUETT: Yeah, that is. Do you
18 want to rephrase?

19 MR. MORGAN: Well, I think we're --
20 we're talking -- if we're talking hearsay, we're -- I
21 mean, we've been through that. Hearsay is admissible in
22 this.

23 MR. JUETT: Do you want to ask him
24 what he meant by that? Is that what you're asking?

25 MR. MORGAN: No. I'm talking about

1 in -- in police terminology, that when you say -- when
2 somebody says effective immediately, that suggests -- as
3 he agreed -- from that point in time forward this is the
4 way it's going to be, but it also suggests that from
5 that time before things had been different.

6 That's -- otherwise you don't have to
7 say, effective immediately this is what we're going to
8 do.

9 Q. Do you agree with that, Chief?

10 A. I'm going to answer your question as yes, I
11 agree with effective immediately, but may -- may I
12 explain that?

13 Q. Yes, sir.

14 A. This email was sent to the dispatchers.
15 The previous email was sent to the officers that says,
16 as a reminder, which means you were told before.

17 Q. Okay. Well, how do you know this was sent
18 to dispatch, because you said you hadn't seen this
19 before, sir?

20 A. It's got the dispatchers' names at the top,
21 sir.

22 Q. Well, we talked about Anderson and Bholat
23 are mentioned on here, Richard Elkin. He's -- these are
24 all --

25 A. Officer --

1 Q. -- all officers.

2 A. Officer Anderson and Officer Bholat are
3 also part-time dispatchers, so they fall under the
4 dispatch email.

5 Q. Okay. But Chief, you don't -- you haven't
6 seen this until just now, right?

7 A. Correct, sir.

8 Q. So how do you know that it only went to
9 dispatch?

10 MS. JACOBS: I'm going to object.
11 He's never seen it before, so I don't know how --

12 MR. JUETT: I mean, I agree.

13 MS. JACOBS: -- he can answer the
14 question.

15 MR. JUETT: You're -- you're showing
16 him --

17 MR. MORGAN: Well, he says it only
18 went --

19 MR. JUETT: -- an email that --

20 MR. MORGAN: -- to dispatchers.

21 COURT REPORTER: One at a time.

22 MR. JUETT: -- he said he doesn't know
23 anything about and you -- you're asking him to tell you
24 what it means and what it was all about. I mean, it
25 doesn't seem to make sense.

1 MR. MORGAN: Well, what I'm asking him
2 is how he knows where it went when he says he hasn't
3 seen it before.

4 MS. JACOBS: It --

5 MR. JUETT: I think that's --

6 MR. MORGAN: And I really don't --

7 MS. JACOBS: That's -- that's the --

8 MR. MORGAN: I'm sorry; I --

9 MS. JACOBS: -- that's the problem.

10 MR. JUETT: I get --

11 MR. MORGAN: I'm in the same
12 conundrum. How does he know where it went when he
13 hasn't seen it before?

14 MR. JUETT: The point is made.

15 MR. MORGAN: Without laughter, thank
16 you.

17 MR. JUETT: I'm not laughing. I'm
18 just --

19 Q. Chief, you're disciplining Luke Humphries
20 for taking actions as a lieutenant, correct?

21 A. That's correct, sir.

22 Q. You investigated him in January of 2016 for
23 actions that he took as a lieutenant involving his
24 conduct with -- in a meeting with officers regarding the
25 change to a 12-hour shift, correct?

1 MS. JACOBS: Objection. We've been
2 over that over and over. He's going back to the thing
3 that you have overruled over and over and over again.

4 MR. JUETT: How is this not what we've
5 already --

6 MR. MORGAN: Well, what it -- what
7 this goes to, Mr. Juett, is that Lieutenant Humphries
8 had been investigated by the chief in January of 2016,
9 and in the course of that Lieutenant Humphries agreed to
10 a demotion to patrol, to officer, and -- but yet he's
11 still being punished now, and we've heard the chief's
12 statement that he's being punished as his role as a
13 lieutenant, in a supervisory role, when he's no longer a
14 supervisor.

15 He was -- he agreed to this demotion
16 based on the chief's investigation involving these --

17 MR. JUETT: I guess --

18 MS. JACOBS: At all --

19 MR. MORGAN: -- 12-hour work shifts.

20 MS. JACOBS: -- times he was a
21 lieutenant during all the times of the charge documents.
22 That's why.

23 MR. JUETT: I guess I still think
24 we're confusing the issue here.

25 COMMISSIONER BROOKS: Can I ask a

1 question?

2 MR. JUETT: Yes.

3 COMMISSIONER BROOKS: My question is,
4 are you saying that Humphries was charged -- besides
5 this set of charges, that he was charged before; this is
6 the second investigation? Is that what you're saying?

7 MR. MORGAN: No, sir. What I'm saying
8 is -- and if the hearing officer will let Humphries talk
9 about it too -- what you'll hear is that Humphries was a
10 lieutenant, he was talking with the other officers in
11 November about moving to a 12-hour shift.

12 In January the chief questioned him
13 about this, confronted him, told him that he was going
14 to be disciplined.

15 Humphries agreed to a resignation of
16 his lieutenant and went down to patrol, went down to
17 officer.

18 COMMISSIONER GALBRAITH: Okay. Now my
19 turn.

20 COMMISSIONER BROOKS: He's being
21 charged after he's agreed to the demotion?

22 MS. JACOBS: No.

23 MR. MORGAN: I don't know, sir.
24 That -- that's what --

25 MS. JACOBS: Could -- could I also ask

1 that --

2 MR. MORGAN: -- I want to try and --

3 MS. JACOBS: -- the officers --

4 COURT REPORTER: One at a time.

5 MS. JACOBS: -- refrain --

6 MR. MORGAN: -- and find --

7 COURT REPORTER: One at a time,

8 please.

9 MS. JACOBS: Could I ask that the
10 officers refrain from any verbal responses? This is not
11 their time to talk and to have their show.

12 MAYOR THORNTON: Please do so.

13 COMMISSIONER GALBRAITH: May I ask a
14 question? When was Luke -- when was Officer Humphries,
15 quote, demoted from lieutenant?

16 MR. MORGAN: January of 2016.

17 COMMISSIONER GALBRAITH: January,
18 okay. In January? In January?

19 MR. MORGAN: Yes, sir. I think it was
20 the 14th or something like that. It was the middle part
21 of January. I'm sorry; January 6.

22 COMMISSIONER GALBRAITH: January 6,
23 okay. Then back to the comment that was made just a
24 minute ago, are the charges that are -- the disciplinary
25 charges that are here, is 11.04, 16, 17, 18, 26, 27 and

1 47, were all of those charges prior to '06 of -- January
2 of '06?

3 MR. JUETT: Of '16, you mean?

4 MS. JACOBS: Yes, sir.

5 COMMISSIONER GALBRAITH: Of '16.

6 MS. JACOBS: Yes, sir.

7 COMMISSIONER GALBRAITH: Okay.

8 MR. MORGAN: Those were in November.

9 COMMISSIONER GALBRAITH: Okay. All
10 right.

11 MR. MORGAN: They would have been --

12 COMMISSIONER GALBRAITH: Okay. So
13 they were -- okay. I'm trying to understand because --
14 so these charges all transpired prior to him -- to
15 Luke -- Officer Humphries getting demoted?

16 MR. MORGAN: (Nods head.)

17 COMMISSIONER GALBRAITH: Okay. All
18 right.

19 MR. MORGAN: Those are the
20 allegations, that's right.

21 COMMISSIONER GALBRAITH: Okay. I'm
22 good. All right.

23 Q. Okay. So Chief --

24 A. Yes, sir.

25 Q. -- Humphries' resignation in January of

1 2016 -- resignation from lieutenant to patrol -- that
2 was -- was that going on during the midst of your
3 investigation about him in dispatch?

4 A. Was what going on, sir?

5 Q. Was your investigation and obtaining his
6 resignation in January of 2016, that was in the midst of
7 while you're investigating him and watching these videos
8 all the time, correct?

9 A. The incident you're talking about --

10 Q. Uh-huh.

11 A. -- was prior to my investigation.

12 Q. I thought you started your investigation in
13 December?

14 A. I did, sir.

15 Q. Okay. So January comes after December.

16 A. You are referencing a meeting about the
17 12-hour shift.

18 Q. Okay.

19 A. That was prior to my investigation.

20 Q. What do you mean by that, sir?

21 A. You made the statement they had a
22 meeting --

23 Q. Okay.

24 A. -- and I did something because of that,
25 which is not true, but you just asked me if my

1 investigation was taking place at the same time, and no,
2 sir, it was not.

3 Q. You mentioned that I mentioned something
4 that was not true?

5 A. Yes, sir, you did.

6 Q. What do you mean?

7 A. You --

8 Q. I don't know what you're talking about.

9 A. You referred that all of this is because of
10 the 12-hour shift, and no, sir, that's not true.

11 Q. All what is because of the 12-hour shift?

12 A. The proceedings that we're in right now.

13 Q. Okay. Is this resignation on -- from
14 lieutenant to patrol in January of 2016, does this have
15 to do with the 12-hour-shift issue?

16 A. Absolutely not.

17 Q. What were you investigating Humphries for
18 in 2016?

19 MS. JACOBS: Again, objection. That
20 is something that has nothing to do with these
21 proceedings. It's outside of the bounds of -- of this
22 hearing.

23 MR. JUETT: I hear what you're saying.
24 I mean, at least one Commissioner -- Galbraith -- has
25 some questions about this, and I think if -- if you need

1 to hear more about what -- how this relates, I think we
2 ought to hear it.

3 COMMISSIONER GALBRAITH: No, I think
4 I'm satisfied. I'm satisfied that what Mr. Morgan
5 said -- and -- and I think Mr. Humphries gave him the
6 date, I guess -- I think in my mind I'm -- I guess I'm
7 clear right now.

8 Who knows in an hour from now whether
9 I'm going to be clear or not, but I'm clear right now
10 that -- in -- in the case of Humphries -- that his
11 charges that he's being charged for in our packet, which
12 we're asked to -- to, I guess, hear tonight and then --
13 and then come to a conclusion, that it all occurred
14 before he was demoted.

15 MR. JUETT: Okay.

16 COMMISSIONER GALBRAITH: I -- I was --
17 I was not concerned, but I wanted to know if there was
18 anything that he's being charged for that occurred
19 after, because I thought I --

20 MR. MORGAN: Okay.

21 COMMISSIONER GALBRAITH: -- I thought
22 I understood.

23 MR. MORGAN: All right. Let me
24 clarify that then, Mr. Commissioner.

25 Q. Chief, Humphries is not being charged

1 with -- in front of this Commission with anything that
2 happened after January 6, 2016, is he?

3 A. No, sir.

4 Q. All right.

5 COMMISSIONER GALBRAITH: I'm good.

6 Q. I'm sorry. Chief, on November --
7 November 5, regarding Bholat --

8 A. Yes, sir.

9 Q. -- you wrote him up for four
10 unaccounted-for hours, and that became part of your
11 charging document, correct -- even after Bholat gave you
12 his answers, correct?

13 A. It was November what, sir? I'm sorry.

14 Q. 5th.

15 A. That's correct, sir.

16 Q. Okay. November 5 is the day that Richmond
17 police officer Daniel Ellis was shot and killed.

18 Did you know that?

19 A. I didn't recall that, sir, no, sir.

20 Q. Do you know that that's also the same day
21 that Officer Bholat, along with Paris Officers Thompson,
22 Breslin, Wilson, Sandfort and Bouchard, all went to UK
23 Hospital to stand vigil --

24 A. Okay.

25 Q. -- with Ellis' family --

1 A. Okay, sir.

2 Q. -- from the hours of 11:00 to 1:30 that you
3 cited him for for having four unaccounted-for hours? Do
4 you -- do you know that, sir?

5 A. I didn't know that. I asked the question,
6 sir, what was that for.

7 Q. Is that justifiable?

8 A. It would be, sir.

9 Q. Did you write up Thompson, Breslin, Wilson,
10 Sandfort or Bouchard for that?

11 A. I did not see that on -- on their radio
12 traffic, sir, but if that's what that was, to me, that's
13 justifiable, sir.

14 Q. Nevertheless, despite Bholat's answers to
15 you, you still charged him for this, correct?

16 A. He did not answer that, sir.

17 Q. Is that in your report, sir --

18 A. It is.

19 Q. -- that he --

20 A. It is, sir.

21 Q. It is? He just didn't answer that?

22 A. He didn't answer that question.

23 Q. Okay.

24 A. He actually did -- let me check, sir. Hang
25 on just one second.

1 MR. MORGAN: Are you being -- you're
2 not showing him answers, are you?

3 MS. JACOBS: No. No.

4 THE WITNESS: No. This is mine, sir.

5 MR. MORGAN: I know.

6 MS. JACOBS: No, I'm just holding it.

7 Sorry.

8 A. My question to Officer Bholat at the time,
9 on 11/5/15, you marked busy on the radio from 9:14 to
10 01:31, at which time you went off duty; give an
11 explanation/justification for being out of service for
12 four hours with no radio traffic.

13 His answer to me was, due to the remoteness
14 in time I can't recall why I was marked busy that night;
15 however, I would have been performing duties related to
16 the Paris Police Department.

17 If he had responded that that's what he was
18 doing, sir, I would have -- this would have never been
19 in here.

20 Q. Okay. Well, and -- and to be fair to him,
21 you agree with me that you gave -- you gave him this
22 information on a Friday and you said you want your
23 answers on Monday, right?

24 A. That's correct, sir.

25 Q. Do you agree that, given the remoteness of

1 time, that that's an explanation for him not knowing or
2 remembering in that very stressful short period of time
3 that he did not go -- that the reason why he went to --
4 why he was -- had these four unaccounted-for hours?

5 A. I could not answer for Officer Bholat, sir,
6 why he did not remember.

7 Q. Okay. Do you agree with me that those are
8 justifiable -- that is a justifiable reason for these
9 hours?

10 A. Absolutely, sir.

11 Q. And will you remove those from your --

12 A. Absolutely, sir.

13 Q. -- report?

14 A. Yes, sir.

15 Q. What does that put his percentage down to
16 now?

17 A. That was included in the percentage of the
18 time he spent in dispatch, sir.

19 Q. Okay. You're right, but that does pertain
20 to the issues of honesty and efficiency, correct?

21 A. For that one particular charge, yes, sir.

22 Q. All right. Chief, when you were talking to
23 us the other day and you were talking about Primm, you
24 had mentioned that part of the reason that you felt like
25 he needed to be fired is because of prior disciplinary

1 problems.

2 Was -- was -- was the prior disciplinary
3 problem given to the Commission in their packet?

4 A. No, sir.

5 MR. MORGAN: Okay. May we get a copy
6 of what was given to the Commission in this packet,
7 please?

8 MS. JACOBS: They --

9 MR. JUETT: What was given to the
10 Commission?

11 MR. MORGAN: May we get a copy of
12 that, please?

13 MR. JUETT: You can. I think you have
14 everything.

15 MR. MORGAN: I know, but we just want
16 to --

17 MR. JUETT: Sure.

18 MR. MORGAN: -- I just need to have
19 it.

20 MR. JUETT: Yeah.

21 MR. MORGAN: Thank you.

22 Q. Okay. Primm's prior penalty or punishment,
23 discipline, pertained to a social media violation,
24 correct?

25 A. One of them, yes, sir.

1 Q. What -- tell us about the social media
2 violation involving Primm.

3 MS. JACOBS: Do you have it?

4 THE WITNESS: I've got to get it.

5 A. Yes, sir, I have that.

6 Q. Okay. And if you would, tell the
7 Commissioners about that social media violation.

8 A. It states, on Monday, July 19, 2013, you
9 posted on social media -- a Facebook site -- information
10 that involved the Paris Police Department and derogatory
11 comments towards an unknown employee. This posting was
12 in violation of the following Paris Police Department
13 policies, and it lists the policies.

14 Q. And what was his sanction?

15 A. A written reprimand, sir.

16 Q. Were you involved in that?

17 A. No, sir.

18 Q. Paris does have a -- Paris Police
19 Department does have a social media policy, right?

20 A. Yes, sir.

21 MR. MORGAN: May I approach the
22 witness, please, Mr. Juett?

23 MR. JUETT: Yes. I guess I have a
24 question. Is this a charge?

25 MS. JACOBS: No, it is not.

1 MR. JUETT: I mean, what -- how --

2 MR. MORGAN: This is because the chief
3 had said because of prior discipline of Primm that he
4 needs to be fired, so this goes to the second prong of
5 this Commission's decision making and is putting things
6 in context.

7 MR. JUETT: We talked about -- many
8 times now -- about the discipline that should be
9 imposed.

10 MR. MORGAN: See, what they're hearing
11 is -- from the chief -- that he needs to -- Primm needs
12 to be fired, these officers need to be fired for various
13 things.

14 In -- in Primm's case and what we're
15 dealing with now is because of a prior social media
16 violation, and Primm doesn't get to answer that.

17 He doesn't get to put in context what
18 that social media violation is or, for that matter,
19 whether this is some -- if this is conduct that is
20 otherwise tolerated by the Paris Police Department.

21 MS. JACOBS: Again, we're way beyond
22 the bounds of -- of this -- this hearing here.

23 MR. JUETT: I agree, Mr. Morgan. I
24 mean, we're talking -- we're -- we're not focusing on
25 the charges at hand, which -- which is the issue in this

1 case, and we're -- you're talking about prior discipline
2 that -- that was implemented.

3 I just don't see how it's relevant to
4 the substantial evidence standard that we're talking
5 about.

6 MR. MORGAN: You're not going to let
7 me bring it in?

8 MR. JUETT: Correct.

9 MR. MORGAN: Okay. The record will
10 reflect that.

11 Q. Okay. Chief, you -- as I understood your
12 testimony the other day, as assistant chief part of the
13 things were to make sure the position descriptions were
14 accurate, as well as the policies and procedures for
15 the -- for the city police department, correct?

16 A. That is part of the duties.

17 Q. Part the job, okay.

18 MR. MORGAN: Mr. Juett, before I
19 ask -- approach him I have here a copy of the City of
20 Paris position descriptions for all of the Paris Police
21 Department offices from chief to, I believe, secretary.
22 May I present them with --

23 MS. JACOBS: We have presented the
24 position job descriptions for the police officer and
25 lieutenant.

1 I don't know what the chief's job
2 description or the assistant chief's job description has
3 to do with whether these guys violated policies and
4 procedures.

5 MR. JUETT: I mean, do these
6 descriptions relate to these officers?

7 MR. MORGAN: It relates to these
8 officers as well as to the -- well, there -- yeah, we're
9 talking about -- here is one for police lieutenant,
10 captain and -- and officer.

11 MR. JUETT: Well --

12 MS. JACOBS: We -- we've already
13 entered the -- the descriptions for -- the job
14 descriptions for the ones in question.

15 Captain doesn't make any -- I mean,
16 that's not before us. Chief is not before us.
17 Assistant chief is not before us.

18 MR. JUETT: I mean, I think you can go
19 ahead and put them in.

20 MR. MORGAN: Thank you.

21 MR. JUETT: Again, I think the
22 relevance is sketchy, and we keep coming back to this
23 point and I'm trying to give you some leeway here, but
24 we really just -- we cannot confuse the issue, and --

25 MR. MORGAN: I understand.

1 MR. JUETT: -- so if you want that to
2 come in, then --

3 MR. MORGAN: Thank you.

4 MR. JUETT: -- it can come in.

5 MR. MORGAN: This will be Exhibit 8.

6 (Defendants' Exhibit No. 8 was marked
7 for identification.)

8 MR. MORGAN: May I have one of those,
9 please?

10 COMMISSIONER PERRAUT: Yes, sir.

11 MR. MORGAN: Thank you.

12 COMMISSIONER PERRAUT: There you go.

13 Q. Chief, when I -- in looking through these
14 here, on the first page I noticed it's for the police
15 chief, and -- and these are arranged in -- in a
16 hierarchical order as I understand the police department
17 has in -- in the City of Paris.

18 So under the -- under the chief, I would
19 assume there would be the assistant chief, but I notice
20 that the next one is police major.

21 Is there a police major currently?

22 MS. JACOBS: Objection; irrelevant.

23 MR. JUETT: I just -- where are you
24 going?

25 MR. MORGAN: What I want to find out

1 here, Mr. Juett, is the -- the chief's knowledge of the
2 office here.

3 He was talking about how he has
4 reprimanded these officers for not following their
5 positions, not doing what they're supposed to.

6 As police -- assistant police chief
7 part of his job was to make sure that these descriptions
8 and the policies are -- are accurate and up to date, as
9 he -- as he said, and yet he held a job as assistant
10 chief and Chief Best apparently is holding a job that
11 doesn't even exist --

12 MS. JACOBS: Objection.

13 MR. MORGAN: -- in the police
14 department's policies.

15 MR. JUETT: I agree. That's not --
16 the chief is not -- this is not a hearing about the
17 chief's conduct.

18 This is a hearing about whether these
19 officers and there's substantial evidence to support
20 whether these officers have violated City of Paris or
21 City of Paris Police Department policies.

22 MR. MORGAN: Okay.

23 MR. JUETT: It's not about the chief.

24 MR. MORGAN: Okay. So no more
25 questions on that --

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MR. JUETT: Correct.

MR. MORGAN: -- is that what you're
telling me?

MR. JUETT: Yes.

Q. Okay. Chief, I want to go back a few years
with you to when you applied to be the assistant chief.

MS. JACOBS: Objection; irrelevant.

MR. JUETT: Is this different?

MR. MORGAN: Yes, it is, because what
I want to ask him about here is, on one of these
questions that was put to the applicant -- to all
applicants -- it says, currently this position will be
somewhat focused on supporting the evening shift, both
weekdays and weekends, and may require a work schedule
between the hours of 12:00 P and 2:00 A, working
approximately ten-hour shifts.

MS. JACOBS: Okay.

MR. JUETT: Is this --

MR. MORGAN: Do you have availability
concerns with this schedule of shift, and the chief's
response is, I am available for all shifts any day of
the week.

MS. JACOBS: And how is --

MR. JUETT: How is --

MS. JACOBS: -- that relevant?

1 MR. JUETT: Exactly. How is that
2 relevant to this?

3 MR. MORGAN: It goes to -- the chief
4 said that he was totally unaware of -- of the conduct
5 that's going on in dispatch, and yet when he applied for
6 the job to be assistant chief one of the things was to
7 be on duty during the night.

8 MS. JACOBS: Again --

9 MR. JUETT: Again, you're talking
10 about the chief's conduct. This isn't about the chief's
11 conduct.

12 MR. MORGAN: So no questions about
13 that?

14 MR. JUETT: Correct.

15 Q. All right. Chief, let's look at the --

16 MR. MORGAN: Can I at least show him
17 the policies dealing with discipline in the Paris Police
18 Department?

19 MR. JUETT: The policies dealing with
20 discipline?

21 MR. MORGAN: Yes.

22 MR. JUETT: What policies are we
23 talking about?

24 MR. MORGAN: This is policy number
25 100.060.

1 MR. JUETT: So these are the police
2 department -- City of Paris Police Department?

3 MR. MORGAN: They are indeed.

4 MS. JACOBS: Which we introduced
5 already.

6 MR. JUETT: The policies, I think
7 they're already in the record, so --

8 MR. MORGAN: And again, I don't know
9 that because we weren't given a copy of the packet, so
10 if they -- if the Commissioners have them --

11 MS. JACOBS: They were introduced --

12 MR. MORGAN: -- I am --

13 MR. JUETT: They were not in the
14 packet.

15 MS. JACOBS: -- on Monday.

16 MR. JUETT: The packet contains the
17 charges and the summary of investigation by the chief.
18 That's it.

19 MR. MORGAN: Okay.

20 MR. JUETT: The rest --

21 MR. MORGAN: This is the whole policy.
22 Was the whole policy --

23 MS. JACOBS: I believe so.

24 MR. MORGAN: -- all 100.060?

25 MS. JACOBS: I believe so.

1 MR. JUETT: If you want to introduce
2 the --

3 MS. JACOBS: That's fine.

4 MR. JUETT: -- the whole policy --

5 MR. MORGAN: That'd be great.

6 MR. JUETT: -- I think that's fine.

7 MR. MORGAN: Yeah. That would save a
8 lot of time. This will be Exhibit Number 9.

9 (Defendants' Exhibit No. 9 was marked
10 for identification.)

11 COMMISSIONER PERRAUT: Do you want one
12 back?

13 MR. MORGAN: No, I took mine.

14 Q. Chief, if you'll look over that and make
15 sure that this is all the -- these are all the
16 policies -- all 15 pages -- and that these are a fair
17 and accurate copy.

18 A. It appears to be, sir.

19 Q. Okay. And to your knowledge, these are the
20 policies that exist today?

21 A. Yes, sir, it appears to be.

22 Q. Okay. On the first page here, sir, it says
23 the policy, on number one, it's the Paris Police
24 Department's policy to impose disciplinary action fairly
25 and impartially.

1 The next line says, discipline is a process
2 of imposing formal sanctions which will help train or
3 develop an employee, preferably through constructive
4 rather than punitive measures, and the last line of that
5 paragraph says, as a last resort, punitive action.

6 So what you're asking of this Commission is
7 to approve the last resort, which is punitive action,
8 and of the last resort, this is the very last resort,
9 because we're talking about firing these men, right?

10 A. That's correct, sir.

11 Q. If you'll look down on the bottom of this
12 same page, sir, under policy 3.01.02 it says, the Paris
13 Police Department shall -- does provide employees with
14 lists of specifically prohibited behavior. This
15 behavior appears on policy, but no list can be all
16 inclusive.

17 Do you agree with me that the policies
18 dealing with hanging out in dispatch -- prohibiting
19 that -- they are not in a specific list anywhere,
20 correct?

21 A. They -- they are not in policy, no, sir.

22 Q. It goes on to say, employees are expected
23 to have a reasonable perception of what constitutes
24 proper behavior based on academy training and the
25 observance of the proper behavior of officers in

1 general?

2 A. Yes, sir.

3 Q. So going back to the point of Captain Elkin
4 being in dispatch --

5 MS. JACOBS: Objection; irrelevant.

6 Q. -- is that an example of proper behavior of
7 officers -- the observance of the proper behavior of
8 officers in general?

9 MS. JACOBS: Objection; irrelevant.

10 MR. JUETT: We've already been over
11 this, Mr. Morgan.

12 Q. Okay. If you'll turn the page, please,
13 Chief, and under Section 5.02 -- that's going to be on
14 the bottom half of that page --

15 A. Yes, sir.

16 Q. -- it says, disciplinary action is intended
17 to be corrective and progressive in nature.

18 What does that mean to you?

19 A. (No response.)

20 Q. Go ahead, Chief.

21 A. May I think about my answer?

22 Q. Oh, I'm sorry; I thought you were trying to
23 figure out what was going on back there.

24 A. Corrective and progressive, sir, to me
25 means that there are different levels of violations, and

1 with each level of violation there are different actions
2 taken for that degree of violation.

3 Q. Okay. Would you agree that an officer
4 committing a crime is a far more serious matter than an
5 officer committing some administrative violation?

6 A. I would say, in my opinion, breaking the
7 law would be more serious, yes, sir.

8 Q. Even a DUI?

9 A. Yes, sir.

10 MS. JACOBS: Objection; irrelevant.

11 MR. MORGAN: I'm sorry?

12 MR. JUETT: Go ahead.

13 MS. JACOBS: No.

14 MR. MORGAN: I can ask?

15 MS. JACOBS: No, Your Honor, I object.
16 He's doing it again. You've said what's relevant,
17 you've said what's not relevant, and he's just going on
18 and on and on to try and poison or, you know, infect the
19 Commission with things that aren't relevant.

20 None of these guys are charged with a
21 DUI. It's not in the charges. It's not relevant,
22 period, end of story.

23 MR. MORGAN: Mr. Juett, as the chief
24 has shown here, has testified and has laid out in this
25 document, the policy, you know, we're talking about

1 corrective and punitive -- I'm sorry; corrective and
2 progressive and designed to encourage the member to
3 conform, and the chief was just talking about putting
4 this in the proper perspective or context as to what
5 type of -- what type of corrective and progressive
6 conduct needs to be done.

7 MR. JUETT: And you asked him his
8 opinion on it.

9 MR. MORGAN: Uh-huh.

10 MR. JUETT: He answered it.

11 MR. MORGAN: Right. Okay. So -- and
12 I said, a DUI, even in a different county --

13 MS. JACOBS: Judge, that's --

14 MR. MORGAN: -- and that's when we got
15 to where we are now, Judge.

16 MR. JUETT: Again, though, you're --
17 these are not facts that are -- that are present in
18 these particular -- this particular case.

19 There's -- there's no DUI in another
20 county. There are no criminal actions that anyone is
21 charged with, to my knowledge.

22 MR. MORGAN: No --

23 MR. JUETT: So what --

24 MR. MORGAN: -- not -- none of these
25 officers.

1 MR. JUETT: It doesn't appear
2 relevant.

3 MR. MORGAN: It's relevant -- well,
4 okay. We -- I -- I don't want to beat a dead horse, but
5 I'm saying that this is relevant to put this in
6 perspective, put this in context when we're talking
7 about administrative violations sanctioned -- in this
8 case, firing -- versus an officer who's convicted of a
9 crime and whatever sanction that person gets, which is
10 not termination.

11 MR. JUETT: And I -- I understand what
12 you're doing, and I think your point is made. I think
13 we keep coming back to this and we keep having to say
14 overruled, overruled, overruled.

15 Why don't we just move on to questions
16 that are relevant to this proceeding?

17 MR. MORGAN: I am, sir.

18 MR. JUETT: I don't believe you are,
19 so we would like to stop this line of questioning.

20 Q. Chief, if you -- okay. Chief, if you'll
21 look at the next item here, 5.03, generally the
22 discipline shall be designed to encourage the member to
23 conform to the established standards of performance or
24 conduct except those instances where the actions of the
25 employee are not conducive to rehabilitation or make

1 continued employment with the department clearly
2 unacceptable.

3 Chief, as I understood what you were
4 telling us is that in most of these instances -- most of
5 these men here -- after the December 8 email went out
6 talking about don't stay in dispatch anymore, their time
7 in dispatch was very small certainly compared to what it
8 had been in October and November, correct?

9 A. Time in dispatch, yes, sir.

10 Q. So it does seem that putting out that email
11 did make a difference, correct, for time in dispatch?

12 A. For the place that they stayed, not for the
13 behavior.

14 Q. Oh. Well, what do you mean by that?

15 A. If you look in the other column --
16 especially for the supervisors -- the behavior changed
17 none.

18 Q. The behavior being what, being --

19 A. Of being in --

20 Q. -- at headquarters too long?

21 A. -- being in this building too long.

22 Q. Doing -- and you don't know what they were
23 doing, right?

24 A. (No response.)

25 Q. Correct?

1 A. I don't know exactly what they were doing,
2 no, sir.

3 Q. Isn't it true that the only scanners that
4 can be put -- that these officers -- lieutenants -- can
5 use to file reports in the computer system here at the
6 Paris Police Department, those scanners only exist in
7 this building?

8 A. That's correct, sir.

9 Q. Did you know that they were here scanning
10 records so that they could put them into the computer
11 system here?

12 A. Every night for hours? No, sir, I do not
13 believe that.

14 Q. Don't think that's the case?

15 A. No, sir, I do not.

16 Q. Okay. But you don't know, do you?

17 A. (No response.)

18 Q. I mean, you -- you weren't here, right?

19 A. No, sir, I wasn't.

20 Q. Isn't it true that when paperwork is filed
21 by these supervisors -- not just scanning papers -- not
22 just scanning stuff, but the actual paperwork that's got
23 to be filed with the secretary -- with your secretary --
24 that's done here in this building, correct?

25 A. The -- are you talking about putting the

1 case jacket together after you scan it?

2 Q. Putting the physical paper -- the file
3 together.

4 A. The file is brought to headquarters, yes,
5 sir.

6 Q. Okay. So what I hear -- let's set aside
7 then the lieutenants, so Primm, Bholat and Anderson --
8 you agree with me that when that email went out their
9 time in dispatch went way down?

10 A. No, sir, not Officer Bholat.

11 Q. How did his not go down?

12 A. In December, after the email, on
13 December 24, 59 minutes; December 25, an hour and 35
14 minutes; December 31, 53 minutes.

15 Q. On the -- on those occasions there that
16 you're talking about, on Christmas Eve where he was here
17 for an hour, he came in on five separate times, correct?

18 A. Yes, sir.

19 Q. On Christmas Day, where you say he was here
20 an hour and thirty-five minutes, he came in six
21 different times, correct?

22 A. Yes, sir.

23 Q. What about -- you like to point out Bholat,
24 but Primm and Anderson, their time was negligible,
25 right?

1 A. I did not -- I did not have them in
2 dispatch much after that, sir.

3 Q. So it worked?

4 A. I don't know that that's what worked or
5 not, sir.

6 Q. Well, what -- what do you -- what do you
7 want to see? If you say, don't be in dispatch, and
8 they're not in dispatch, what more do you want to see
9 from them?

10 A. In the past this same thing was done over
11 and over. If you -- if you're talking about changing
12 behavior, behavior is changed. If behavior changes, I
13 shouldn't have to say it but once, not several times
14 over the years.

15 Q. If you have to say it several times over
16 the years, does that suggest that there's an
17 institutional problem or problem in leadership?

18 A. No, sir, because that's why we're here.
19 I'm -- I'm taking that leadership role. I'm doing my
20 duty to this government and to the citizens of Paris.

21 Q. Why not change to put in a policy rather
22 than just sending out an email that has -- that says
23 effective immediately?

24 A. Since I know the depth of which this has
25 reached and the amount of time that they were spending

1 in there now, trust me, sir, there will be a policy.

2 Q. If you want to talk about the amount of
3 time spent on this, you and Chief Best spent a
4 considerable amount of time, right --

5 A. Yes, sir.

6 Q. -- doing nothing but this?

7 A. Yes, sir, we did.

8 Q. And you didn't confront these guys, you
9 didn't -- you didn't tell these guys, this is what I
10 found, this is it, last chance, one more time and you're
11 out of here, didn't give them any suspension, telling
12 them that this warrants a week off, two weeks off,
13 whatever, correct?

14 A. No, sir.

15 Q. You want them fired?

16 A. The -- the acts had already been committed.

17 Q. The acts had been committed, but we've seen
18 and you've said that at least as far as Primm and
19 Anderson are concerned they're not doing it anymore?

20 A. For the time being, no, sir.

21 Q. Well, after you sent the -- after the email
22 was sent --

23 A. That's what I said, for the time being,
24 sir, no, sir, you're correct.

25 MAYOR THORNTON: Mr. Morgan, can we

1 take a five-minute break?

2 MR. MORGAN: Sure. Yes, sir.

3 (Recess taken.)

4 MAYOR THORNTON: Counselors, are you
5 both ready?

6 MR. MORGAN: Yes.

7 MAYOR THORNTON: Mr. Thomas, if you
8 could restore order. Sorry.

9 Mr. Morgan, I think you still had the
10 floor --

11 MR. MORGAN: Thank you, Mayor.

12 MAYOR THORNTON: -- or whatever the
13 procedure is.

14 MR. MORGAN: Yeah, floor works.

15 Q. Chief, we were looking at the code of
16 conduct, the disciplinary policy, and I think we had
17 finished all that I really had to ask you about on page
18 two.

19 If you'll turn to page three, please, in
20 the middle of that page, under 6.02.01 it says, the
21 chief will conduct the investigation and notify the
22 member that a complaint has been made and the complaint
23 is being investigated; the chief will conduct the
24 investigation in accordance with KRS 15.520.

25 You -- as I understand it, you did not

1 notify these men that you were doing an investigation of
2 them, correct?

3 A. No, sir, I did not.

4 Q. Okay. Despite what this policy says?

5 A. They were notified February the 5th.

6 Q. Okay. With the -- with the charging
7 documents?

8 A. With the questionnaires, with the
9 responses --

10 Q. Okay.

11 A. -- yes, sir.

12 Q. Okay. Why wait until then?

13 A. I notified them after I had watched all the
14 video to find out what I was going to find out --

15 Q. Okay.

16 A. -- so I knew what responses I would have to
17 ask -- ask from them.

18 Q. Okay. And -- and as -- as you mentioned
19 earlier, even during this time of your investigation you
20 not only did not tell the -- failed to inform these
21 guys, but you even put Puckett over the area that you're
22 investigating, right?

23 A. Sir, at that point I had not reviewed any
24 video.

25 Q. On December the 14th or whenever that was?

1 A. Yes, sir. The only video I had seen was on
2 the initial complaint of that one particular night.

3 Q. Which we saw just earlier today, but -- but
4 he -- you put him in on the 14th and you left him in,
5 right?

6 A. I did, sir.

7 Q. Let's turn the page, please. Well, I'm
8 sorry; I'm still on page three, and this -- underneath
9 the investigation of complaints it says, types of
10 investigations -- I'm sorry; types of disciplinary
11 actions?

12 A. Yes, sir.

13 Q. The first one is about oral reprimands?

14 A. Correct, sir.

15 Q. And will you agree with me these are laid
16 out in more and more serious discipline, a progressive
17 order from least serious discipline to most serious?

18 A. Yes, sir.

19 Q. Okay. If you'll turn, please, to page
20 five, and under policy 7.01.04 it says, the oral
21 reprimand slash counseling may involve remedial
22 training. It talks about how training may be necessary
23 and even going to the academy or in-service.

24 It says, the training specially created to
25 accomplish the department's recommendations to correct

1 or modify the employee's behavior.

2 You took no steps to develop any type of
3 training or other method by which to address these men's
4 behavior, did you, other than firing them?

5 A. No, sir. They -- each time over -- I know
6 the years that I've been here -- each time that they
7 were told not to be in there, I considered that.

8 That -- that is -- that's counseling, stop
9 doing this, don't do this. How many times do you have
10 to tell them not to do this?

11 Q. Good point. Where in the records -- show
12 us, please, in their personnel records those times that
13 you told them, don't do this.

14 A. There's none in their personnel records,
15 sir.

16 Q. Why not?

17 A. Because it is something that they were
18 told. They have been told over and over and over, and
19 if they are honest with you, they will tell you the same
20 thing.

21 Q. Chief, if somebody is told over and over,
22 the -- do you agree with me that this policy about
23 discipline talks about progressing to more and more
24 serious penalties, correct?

25 A. Based on the violation -- the seriousness

1 of the violation that was committed, sir. You don't
2 have to follow in order for every act of violation.

3 Q. Okay. Returning to the -- what's in
4 writing, though, okay, here on page five, this is
5 7.01.05, the next paragraph down, if the employee has
6 not behaved improperly following the oral
7 reprimand/counseling for one year, the record of the
8 oral reprimand shall be expunged.

9 So Chief, this talks about a record of
10 being told time and time again, that that goes into
11 their record, and if they have a clean record for a
12 year, then that gets removed from their record.

13 You know what expungement is, don't you,
14 Chief?

15 A. Yes, sir, I do.

16 Q. The -- are you telling us that these guys
17 have had oral reprimands that has been -- have been
18 expunged from their records?

19 A. They have not had an oral reprimand, sir.

20 Q. It never went into their record, right?

21 A. No, sir.

22 Q. And -- and this allows --

23 A. The --

24 Q. I'm sorry; go -- I don't want to interfere.

25 Go ahead, please.

1 A. The warnings that they were given --

2 Q. Yeah.

3 A. -- every time that they were told by their
4 supervisors or coming from my office or Chief Sutton's
5 office prior to me or any chief before me that told them
6 to stay out of there, yes, sir, that, to me, is a
7 counseling, stop doing this behavior.

8 Q. Okay. And this policy here allows for oral
9 reprimands to be documented and to go into somebody's
10 personnel file to show that they have been orally told,
11 don't do that?

12 A. It does allow for that, sir.

13 Q. And it -- but that was not done in any of
14 these five cases, was it?

15 A. It was done as a department. It wasn't
16 done individually. The whole department was told.

17 Q. Okay. So there's a department personnel
18 file that says that everybody was told this?

19 A. Sir, it was given out as a department.
20 It's the standing order, don't be hanging out in
21 dispatch.

22 Q. Chief, and that is based on those -- what
23 the -- the staff agenda that you showed us the other
24 day, is that -- is that where the standing order comes
25 from?

1 A. There was a few of those, yes, sir.

2 Q. Why not go to the trouble of documenting in
3 some individual who's particularly egregious in
4 violating this standing unwritten order, to just at
5 least put in their personnel record that they were told
6 not to do this anymore? Why not go to that trouble?

7 A. There is -- if you're talking about oral
8 reprimands, no, it was not in his file, but that was
9 conducted on one officer.

10 Q. Okay. Sir, my -- my question is, why not
11 go to the trouble of putting it in their document --
12 into their personnel record?

13 A. Until this point that I started this
14 investigation I did not realize how egregious that this
15 violation -- these violations were.

16 Q. Well, Chief, I thought you just said a
17 second ago that they've been told time and time and time
18 again, don't do this?

19 A. They have, sir, and as I said Monday, I had
20 heard at different times that somebody would say,
21 there's a couple of officers or an officer that's been
22 spending too much time in dispatch. It would be talked
23 about then.

24 Did I know the level that it was? No, sir,
25 I did not -- until I started this investigation.

1 Q. But you're the guy in charge.

2 A. Yes, sir, and that's why we're here,
3 because I am the one in charge.

4 Q. Okay. So -- but -- all right. Let's --
5 let's move down here to written reprimands, which is on
6 the same page, 7.02.01. A written reprimand issued by
7 the chief cautions an employee about poor behavior, sets
8 forth the corrected and/or modified behavior mandated by
9 the department and specifies the penalty.

10 So this is the kind of thing where you say
11 to people, stop it, if you do it again this is what's
12 going to happen, right?

13 A. Yes, sir.

14 Q. That was not done in this case, was it?

15 A. It was done to two officers in this case.

16 Q. Two officers?

17 A. Yes, sir.

18 Q. Which ones?

19 A. There were two officers that were given
20 written reprimands.

21 Q. I'm talking about the five here at this
22 table.

23 A. No, sir, none -- none of these officers,
24 correct.

25 Q. What were the -- okay. I don't need to

1 know who the two were.

2 Did one of them apologize for this, though?

3 A. Apologize for what, sir?

4 Q. For hanging out in dispatch too long.

5 A. I'm trying to remember. Yes, sir, one of
6 them did.

7 Q. Okay. Had any of these five officers
8 apologized to you would they have been -- would they be
9 facing termination?

10 A. Yes, sir, they would.

11 Q. But the guy who did apologize, he was
12 absolved and was given a written reprimand?

13 A. Sir, that had nothing to do with his
14 apology.

15 Q. But let's talk about the five here. No
16 written reprimand has ever been issued to any of these
17 five men for hanging out in dispatch too long or being
18 at headquarters too long or leaving their car running
19 too long, anything like that, correct?

20 A. You're correct, sir.

21 Q. Same page, towards the bottom of it, 7.03,
22 demotion or suspension without pay, if the situation
23 warrants, the Chief of Police, in consultation with the
24 City Manager, Mayor and City Commission, may demote an
25 employee or suspend without pay.

1 I heard you say that you talked to the
2 manager, but I heard you also say you did not talk with
3 the Mayor or the Commissioners, correct?

4 A. I did not talk with either of those, no,
5 sir, I did not.

6 Q. But you did talk to the manager?

7 A. I did, sir.

8 Q. And you relied on what the manager had to
9 say --

10 A. Yes, sir.

11 Q. -- is that right?

12 A. Yes, sir.

13 Q. He was your consultant?

14 A. I did advise him of the situation, what was
15 going on, yes, sir.

16 Q. When was that that you advised him of the
17 situation?

18 A. Sir, I'm not exactly sure what that date
19 was. It was -- it was prior to.

20 Q. Well, yeah, but about when? A week before?
21 A month before? What?

22 A. I believe it was the week prior.

23 Q. So if this --

24 A. I don't know which day.

25 Q. Okay. If these notices were given to the

1 gentlemen on Friday, the 5th --

2 A. Yes, sir.

3 Q. -- would it have been sometime that same
4 week before the 5th?

5 A. It would have been that -- that week, yes,
6 sir.

7 Q. All right. Now, you know, we talked about
8 the City of Paris policy says that you're suppose to get
9 the permission of the Commission, but this is the police
10 department's policies --

11 A. Yes, sir.

12 Q. -- and you said you did not talk to the
13 Mayor and Commission.

14 Why not?

15 A. I advised the City Manager, sir. I did not
16 speak with the Mayor and City Commission. I cannot tell
17 you why not. I just did not.

18 Q. Well, I think you need to say why not.

19 Why -- why didn't you?

20 MS. JACOBS: I'm -- I'm going to
21 object that -- that he's implying some kind of
22 requirement to do that, and there is no such
23 requirement.

24 MR. JUETT: He said he didn't remember
25 why.

1 Q. Well, is it -- I mean, are you saying that
2 you made a mistake, Chief, or what? I'm trying to
3 figure out what it is.

4 MR. BEAUMAN: Objection.

5 MR. JUETT: Go ahead.

6 MR. MORGAN: What?

7 MR. JUETT: Go ahead. He didn't --

8 A. I'm saying I don't remember, sir.

9 MR. JUETT: Yeah.

10 Q. Okay.

11 COMMISSIONER GALBRAITH: May -- may I
12 ask a question at this point? When we're looking at,
13 let's say, police policy and then we're looking at City
14 of Paris policy, City of Paris policy, does it have --
15 does it supercede the Paris Police?

16 Because somewhere in -- in looking
17 through this thing it says -- and this is on the -- this
18 is on the Paris -- City of Paris policy, it talks
19 about -- anyway, it -- there's a whole bunch of jargon
20 here, but anyway, it says, however, the City reserves
21 the right to skip or modify any step or requirement in
22 the disciplinary action sequence outlined below, and
23 that's where it talks about verbal warnings and, you
24 know, written warnings and stuff, and nothing about
25 these measures shall alter an employee's at-will status.

1 So if -- am I -- am I getting -- am I
2 getting -- I don't want to say confused -- about what
3 we're trying to do here or what, because I think
4 Mr. Morgan -- I think -- I think Mr. Morgan's point is
5 that maybe this didn't happen, this didn't happen and
6 this didn't happen, but if I read this, I don't have to
7 do A and B and C and D; I can go from A to D to Z. Is
8 that how I read this?

9 MR. JUETT: Well, I think that's --
10 that's for --

11 COMMISSIONER GALBRAITH: Is that --

12 MR. JUETT: -- the Commission to
13 determine.

14 COMMISSIONER GALBRAITH: Okay. All
15 right. That's fine.

16 MR. JUETT: Yeah.

17 COMMISSIONER GALBRAITH: Okay. All
18 right.

19 MR. MORGAN: Well, and if I may --

20 COMMISSIONER GALBRAITH: I don't want
21 to influence anybody else, but anyway, that's --

22 MR. MORGAN: -- if I may, Mr. Juett --

23 MR. JUETT: Uh-huh.

24 COURT REPORTER: I'm sorry; I didn't
25 hear what you said.

1 MR. MORGAN: I said, if I may.

2 As -- as -- I mean, we're not
3 dealing -- we're -- we're trying to be on the same page
4 here on this Paris Police Department policies -- not the
5 City policies -- that's what we're talking about now --
6 and the policies dealing with police officers pertain
7 to -- also rely on 15.520, which is not at-will.

8 That's exactly why we're having this
9 instead of an at-will proceeding. This is -- this is a
10 far cry from an at-will employment situation. Do you
11 agree with that, Mr. Juett?

12 MR. JUETT: Well, 15.520 applies -- we
13 will say that -- and --

14 MR. MORGAN: And these officers need
15 to be fired --

16 MR. JUETT: -- and I can't speak to --

17 MR. MORGAN: -- for cause, which is
18 different than at-will.

19 MS. JACOBS: To the extent he's asking
20 a legal conclusion to be confirmed by the body right
21 now, I think that's totally inappropriate.

22 COMMISSIONER GALBRAITH: No, no, no,
23 and that was never my intent. I just --

24 MS. JACOBS: No, no, I'm talking about
25 Mr. Morgan was asking that.

1 MR. JUETT: Right.

2 MS. JACOBS: I think that's totally
3 appropriate. Your question is totally appropriate; his
4 is not.

5 MR. MORGAN: I'm in the wrong.

6 MR. JUETT: So are you okay for now
7 and --

8 COMMISSIONER GALBRAITH: I'm okay for
9 now.

10 MR. JUETT: Okay.

11 MR. MORGAN: Okay. I'll move on.

12 Q. Chief, we're on -- I'm on page six of the
13 policies and procedures --

14 A. Yes, sir.

15 Q. -- dismissal, 7.04.01 --

16 A. Yes, sir.

17 Q. -- dismissals are made in cases of extreme
18 misfeasance, malfeasance or nonfeasance of duty. A
19 complete record of the circumstances of the misbehavior
20 shall be made by all persons having knowledge of the
21 misbehavior.

22 As I understood you to say on Monday
23 when -- when I first started asking you questions, you
24 said that there's no doubt that these men did their job,
25 they're not here because they didn't do their job?

1 A. I said I never accused them of not working,
2 sir, of not doing some work. I've never said that they
3 didn't do some work.

4 Q. So extreme nonfeasance, that -- that's
5 checked off?

6 A. Yes.

7 Q. We're not dealing with that, right?

8 A. Are you saying it's checked off that that
9 doesn't apply?

10 Q. Right.

11 A. (No response.)

12 Q. I mean, because you're saying -- what does
13 nonfeasance mean to you?

14 MR. BEAUMAN: What -- I'm sorry;
15 Mr. Whitley, what did you say?

16 MS. JACOBS: What did --

17 MR. MORGAN: I asked what does --

18 MR. BEAUMAN: No, I -- I didn't hear
19 the comment from Mr. Whitley.

20 MR. WHITLEY: I just want to make sure
21 we're not writing notes for him to look at as he's
22 answering.

23 MS. JACOBS: I'm left-handed.

24 COURT REPORTER: I'm sorry; can you --
25 wait.

1 MS. JACOBS: I apologize that I'm
2 left-handed.

3 COURT REPORTER: Mr. Whitley, I need
4 you to speak up. I'm sorry.

5 MR. WHITLEY: I'm just making sure
6 we're -- because every time I see your hand move I see
7 him looking down at your paper.

8 MS. JACOBS: He's looking here --

9 THE WITNESS: Sir, I'm sitting here --

10 MS. JACOBS: -- and I'm writing with
11 my left hand.

12 THE WITNESS: -- looking at this
13 paper. I -- I am not looking at her paper.

14 MR. WHITLEY: Okay. I apologize.

15 MR. MORGAN: We're not -- we're not
16 saying that.

17 MS. JACOBS: Yes, you are accusing us
18 of doing that, and that is totally inappropriate and
19 you -- you know that.

20 MR. WHITLEY: I apologize.

21 MS. JACOBS: Yes, thank you.

22 Q. Okay. We're back to the matter at hand,
23 Chief.

24 I was asking, what does nonfeasance mean to
25 you?

1 A. Nonfeasance of their duty is that they are
2 not -- they are not performing their duty. It's a
3 dereliction of duty, that they're not performing the
4 duty that they were hired for.

5 Q. Okay. How is that different than
6 malfeasance?

7 A. Sir, you're asking for -- for a definition
8 I don't know.

9 Q. Okay. Misfeasance?

10 A. Same, sir.

11 Q. Okay. When -- what does it mean to you
12 when -- when this says, a complete record of the
13 circumstances of the misbehavior shall be made by all
14 persons having knowledge of the misbehavior?

15 A. (No response.)

16 Q. What does that mean to you, sir?

17 A. Any person -- to me, any person taking part
18 in this investigation or the -- of the misbehavior that
19 was done or having knowledge of the misbehavior.

20 Q. Right. So -- and I understood you to say
21 the other day that you did not talk to -- much less make
22 a record of -- what the dispatchers were saying because
23 you could see it on the video and you -- you didn't need
24 to talk to them? You just -- you didn't make a record
25 of what the dispatchers had to say, correct?

1 A. No, sir, I didn't.

2 Q. Do you think that they would be considered
3 persons having knowledge of the misbehavior?

4 A. I don't know what -- what their knowledge
5 was, sir.

6 Q. Good point. Do you think, sir, that -- why
7 do you think that such extraordinary measures here --
8 where you -- where it says, a complete record of the
9 circumstances shall be made by all persons having
10 knowledge, why do you think that it's required for
11 dismissals as opposed to written reprimands or oral
12 counseling?

13 A. Sir, I completed this investigation and I
14 have a complete record of my investigation and all
15 documents.

16 Q. No, I'm sorry; my question was, why do you
17 think that it requires this extra effort to be done
18 before you fire somebody?

19 A. So the effort was put in, and I'm sure that
20 is written to make sure that nobody is fired that --
21 that should not be fired.

22 Q. To make sure that you know and that this
23 Commission knows what everybody has to say about this?

24 A. Yes, sir.

25 Q. Turn the page, please. I'm on page seven.

1 I'm looking at Section 9 --

2 A. Yes, sir.

3 Q. -- 9.02, after the written charges are
4 preferred by any person and filed with the City Clerk
5 and the Mayor determines that probable cause exists, a
6 hearing will be held in accordance with 15.520, peace
7 officer Bill of Rights?

8 A. Yes, sir.

9 Q. And in this case you're the person who's
10 brought these charges or preferred them.

11 Is there a file stamped copy with the City
12 Clerk?

13 A. Yes, there should be.

14 Q. Okay. Was that done when you gave these
15 guys these charges or was that done sometime later?

16 A. That -- that was done I believe that --
17 that afternoon -- or after they were given their
18 copies --

19 Q. Okay.

20 A. -- that same day.

21 Q. Okay. And does it reflect on those charges
22 that the Mayor determined that probable cause exists?

23 A. No. No, sir, I do not believe it does.

24 Q. Okay. Because you didn't -- as I recall, a
25 minute ago you said you didn't even talk to the Mayor

1 about bringing --

2 A. I said --

3 Q. -- before bringing these charges?

4 A. No, sir, that's -- or I'm sorry; that's
5 correct, sir.

6 Q. Okay. So the Mayor did not determine that
7 probable cause exists, did he?

8 A. Packets were made with -- with the evidence
9 that I had. They were distributed to the Mayor and to
10 the Commissioners, sir.

11 Q. But that's -- my question, Chief, is, the
12 Mayor did not determine that probable cause exists?

13 MS. JACOBS: We're not --

14 MR. BEAUMAN: And we addressed this at
15 the beginning of the hearing, so let me object to this
16 line of questioning, because that's not what 15.520 lays
17 out and that's not the procedure.

18 To the extent that that SOP conflicts
19 with the statute, we have to follow the statute, and I
20 think we addressed this when we made one of our
21 objections at -- before we even started the hearing.

22 MR. MORGAN: Well, and if I may, very
23 briefly, I -- I think we all understand the maxim that
24 specific controls general.

25 I don't think there's any restriction

1 in the peace officer Bill of Right to allow a city to do
2 something more to safeguard the rights of peace
3 officers.

4 But, you know, be that as it may, I'm
5 just -- that may be for another -- another matter or
6 another hearing to determine whether this is violative
7 of the City of Paris' policies.

8 Q. Let me just finish up here, if I may,
9 Chief.

10 A. Yes, sir.

11 Q. I'm correct in understanding that the Mayor
12 did not make a determination that probable cause exists
13 before -- before any point in time? I mean, he hasn't
14 done that yet, correct?

15 MS. JACOBS: Well, and I'm going to
16 object to what the chief knows about what the Mayor has
17 or has not done. I mean --

18 MR. MORGAN: Okay.

19 MS. JACOBS: -- you can ask about what
20 the chief did, but not about what the Mayor did.

21 Q. You have not given this to the chief for
22 him to make a probable cause finding before -- the
23 Mayor, I'm sorry.

24 Chief, you have not given the Mayor these
25 charges to make a probable cause determination, correct?

1 A. Again, you're asking me what constitutes
2 that. He was given all the information. What he did
3 with that afterwards, sir, I cannot answer.

4 Q. All right. Well, you know, I really hate
5 to do this, but let's -- let's look at the language of
6 this -- of this policy --

7 MS. JACOBS: No --

8 Q. -- and this is the policy of the police
9 department.

10 MS. JACOBS: -- I'm going to -- again,
11 we've gone over this. 15.520 rules. Even at the
12 beginning of the policy the intent is to comply with
13 15.520.

14 You know, if there was a procedural
15 issue, this is not the time and place. This is a
16 fact-finding hearing.

17 MR. MORGAN: And so -- so now we're
18 not worried about procedure. I mean, we're just here
19 dealing with fact finding as -- as a very narrow
20 expression. I mean, I --

21 MR. JUETT: Today that's -- the
22 hearing is about that, is about the substantial evidence
23 to support any finding.

24 MR. MORGAN: Pursuant to procedure.

25 MR. JUETT: To 15.520.

1 MR. MORGAN: And due process rights
2 apply. Okay. I'll -- I'll move on.

3 MR. JUETT: Thank you.

4 MR. MORGAN: I'll move on.

5 Q. Under 9.05, Chief, it says, the hearing is
6 an administrative hearing and formal Rules of Evidence
7 are relaxed. Hearsay rule -- hearsay evidence is
8 admissible. The Paris City Commission will only
9 consider matters presented in the charges.

10 A. Yes, sir.

11 Q. If you'll turn the page, please, page
12 number eight, the Section 10, infractions and
13 punishments, 10.01, except in matters of gross
14 malfeasance, supervisors should attempt to begin
15 employee discipline with the least punitive measure.

16 And -- and as we've heard, it's your
17 position that this is gross malfeasance and you don't
18 need to begin -- you don't even need to attempt to begin
19 employee discipline with the least punitive measure?

20 A. That's correct, sir.

21 Q. The latter part of this same paragraph
22 says, if the least punitive does not work, then
23 increasingly more severe measures may be required.

24 Do you agree with me that this is what's
25 considered progressive discipline?

1 A. That is one measure of progressive
2 discipline, sir, but I'm also taking in that I believe
3 this is gross malfeasance, the actions that they have
4 committed.

5 Q. Chief, you -- you examined, you said, 14
6 persons on the force?

7 A. That's correct, sir.

8 Q. Did you ever tell anybody that the -- that
9 this number of persons was being examined because
10 everybody got included so that it does not look like it
11 was retaliatory?

12 MS. JACOBS: Objection; irrelevant.

13 MR. JUETT: It's sustained. We've
14 been here --

15 MR. MORGAN: All right. That's all
16 the questions --

17 MR. JUETT: -- on retaliation.

18 MR. MORGAN: -- I have. Thank you.

19 MR. JUETT: Thank you.

20 MR. MORGAN: Oh, I do have one thing.
21 I'm sorry.

22 Q. Chief, what is CALEA?

23 COURT REPORTER: I'm sorry; what is
24 what?

25 MR. MORGAN: CALEA, which stands --

1 K-A-L-E-A -- I'm sorry; C-A-L-E-A.

2 Q. Do you know what CALEA -- CALEA is a
3 certification?

4 A. I know it's a certification. If you're
5 asking me what all it -- what it stands for, I can't
6 give it to you right now, sir.

7 Q. Okay. And the City of Paris is CALEA
8 certified, correct?

9 A. I don't know if we -- oh, you're talking
10 about the City of Paris?

11 Q. The City of Paris Police Department.

12 A. Oh, the police department? I know we're
13 KACP certified.

14 Q. Okay.

15 A. We do get a certification through KACP.

16 Q. And for the Commissioners, why don't you
17 tell them what that --

18 A. I'm sorry; it's --

19 Q. -- what we're talking about, please.

20 A. -- it's a certification through Kentucky
21 Association of Chiefs of Police where they come in and
22 make sure that you're up to standards with other police
23 departments.

24 Q. And do you know whether they rely upon
25 CALEA?

1 A. Sir, I do not know.

2 Q. Okay. If -- if I may, do you agree, Chief,
3 that CALEA is the acronym for Commission on
4 Accreditation for Law Enforcement Agencies --

5 A. Yes, sir.

6 Q. -- which is a national organization --

7 A. Yes, sir.

8 Q. -- out of Virginia?

9 A. That's correct, sir.

10 MR. MORGAN: That's all I have. Thank
11 you.

12 MAYOR THORNTON: Ms. Jacobs, you can
13 call your next witness.

14 MS. JACOBS: I'm going to redirect the
15 chief -- and probably until dinnertime. Okay?

16 MAYOR THORNTON: Okay.

17 -----

18 **RE-EXAMINATION**

19 **BY MS. JACOBS:**

20 Q. All right. Chief, you asked each of the
21 persons that were involved with the investigation for
22 justification; is that correct?

23 A. That's correct.

24 Q. And of the five that are here today, you
25 got written responses from them, didn't you?

1 A. That's correct.

2 Q. And did any those responses attempt in any
3 way to explain the -- the vast numbers of time spent in
4 dispatch?

5 A. I don't believe so, ma'am.

6 Q. In fact, pretty much the same language was
7 used by all of them except Officer Primm, correct?

8 A. That's correct.

9 Q. It appeared they had worked together on
10 formulating their response, correct?

11 MR. MORGAN: Objection; it's just
12 speculation.

13 Q. Well --

14 MR. MORGAN: It appeared that --

15 Q. -- does the language look like they worked
16 together on their responses?

17 MR. MORGAN: Same objection. Same
18 basis.

19 MR. JUETT: Go ahead.

20 MS. JACOBS: Are you sustaining?

21 MR. JUETT: Yes.

22 MS. JACOBS: Okay. That's fine.

23 Q. With Officer Puckett -- with Lieutenant
24 Puckett, with respect to the first question you asked
25 him, which was, please give a justification for time

1 spent in dispatch for the dates listed and marked as
2 justified, which would be the lists of October, November
3 and December, correct?

4 A. Yes, ma'am.

5 Q. Okay. And what was his response?

6 A. Due to the remoteness in times and dates
7 listed, I am unable to provide specific details that
8 have been listed. At all times I was available for
9 calls for service.

10 Please note the dates and times listed
11 predate the email that was issued by Assistant Chief
12 Best on 12/8/2015. After this date I complied with the
13 email.

14 Q. Did you ask that same question of
15 Mr. Humphries --

16 A. I did --

17 Q. -- question number one?

18 A. -- yes, ma'am.

19 Q. And what was his response?

20 A. Due to the remoteness in times and dates
21 listed, I am unable to provide specific details that
22 have been listed. At all times I was available for
23 calls for service.

24 Please note that all dates and times listed
25 predate the email that was issued by Assistant Chief

1 Best on 12/8/2015. After this date I complied with the
2 email.

3 Q. What was Officer Anderson's response to the
4 same question?

5 A. Due to the remoteness of the times and
6 dates listed, I am unable to provide specific details
7 that have been listed. At all times I was available for
8 calls for service.

9 Please note that all the dates and times
10 listed predate the email that was issued by Assistant
11 Chief Best on 12/8/2015. Attached -- after this date I
12 complied with the email.

13 Q. And Officer Bholat's response to the same
14 question?

15 A. Due to the remoteness of times and the
16 dates listed, I can't recall specifics; however, I was
17 on duty and subject to calls at all times listed and
18 available.

19 All these dates listed but the last three
20 were prior to the memo issued by Assistant Chief Best.
21 The last three were holiday related. I was also subject
22 to calls and available at those times as well.

23 Q. Is a patrol officer's job simply to be
24 available for call?

25 A. No, ma'am.

1 Q. What is the purpose of patrol?

2 A. The purpose of patrol is to deter crime --
3 deter crime, to detect crimes in progress and to be out
4 in the neighborhoods and in the business zones and
5 making sure that crimes are not occurring.

6 Q. You were asked whether when you spoke with
7 Attorney Jerry Wright you said you wanted them to
8 resign; is that right?

9 A. That's correct.

10 Q. And you did, in fact, want them to resign,
11 correct?

12 A. That's correct.

13 Q. And it would have saved this hearing if
14 they had done so, correct?

15 A. That's correct.

16 Q. That's always been an option for them,
17 right?

18 A. Yes, ma'am.

19 Q. And it's still an option even now?

20 A. Yes, ma'am.

21 Q. Did Officer Bholat at any time in either
22 his written response to your questions or anytime
23 thereafter, including up until 3:00 this afternoon, let
24 you know by any means that November the 5th he was at
25 the hospital with another officer?

1 A. No, ma'am.

2 Q. Okay. In any of the responses that you
3 received -- the written responses that you received --
4 from any of these five officers did they express any
5 remorse or apologize for having spent exorbitant amounts
6 of time in dispatch and not on patrol?

7 A. No, ma'am.

8 Q. You were asked about the fact that these
9 officers have been suspended without pay and, you know,
10 doesn't that -- isn't that a big deal with respect to
11 not getting a paycheck.

12 You agree that is a big deal, right?

13 A. Yes, ma'am, it is.

14 Q. Do you consider it a big deal when somebody
15 gets a paycheck for not doing their work?

16 A. Yes.

17 Q. Especially when it's taxpayer's money?

18 A. Yes, ma'am.

19 Q. Now, you didn't come to your decision to
20 recommend termination for these folks based on seeing
21 the dog in dispatch, did you?

22 A. No, ma'am.

23 MR. MORGAN: I'm sorry to -- I'm fine
24 with some leading to get to the point, but this is -- I
25 object to the leading.

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MR. JUETT: Understood.

Q. Did you base your decision to ask for the termination of these officers because there was a dog in dispatch on December the 5th?

A. No, ma'am.

Q. And what was your decision based on?

A. My decision was based on my entire investigation of this matter and the lack of justification provided by the officers.

Q. Are supervisors or lieutenants on night shift also supposed to be patrolling or are they supposed to be sitting in the office and doing reports?

A. They should be out patrolling and also supervising their officers that are out in the field.

Q. Was -- and is that in their job descriptions?

A. Yes, ma'am.

Q. Was Puckett's move to communications in December a promotion or just a lateral move?

A. It was just a lateral movement.

Q. And in the responses that then-Lieutenant Puckett and then-Lieutenant Humphries gave to your requests for justifications, did they ever state in those that they were filing reports during that period of time?

1 A. I do not recall that being one of the
2 justifications, ma'am.

3 Q. And Officer Bholat doesn't file reports,
4 does he?

5 A. He files report. He does not review
6 reports.

7 Q. He doesn't review reports?

8 A. Yes, ma'am.

9 Q. Same with Officer Anderson and Officer
10 Primm, they file reports but don't review those as an
11 administrative process?

12 A. That's correct, ma'am.

13 Q. Who did you count on as your night shift
14 leaders?

15 A. My -- my supervisors.

16 Q. Who would be?

17 A. Lieutenant Puckett and Lieutenant Humphries
18 at the time.

19 Q. On Monday you were asked kind of generally
20 about your computations of the percentages of time --

21 A. Yes, ma'am.

22 Q. -- for each officer, and I think there was
23 some confusion about whether you had converted those
24 times to minutes or percentages.

25 Do you remember that conversation?

1 A. Yes, ma'am.

2 Q. And could you explain to the Commission how
3 you came up with those -- the total number of hours?

4 A. The only reason I had a decimal number on
5 my hours and minutes at the end, I took each line and it
6 was easier for me to convert it to minutes, get a total
7 number of minutes and divide it by 60. That gave me the
8 hours at a point time instead of the actual hours and
9 minutes.

10 Q. Okay. So for instance, Humphries, on
11 October the 2nd, you noted to be in dispatch for two
12 hours and thirty-eight minutes.

13 How would you have counted that in your
14 total?

15 A. That would have been 158 minutes.

16 Q. Okay. And so you added those up and then
17 divided by 60 to get the percentage?

18 A. Yes, ma'am.

19 Q. Okay. And have you spot checked some of
20 those numbers --

21 A. I --

22 Q. -- over the last day?

23 A. I have.

24 Q. And are they correct --

25 A. The ones --

1 Q. -- essentially?

2 A. -- I spot checked, yes, ma'am, they were
3 correct.

4 Q. Okay. Now, you've been asked about the
5 lieutenants reviewing reports from the officers on the
6 street.

7 On the videos that you saw with them
8 sitting in dispatch did you see them reviewing reports
9 and doing work on behalf of the City?

10 A. I did not, ma'am.

11 Q. Okay. And particularly October the 24th,
12 if you can pull that up, please, on the video.

13 A. What time?

14 Q. 22:42.

15 A. Okay.

16 Q. Have you got October the 24th?

17 A. No, I don't.

18 Q. Is that the date I said?

19 A. You did. I pulled up the wrong date.

20 Okay.

21 Q. Okay. Start playing that, and then who are
22 those people you see?

23 A. That would have been then-Lieutenant
24 Humphries, and Officer Breslin came in and just walked
25 out.

1 Q. Okay. Is that Lieutenant Humphries there?
2 A. Yes, ma'am.
3 Q. And without watching the entire video --
4 although we can if anybody wants to -- how long is
5 Lieutenant Puckett there in that --
6 A. That's Lieutenant Humphries.
7 Q. I'm sorry; Lieutenant Humphries.
8 A. He was there from 22:42, which is 10:42,
9 until 0140 -- 1:40 in the morning.
10 Q. And upon watching this video, did you see
11 any point during that time while he's sitting in
12 dispatch that he was reviewing any reports?
13 A. No, ma'am, I did not.
14 (Plaintiff's Exhibit No. 59 was marked
15 for identification.)
16 Q. What I've handed you is the radio dispatch
17 log for the entire night -- for that entire shift.
18 Okay?
19 And did we review that earlier and you're
20 confident that's what that is?
21 A. Yes, ma'am.
22 Q. Okay. If you will look through that, the
23 pink line starts the shift on the first page and then
24 ends the shift later throughout there. Okay?
25 A. Yes, ma'am.

1 Q. If you could, tell the Commission how many
2 reports would have been generated for Lieutenant
3 Humphries to review during that entire shift.

4 A. It appears possibly two, ma'am.

5 Q. Okay. And if you will look towards the end
6 of that packet, does that appear to be the two reports
7 that were generated from that night?

8 A. It would have been the DUI, and it appears
9 there would be a theft report. Yes, ma'am, that --
10 that's the one.

11 Q. Okay. And this is also a night, is it --
12 well, let me rephrase that question.

13 Was Lieutenant Humphries on the radio that
14 night other than to come on and off?

15 A. No, ma'am.

16 Q. How long was Officer Bholat in dispatch
17 that night?

18 A. From just after midnight -- 00:09 -- till
19 02:14.

20 Q. And how long was Lieutenant Puckett in
21 dispatch that night?

22 A. 00:56 till 02:14.

23 Q. And if Lieutenant Puckett is on duty at the
24 same time as Lieutenant Humphries, would he be
25 responsible for his own report review?

1 A. Yes, ma'am.

2 Q. And what time did Lieutenant Humphries
3 leave dispatch that night?

4 A. 01:40.

5 Q. Is there any evidence that he did any work
6 on behalf of the City after that time?

7 A. No, ma'am.

8 MR. MORGAN: Objection to the
9 speculation, as well as the fact this is beyond the
10 scope of the cross.

11 MS. JACOBS: The -- the cross was
12 whether they were preparing reports and reviewing
13 reports, so --

14 MR. JUETT: We'll allow it.

15 Q. You were asked on Monday if you felt like
16 the City was being served well by the termination of
17 these officers. Do you remember that?

18 A. I do, ma'am.

19 Q. Do you believe the City was being served
20 well on night shifts October through December?

21 A. No, ma'am, I do not.

22 Q. Do you believe the City would be well
23 served by telling these guys and telling these folks out
24 here, it's okay to neglect your responsibilities?

25 A. No, ma'am.

1 MS. JACOBS: That's all the questions
2 I have.

3 MR. MORGAN: No -- no recross.

4 MAYOR THORNTON: Now you may call your
5 next witness.

6 MS. JACOBS: If the officers intend to
7 testify on direct through their counsel first, I will
8 close. If they don't intend to testify, I'm going to
9 call them individually, so --

10 MR. MORGAN: They intend to testify.

11 MS. JACOBS: That's all.

12 MR. JUETT: Okay.

13 MR. MORGAN: I've got --

14 MS. JACOBS: Let me -- before we move
15 on, we need to introduce the video into the record and
16 then all of the exhibits from Monday, as well as the one
17 today -- I don't -- I think we neglected to do that
18 individually as we went -- noting the objections that
19 were made along the way.

20 MR. JUETT: So they've all been
21 numbered and they're in order?

22 COURT REPORTER: Yes.

23 MR. BEAUMAN: And we'll figure out how
24 to do the hard drive later.

25 MAYOR THORNTON: Mr. Morgan, you may

1 call your first witness.

2 MR. MORGAN: Okay. Call Wayne
3 Wallace. May I run down and grab him real quick,
4 please?

5 (Discussion off the record.)

6 **WAYNE WALLACE**

7 having been first duly placed under oath, was examined
8 and testified as follows:

9 **EXAMINATION**

10 **BY MR. MORGAN:**

11 Q. Sir, if you will speak into the microphone
12 there and please introduce yourself to the Commission
13 members and the Mayor.

14 A. Good evening. My name is Wayne Wallace.
15 I'm a forensic criminologist. I'm a retired police
16 officer, professor of criminal justice and psychology,
17 and I work as a consultant in areas of police conduct.

18 MAYOR THORNTON: We can't -- they're
19 also -- they can't hear you in the back either. If you
20 don't mind to repeat that. Is that microphone off?

21 THE WITNESS: I don't know.

22 (Discussion off the record.)

23 THE WITNESS: I'll try a little
24 harder. My tie is too tight.

25 A. I said, good evening. My name is Wayne

1 Wallace. I'm a forensic criminologist. I am a retired
2 police officer. I'm a professor of criminal justice and
3 psychology, and I do consulting in the area of police
4 conduct for about the last eight years or so now.

5 Q. Sir, you said that you are a retired police
6 officer.

7 Please tell the Commission members where
8 you have worked as a peace officer.

9 A. Yes. I received my initial law enforcement
10 training as a military police officer. I was a special
11 agent with the United States Army Criminal Investigation
12 Division, and I worked later at the Kenton County Police
13 Department, from which I retired.

14 I was a detective for a good portion of
15 that time. I spent a couple of years as a patrol
16 officer, but for the most part, I was a detective until
17 I retired.

18 Q. When did you work at Kenton County Police?

19 A. I worked at Kenton County Police beginning
20 in 1992 and -- through 2005. I retired due to an
21 injury. I had my neck broken, and after a period of
22 recuperation I worked back at the prosecutor's office as
23 a detective there for about two years until I retired to
24 go back to school and pursue consulting.

25 Q. The prosecutor's office, was that the

1 Kenton County Commonwealth?

2 MS. JACOBS: Let -- let me object to
3 this gentleman's testimony. I'm sure he's well
4 qualified, but if he's going to offer opinions as to
5 whether the conduct violated policy or not, that's
6 very -- very much invading your province as to the
7 fact-finding thing.

8 Yeah, this is really not the time and
9 place for expert testimony in this type of hearing.

10 MR. JUETT: I guess I'm scratching my
11 head too about where -- what -- what is the relevance of
12 this?

13 MR. MORGAN: He's going -- well, just
14 as the chief provided his opinion testimony, as -- and
15 over my objection about invading the province of the
16 Commission, I think Detective -- or Dr. Wallace is here
17 to provide his insights based upon his training,
18 education and experience as to whether these are --
19 whether termination is appropriate.

20 And I also reference 15.520, the peace
21 officer's Bill of Rights, when it talks in Subsection
22 1(f), as in Frank, talks about law enforcement
23 procedures means only those policies, rules and customs
24 that are specific to the conduct of officers in the
25 exercise of law enforcement powers and functions, and it

1 goes on.

2 So Detective -- or Dr. Wallace here has --
3 has experience as a peace officer. He's still
4 involved -- on a daily basis involved in peace officer
5 work and review of what peace officers do.

6 I think he -- the peace officers here
7 are requesting the Commission to hear him and provide
8 his insight and -- and draw whatever weight they want to
9 from that in regards to law enforcement procedures.

10 MR. JUETT: I think the -- the
11 Commission is interested in at least hearing where he's
12 going to go with it --

13 MR. MORGAN: All right.

14 MR. JUETT: -- so proceed.

15 MR. MORGAN: All right. Thank you.

16 Q. I keep calling you Doctor or Detective.
17 Are -- and you -- please explain -- do you
18 have a Ph.D.?

19 A. I do. I have a Ph.D. in forensic
20 psychology.

21 Q. When did you get that?

22 A. I finished my Ph.D. over a year ago.

23 Q. Okay. And are you teaching now?

24 A. I -- I do. I teach at the University of
25 Cincinnati, at Waldon University and Indiana Wesleyan

1 University.

2 Q. What do you teach?

3 A. I teach criminal justice and psychology
4 courses.

5 Q. Okay. Now, Detective -- Dr. Wallace, let
6 me get to the point here in regards to what I was saying
7 about law enforcement procedures.

8 Do you have training, education and
9 experience in what is involved in the operations of a --
10 of a police department?

11 A. Yes, I do.

12 Q. Which ones?

13 A. City, county police departments, is that
14 what you're asking?

15 Q. As the -- right. At the Kenton County
16 Police Department were there other smaller police
17 agencies besides the Kenton County Police Department?

18 A. Yes. There were approximately 14 agencies
19 with law enforcement authority in that county. We also
20 have kind of contiguous -- Boone and Campbell Counties
21 are there as well, so kind of have an interagency
22 agreement.

23 Q. Okay. So within Kenton County there are --
24 well, you've got Kenton County plus 14 other city
25 agencies plus the sheriff?

1 A. Correct.

2 Q. All right. During your time working the --
3 how many years was it at Kenton County?

4 A. Thirteen, I believe.

5 Q. -- 13 years at Kenton County, would you
6 have interaction with the smaller agencies there in
7 Kenton County?

8 A. I did. For the last six years of my career
9 I was on loan to the cities working specific cases, and
10 I was contracted -- not contracted, but doled out to
11 investigate internal investigations and other special or
12 sensitive investigations, and then I spent a number of
13 years working capital murder cases up there.

14 Q. During your education and your experience
15 there in -- in Kenton County, as well as with the Army
16 CID, how many times do you think you have been in a
17 dispatch center for a police agency?

18 A. Daily.

19 Q. Okay. In Kenton County, with the 15 or so
20 agencies that are up there, do each of them have their
21 own dispatch or would Kenton County have a dispatch for
22 all the separate agencies?

23 A. There are three dispatch centers in Kenton
24 County -- Erlanger, Covington and Kenton County -- so
25 there are numerous, and they had a tendency to migrate

1 according to who was in charge and -- a bit political
2 there.

3 Q. Tell the members of the Commission, sir,
4 what your experience was at -- involving dispatch --
5 dispatch centers.

6 Is that a -- is that a place where officers
7 would frequently -- frequently congregate?

8 MS. JACOBS: Objection. Whether they
9 do or do not in other counties is completely irrelevant.

10 MR. JUETT: True.

11 MR. MORGAN: Well, I'm --

12 MR. JUETT: Sustained.

13 Q. Okay. Based upon law enforcement
14 procedures -- meaning customs -- is -- is it a common
15 occurrence for peace officers to go to dispatch centers?

16 A. Absolutely it is.

17 Q. Why?

18 A. Well, dispatch is the hub of operations,
19 for one. Every officer begins his day there. If you
20 are a police officer, you should interact with dispatch
21 all the time.

22 Q. Why?

23 A. Well, I can give you one good reason. We
24 carry panic buttons on our radios in case something
25 happens.

1 If you're -- if you ask -- want a
2 dispatcher to start people your direction, you don't
3 want to be a number on their screen; you want to be a
4 person.

5 Not only that, but it's -- you know, at
6 least in Kenton County -- it's interagency. It's the
7 same building, same employees, get the same paycheck
8 from the same place.

9 MS. JACOBS: I'm going to object again
10 to what happens in Kenton County. It has no relevance
11 to what happens in the City of Paris.

12 THE WITNESS: I can always --

13 MS. JACOBS: Policies and customs of
14 Kenton County have no relevance to the policies --

15 MR. MORGAN: He was testifying --

16 MR. JUETT: Can we keep it general?

17 MR. MORGAN: He's testifying as to
18 general, and I realize --

19 Q. Dr. Wallace, please limit yourself to
20 general policies and law enforcement procedures rather
21 than Kenton County.

22 And if I may interrupt, at the -- at
23 the Kenton County dispatch would it be common for
24 folks -- for peace officers from the State Police to
25 come into dispatch there?

1 A. It would.

2 Q. Okay. Would it surprise you that we've
3 seen videos here where State Police officers have come
4 into the City of Paris dispatch center?

5 A. Not at all. There's one out in the
6 hallway.

7 Q. All right. Detective Wallace, tell us,
8 please, your experience and customs regarding dispatch
9 centers, and you were explaining why it's important for
10 peace officers to have good working relationships with
11 the dispatch center.

12 MS. JACOBS: Objection. It's
13 irrelevant. They are not charged with not having good
14 relations with dispatch. They're charged with hanging
15 out there for hours and hours and hours at a time.

16 His experience is completely
17 irrelevant to this proceeding.

18 MR. MORGAN: He's here to testify --
19 as you allowed him to a minute ago -- about law
20 enforcement procedures and customs.

21 MR. JUETT: I -- I agree. Your
22 objection is noted, but the Commissioners would like to
23 hear it.

24 MS. JACOBS: Okay.

25 Q. Do you have any -- do you understand the

1 question, sir?

2 A. I do, sir, but I'd appreciate it if you'd
3 repeat it for me.

4 Q. I'll do my best. Explain, please, to the
5 Commission members why it's important, in your training,
6 education and experience in law enforcement procedures
7 and customs, why a peace officer needs to have good
8 relationships with the dispatch and/or why they need to
9 be present in dispatch.

10 A. Beyond the safety issue that I just talked
11 to you about, in addition to that, officers are
12 routinely doing things such as running criminal
13 histories and -- and those kinds of things, so they're
14 going to have frequent interaction with dispatch.

15 But also, officers -- dispatch puts
16 out the minimum amount of words possible on the radio,
17 so there is almost a read between the lines kind of
18 language that occurs in -- in -- in law enforcement,
19 particularly when they're speaking in 10 code or that
20 kind of thing.

21 So you have to know how people communicate,
22 and the best way to do that is face-to-face,
23 particularly if most communication is nonverbal to begin
24 with.

25 So to get to know your dispatchers and to

1 maintain those relationships, it's extremely important.
2 It's just as important as to know your fellow officers,
3 because you work with them all day every day and, you
4 know, you rely on them and they rely on you,
5 particularly for the quick exchange of information.

6 When a -- when a critical incident occurs
7 there's no time to repeat yourself, so getting to know
8 these people and developing those relationships are
9 extremely important.

10 Q. Well, you know, the issue here, though,
11 Detective, is that these guys were hanging out too long
12 in dispatch.

13 Is that something that you are aware of is
14 a -- is a practice or custom that occurs in -- in police
15 departments?

16 A. No, not as a custom. I -- I can tell you
17 that I've had my own backside chewed before for hanging
18 out in dispatch holidays, weekends, third shift. It's
19 the nature of the job.

20 So I can't speak to hanging out too long,
21 but I can tell you that if you're an officer for any
22 length of time you've been chewed out for being in
23 dispatch, and it will continue forever.

24 Q. What do you mean by that, it will continue
25 forever?

1 A. It's the nature of the job. You can't
2 separate the two.

3 Q. Is this something that's appropriate for
4 termination of employment?

5 MS. JACOBS: Objection; invading the
6 province of the Commission.

7 MR. JUETT: I would agree.

8 MR. MORGAN: I think we heard from the
9 chief. These officers are entitled to have somebody to
10 speak on their behalf as to why it's not.

11 MS. JACOBS: It -- it's -- because
12 it's his recommendation and his employment and his job
13 to do that.

14 MR. JUETT: Exactly.

15 MR. MORGAN: I'm sorry?

16 MR. JUETT: I'll sustain the
17 objection.

18 Q. Detective Wallace, have you examined the
19 reports that were generated by the chief against these
20 officers?

21 A. I have, sir.

22 Q. And what, if anything, based upon your
23 training, education and experience in regards to law
24 enforcement procedures and customs stood out to you in
25 regards to those reports or charges filed by the chief

1 against these men?

2 A. What stood out to me the most was -- as I
3 finished it -- was that the issue that is before this
4 Council, the -- the issue that has arrived at this
5 Council is less a reflection on -- I guess it's these
6 officers -- I'm sorry; I have not met them all -- it is
7 less a reflection on them as it is a reflection on the
8 chief's inability to supervise. It's the --

9 MS. JACOBS: Objection. We've said
10 it's not -- we're not talking about the chief. We're
11 talking about their actions.

12 MR. MORGAN: And he's -- he's trying
13 to express his understanding -- he's expressing his
14 basis here, Mr. Juett.

15 MR. JUETT: I think he is. I think
16 you are. Go ahead.

17 A. It's just -- it's my opinion that if
18 this -- these actions are egregious enough to be
19 referred to -- as I've read -- as gross malfeasance,
20 then it doesn't stop at some point and say, well, I'm
21 going to stop at the lieutenant level and that's it,
22 nobody else is responsible. It doesn't happen like
23 that.

24 In law enforcement it's -- it's a triangle
25 that's upside down. The higher you get the more

1 responsibility that you have, and it doesn't stop just
2 because you want it to.

'3 You're responsible for the -- the people
4 beneath you -- or not beneath, but below your -- your
5 level of supervision, and so whatever you have to do,
6 whether it be come in on third shift in the middle of
7 the night to make sure that the people who you're
8 responsible for are doing their job, then you need to do
9 it.

10 If you look back and see for a long period
11 of time that something has been going on, then you
12 really ought to look at yourself first to see, why did I
13 not understand this, why did I not see it.

14 It's not -- this department, I understand,
15 has around 25 officers. It's relatively small. It's
16 about the average size of an office -- of a department
17 in the United States.

18 That's why it's so common is that you know
19 everybody and you know what everybody is doing -- or at
20 least you should -- and again, the higher you get in an
21 organization the more responsible you are for them.

22 So to stop and abruptly say, well, these --
23 these other supervisors are responsible, but then it
24 stops there, I'm not going to assume any responsibility
25 for ever checking in dispatch, for example, or making

1 sure the odometers on the vehicles read a certain amount
2 of miles per night.

3 I've -- I've had the occasion to
4 investigate that before where chiefs of police
5 maintained beginning and ending odometer readings to
6 ensure that the officers were out on patrol. You know,
7 that's just another way to effect that type of
8 supervision.

9 And it's a -- also, that kind of thing, if
10 you're an officer -- I was that officer who had to fill
11 out that, and it was -- the implication was, you better
12 get out on patrol and put those -- those miles in.

13 You can't just jack the back of your car up
14 and let it roll all night. You know, you have to get
15 out and be on the street. So if no mileage is being put
16 on the cars, no gas is being consumed, what's going on?

17 And so I find it hard to believe that the
18 chief or his designate wasn't following up on these
19 things to make sure that the job is getting done.

20 If he's not sure the job is getting done
21 three months ago, I'm not sure how one could conclude
22 that he could get the job done tomorrow --

23 MS. JACOBS: Objection.

24 A. -- with that level of supervision.

25 MS. JACOBS: That's beyond the scope.

1 MR. JUETT: I agree. You're going
2 after the chief now.

3 THE WITNESS: I don't mean to.

4 MR. JUETT: That's not --

5 THE WITNESS: I'm not --

6 Q. Well, all right.

7 THE WITNESS: I apologize then.

8 Q. Dr. Wallace, let's talk about an email that
9 went out to the police force -- two emails going out to
10 the police force on December 8 saying, don't hang out in
11 dispatch anymore.

12 A. Okay.

13 Q. What would you -- as your training,
14 education, experience in law enforcement procedures and
15 customs, what would you expect to see as a reaction --
16 what would you hope to see as a supervisor as a reaction
17 from such emails?

18 A. I think you'd see an immediate compliance
19 with the order, and I think that -- it usually happens
20 in response to something, so as time goes on you have a
21 tendency to trickle back in.

22 It's just -- it's the nature of the job.
23 You're never going to separate dispatch and police, and
24 there's -- well, I guess I shouldn't say this, but
25 that's --

1 Q. What if you --

2 A. -- that's what I would expect to see.

3 Q. I'm sorry to interrupt, but what if you do
4 see a curtailment, a reduction of time in dispatch after
5 these emails, what does that suggest to you in your
6 understanding of law enforcement customs and practices?

7 A. That indeed the memo or -- that you're
8 talking about -- the email -- in fact, worked. There
9 was a change of behavior, and you would have
10 reconciliation to the problem.

11 Q. Do you know whether that occurred here?

12 A. It's my understanding that it did.

13 Q. You mentioned something a minute ago about
14 dispatch and holidays -- working on holidays, that you
15 yourself had been chewed out for being in dispatch on
16 holidays.

17 What is -- what significance is a holiday
18 in dispatch?

19 A. Well, as you know, law enforcement is
20 twenty-four hours a day and seven days a week.
21 Historically on holidays -- Christmas, Thanksgiving,
22 those kinds of things -- on -- on third shift or early
23 in day shift it's very quiet, and it's just at those
24 times when there's not a lot of activity you wind up
25 congregating somewhere, whether it be a restaurant or

1 dispatch.

2 That's why we carry radios. You know,
3 you're dispatched to a call and so you respond to
4 service.

5 It's my understanding that there were no
6 failures to respond to service, and a function of patrol
7 is to be available, a function of supervisors is to be
8 available for specific incidents -- critical
9 incidents -- but to be dispatched when you're called on
10 for a call for service.

11 So I also don't know if there was any crime
12 that had occurred in the sectors that these officers
13 were patrolling in that was undetected or undeterred as
14 a result of them not being out actively on patrol. I
15 haven't heard any of that. There may be. I just
16 haven't heard it.

17 Q. Is there -- based on your training,
18 education and experience, does the mere fact that an
19 officer is out in his squad car mean that that officer
20 is going to not only be safe but that that officer is
21 automatically going to deter or suppress criminal
22 activity?

23 A. If he's in his squad car?

24 Q. Yeah, as opposed to being in dispatch.

25 A. You mean like actively patrolling or

1 just --

2 Q. Whether sitting on a side street or driving
3 around.

4 A. I guess, yeah, I couldn't necessarily say.
5 Situationally, it depends. Third shift is a whole lot
6 different than day shift.

7 Having your car parked out in a school
8 zone, for example, is a huge deterrent to speeders.
9 Being parked out on third shift is a huge safety risk
10 for officers, so it's entirely different depending on
11 which shift you work.

12 Q. What do you mean it's a safety risk to
13 officers to be parked in a parking lot on third shift?

14 A. Because it -- you -- you are basically a
15 sitting duck. You know, the -- last week there were
16 officers who were killed sitting in their patrol car.
17 It's just not a good habit to be in, to stay stationary.

18 Originally when mobile data terminals
19 became popular a few years back the idea was officers
20 would be out and could do their work out in the -- in
21 the community.

22 And after a few officers were killed while
23 they were entering data it changed, and if you're
24 stationary you've got keep your head on a swivel. You
25 can't just sit there. It's dangerous.

1 MR. MORGAN: That's all I have. Thank
2 you, sir.

3 MAYOR THORNTON: Do you want to cross
4 now or do you want to go on and eat? We'll stop at
5 6:00.

6 MS. JACOBS: Your call.

7 MR. BEAUMAN: It's up to you all.

8 MAYOR THORNTON: What do you want to
9 do?

10 MR. JUETT: Are you all okay with
11 stopping for dinner?

12 MR. MORGAN: Well, it's certainly the
13 Commission's call, but I'd prefer, if we can, to get
14 done with as much as we can as quickly as possible.

15 MR. JUETT: How long do you think
16 you'll be?

17 MS. JACOBS: Probably 30 minutes,
18 maybe more.

19 COMMISSIONER GALBRAITH: Your -- your
20 cross -- your cross of the doctor --

21 MS. JACOBS: Yes.

22 COMMISSIONER GALBRAITH: -- of
23 Dr. Wallace is 30 minutes?

24 MS. JACOBS: I suspect. It kind of
25 depends on what he answers.

1 MR. JUETT: Make a decision, guys.

2 COMMISSIONER GALBRAITH: I'd rather,
3 if we're going to eat, let's eat now; otherwise -- this
4 is a great -- this is a great place to stop.

5 MAYOR THORNTON: We'll take a recess.

6 (Recess taken.)

7 MAYOR THORNTON: Are both Counselors
8 ready?

9 MS. JACOBS: Yes.

10 MR. MORGAN: Yes.

11 MAYOR THORNTON: Ms. Jacobs, I think
12 you were on deck.

13 MS. JACOBS: Are we all already?

14 MAYOR THORNTON: We're back in
15 session. Thank you.

16 -----

17 **EXAMINATION**

18 **BY MS. JACOBS:**

19 Q. Detective Wallace, were you present at
20 Monday's hearing?

21 A. I was here. I was --

22 Q. You were down in the other room?

23 A. -- like I was today, yes.

24 Q. But tonight you were out in the hallway,
25 right?

1 A. I was down there, yeah.

2 Q. And you were hearing what was being said

3 out there, right?

4 A. Not everything, no.

5 Q. Not everything, but some?

6 A. I --

7 Q. You were sitting right by the speaker,

8 right?

9 A. On the other side of it, yeah.

10 Q. Okay. You heard what was being said,

11 didn't you?

12 A. I wasn't paying attention.

13 Q. You weren't paying attention?

14 A. No, ma'am.

15 Q. Okay. How much are you being paid to be

16 here?

17 A. \$1,500.

18 Q. Total?

19 A. Total.

20 Q. Okay. Not by the hour?

21 A. No, not by the hour.

22 Q. Okay. When did you get hired on this case?

23 A. Last Friday.

24 Q. So how much did you review before today?

25 A. How much -- how much --

1 Q. What did you review?

2 A. Oh, the individual -- the report by the
3 chief and the material that was given to the officers
4 with regard to the charges against them.

5 Q. Is that all?

6 A. I think so, yes.

7 Q. Okay. Did you review any of the video?

8 A. No, I didn't get any of the video.

9 Q. Did you review any of the policies of the
10 Department of Police for Paris, Kentucky?

11 A. Yes, ma'am, the disciplinary policy.

12 Q. Uh-huh. Did you review 15.520?

13 A. KRS or the --

14 Q. Yes.

15 A. No.

16 Q. Can I see your notes that you took out in
17 the hall tonight?

18 A. I didn't take any notes in the hall.

19 Q. Yes, I believe you did. People -- several
20 people have said you were taking notes out in the
21 hallway.

22 A. Taking notes?

23 Q. Yes, sir.

24 A. I have some paperwork with me, my copy of
25 the chief's report, but I'm not taking notes. You're

1 welcome to look at my -- those had been prepared before
2 tonight.

3 Q. So it's your testimony you weren't sitting
4 out there listening and taking notes?

5 A. No. No.

6 Q. Why didn't you go down to the witness room
7 tonight?

8 A. I thought I was supposed to be here at 3:00
9 to be called as the first witness.

10 Q. But you weren't, right?

11 A. Well, obviously not.

12 Q. You've testified in court before, right?

13 A. I have.

14 Q. Lots of hearings and things, right?

15 A. Yes.

16 Q. You know that you're supposed to be down in
17 the witness room, right?

18 A. No.

19 MR. MORGAN: Objection.

20 Q. You don't know you're supposed to be in the
21 witness room?

22 A. I --

23 MR. MORGAN: I'm sorry; there's an
24 objection on the floor here as to this -- I mean, we're
25 talking about -- this is not a hearing -- I mean, it's

1 not a trial.

2 I know -- I think what we're talking
3 about here is the Mayor did invoke something of the
4 separation of witnesses, and rather than engage in a --
5 in an argument with the witness, I think it's probably
6 more appropriate to ask him, with the Commissioners,
7 what did he hear, if anything, while he was sitting
8 outside instead impugning some bad intent.

9 MS. JACOBS: We have reason to believe
10 that he was sitting close to a speaker and taking notes.
11 We also have him admitting that he did not go to the
12 witness room when he knows the separation of witness
13 rule was in effect --

14 MR. MORGAN: I don't think he --

15 MS. JACOBS: -- so I'm entitled to go
16 into --

17 MR. MORGAN: -- agreed to that at all.

18 MS. JACOBS: -- what he heard, what he
19 did while he's sitting out there listening to the
20 testimony.

21 MR. JUETT: I think you are entitled
22 to --

23 COURT REPORTER: I'm sorry; could you
24 say that again?

25 MR. JUETT: I think you are entitled

1 to go into that, yes.

2 Q. Did you watch the video that was played a
3 little while ago?

4 A. I don't know what you're referring to.

5 Q. Did you watch the video that was played a
6 little while ago?

7 A. What -- I'm not -- I'm sorry; I don't know
8 what you're talking about.

9 Q. You know a big part of this case is video
10 evidence, correct?

11 A. Okay.

12 Q. Okay. And did you watch any of the video
13 that was played a while ago during this hearing?

14 A. In here?

15 Q. Yes.

16 A. No, ma'am.

17 Q. From the hallway?

18 A. No.

19 Q. So you've not seen any video at all in --

20 A. I have not seen any video.

21 Q. Okay.

22 A. What do you think I was doing, ma'am?

23 Q. I think you were listening to the testimony
24 and taking notes.

25 A. Well, you're incorrect, ma'am.

1 Q. Okay. Now, Monday afternoon, after the
2 hearing was concluded, did you come in this room with
3 the attorneys for the officers and the officers and have
4 a discussion?

5 A. When it was concluded I met some of the
6 officers and spoke with the attorney, yes.

7 Q. Okay. And what did you all talk about?

8 A. I --

9 MR. MORGAN: Objection.

10 MS. JACOBS: There's no way that's
11 privileged -- no way.

12 MR. MORGAN: Well --

13 MS. JACOBS: He was in there. It's
14 not privileged.

15 MR. MORGAN: I'm not so -- that's a --
16 that's one basis for the objection. What's the
17 relevance of this is another thing.

18 But this man has -- has testified that
19 he is -- he's here as a witness, and what he talks about
20 with counsel I think by any stretch of the imagination
21 is going to be considered attorney/client and/or work
22 product.

23 But you know what? If -- if you want
24 to let it in, go ahead, but we're objecting to it.

25 MS. JACOBS: Well, he --

1 MR. MORGAN: That -- that opens all
2 kinds of issues and liabilities, but go ahead if that's
3 what you want to do.

4 MR. JUETT: I think it's safer if you
5 don't.

6 MS. JACOBS: That -- that's fine.

7 Q. You teach police like policy, like basic
8 training-type things, how to conduct patrol, how to do
9 investigations; is that right?

10 A. I teach criminal justice courses.

11 Q. And what does that include?

12 A. The field of criminal justice.

13 Q. What does that include? What is the topics
14 of your --

15 A. It's pretty broad, ma'am.

16 Q. Okay. Tell me.

17 A. Okay. I can go down the list of things
18 I've taught before if you'd like.

19 Q. No. In your criminal justice classes --

20 A. Uh-huh.

21 Q. -- what do you teach?

22 A. I'm in the criminal justice department, so
23 I teach all the classes that their -- criminal
24 investigation. I'm teaching right now ethics,
25 procedures.

1 Q. What do you teach in your ethics class
2 about hanging out in dispatch for two-plus hours during
3 a shift?

4 A. I don't recall a chapter on that.

5 Q. Do you teach your officers to do that, that
6 that's okay and ethical and moral to do?

7 A. Is that a -- are you -- is that a question
8 or --

9 Q. Yes, it is.

10 A. -- a comment?

11 Q. No, that's a question. Do you teach your
12 officers that it's okay to hang out in dispatch for
13 two-plus hours at a time?

14 A. It's not part of an ethics class that I
15 teach, no.

16 Q. That's not an ethics issue to you?

17 A. Is that an ethics issue for me?

18 Q. Uh-huh.

19 A. There's a lot of context to these things.
20 I don't know.

21 Q. Okay.

22 A. I mean, what do you want me to say, that
23 it's --

24 Q. I want -- I want you to say whether you
25 teach your officers -- your people in class whether it's

1 okay to hang out in dispatch for two to three hours --

2 A. I see.

3 Q. -- while they're on duty.

4 MR. MORGAN: You know, Mr. Juett, this
5 is -- we're really -- I object to the argumentativeness
6 of this. She's asked, he's answered --

7 MS. JACOBS: Well, he didn't answer.
8 He's --

9 MR. MORGAN: -- and now we're on the
10 third time.

11 MS. JACOBS: -- never answered.

12 MR. JUETT: Well, I -- I don't think
13 he answered the question. I think he's still trying to
14 clarify what the question is.

15 So do you want to, Ms. Jacobs, just
16 try to state the question different?

17 Q. I want to -- the question is, sir, in your
18 ethics and morality class do you discuss with your
19 students whether it's okay or not okay -- i.e., ethical
20 or moral -- to hang out in dispatch for two-plus hours
21 while they're on patrol or on duty?

22 MR. MORGAN: And I'll change my
23 objection.

24 MS. JACOBS: That's a yes-or-no
25 question.

1 MR. MORGAN: Okay. To morals -- now
2 we're getting into morals.

3 MS. JACOBS: Well, he said he teaches
4 ethics and morals.

5 MR. MORGAN: Well, I don't remember
6 that, but --

7 MS. JACOBS: Well, he does.

8 MR. MORGAN: -- objection. Please,
9 let's --

10 MR. JUETT: Objection overruled.

11 MR. MORGAN: -- get some control.

12 MR. JUETT: Please go ahead and
13 answer.

14 THE WITNESS: Okay. Do I -- I'm
15 sorry; will you just, one more time --

16 MS. JACOBS: Would you read back the
17 question?

18 (Question read.)

19 A. I don't recall that specific
20 two-and-a-half-hours-in-dispatch subject being in there.

21 Q. Okay.

22 A. If you're asking me from a hypothetical
23 perspective if it's wrong or right, that's a
24 different --

25 Q. Le me ask you hypothetically.

1 A. -- question.

2 Q. Is it wrong or right to hang out in
3 dispatch for two-plus hours while you're on duty?

4 A. That's a good question. These things don't
5 happen in a vacuum, so I can't just give you an answer
6 yes or no. I can explain to you when two and a half
7 hours in dispatch may not be the best use of time and --

8 Q. Well, let's look at some video about that.

9 MR. MORGAN: I'm sorry; please let --
10 he was, I think, still talking. I realize emotions are
11 high, but let -- please let the witness finish,
12 Mr. Juett.

13 MR. JUETT: All right. Let him
14 finish.

15 A. I can surmise of an instance where it may
16 not be appropriate to spend two and a half hours in
17 dispatch. I can also tell you when it's entirely
18 appropriate to be in dispatch for two and a half or more
19 hours.

20 So it really depends on the specifics of
21 any specific incident, but the context in which they're
22 there, so I -- I just --

23 Q. Well, let me ask you --

24 A. -- don't know.

25 Q. -- this then: When would be an appropriate

1 time for someone to be in dispatch for two or three or
2 four hours while they're on duty?

3 A. I've seen supervisors in there during times
4 of heavy volume when they were there to be -- to respond
5 where appropriate, if a supervisor is requested to a
6 scene, if there's an accident with injuries, if there's
7 a critical incident where they should go.

8 I've seen them spend an extended period of
9 time there doing their -- their paperwork so they could
10 multitask and be there available for call.

11 Then I've seen people on third shift who've
12 leaned up against the wall and fallen asleep.

13 Q. And is that okay --

14 A. Absolutely not.

15 Q. -- when they do that?

16 A. Absolutely not --

17 Q. Okay. Did you --

18 A. -- not in my view.

19 Q. -- watch any of the videos that are --

20 A. I did not.

21 Q. Okay. Do you know whether these guys were
22 leaned up against the wall watching TV or --

23 A. Watching TV?

24 Q. -- or with their feet up, not doing any
25 reports or --

1 A. I'm afraid I don't -- I can't tell you any
2 part of it.

3 MS. JACOBS: Pull up the 24th, please.

4 MR. BEAUMAN: You can see it on the
5 screen there.

6 Q. Do you know who this is?

7 A. What am I looking at, ma'am?

8 Q. You're looking at an officer in dispatch.

9 A. Oh, at the top of the screen there, okay.
10 The one that -- okay, I see. And what's your question
11 to me?

12 Q. I want -- I want you to watch that and tell
13 me whether you think he's --

14 MR. MORGAN: What?

15 Q. -- performing duties, acting appropriately,
16 acting morally, ethically -- acting ethically.

17 MR. MORGAN: Morally?

18 A. I don't know what he's doing. I --

19 Q. Does he look like he's working for the
20 police department?

21 A. Well, he's got his uniform on. I -- I
22 don't know.

23 Q. He does.

24 A. I mean, maybe he is. I just saw --

25 Q. Yes, he does.

1 A. -- I just saw him get up and walk over
2 there. I don't know what he's doing.

3 Q. He's got his feet up too, doesn't he?

4 A. He sure does. He's got his feet up.

5 Q. Yeah.

6 A. Is that --

7 Q. Do you know how long he sat there that
8 night?

9 A. I do not.

10 Q. Did you review the reports or the videos to
11 see?

12 A. I have, but I don't know which -- could --
13 would -- would you tell me how long he stood there -- or
14 sat there?

15 Q. You seem to be very stuttering now, but
16 when you were asking -- answering question before you
17 were very firm and -- and --

18 MR. MORGAN: Really? Is this a
19 question or --

20 MS. JACOBS: Yes --

21 MR. MORGAN: -- a comment?

22 MS. JACOBS: -- it is.

23 MR. MORGAN: Settle -- may -- may we
24 take a break here, please?

25 MS. JACOBS: No, we're going to keep

1 going.

2 MR. MORGAN: No, I'm sorry; this is
3 not -- may we just take a brief break, because I -- I
4 think emotions are really high right now --

5 Q. Do you think it's appropriate --

6 MR. MORGAN: -- and I'm --

7 Q. -- sir, for --

8 MR. MORGAN: I'm sorry?

9 MAYOR THORNTON: I would like to
10 continue this on or we're going to be in here all night.

11 MR. MORGAN: I agree.

12 MAYOR THORNTON: And I can tell you
13 from me personally, to listen to what this man had to
14 say and -- and how he testified and what he's doing now,
15 I want to know this. I want to hear what he has to say.

16 Q. We're still watching. He's still sitting
17 there, isn't he?

18 A. (No response.)

19 Q. Yeah, he's still sitting there, right?

20 A. He -- he's still sitting there.

21 Q. Okay. We'll keep watching while we --

22 A. Yes, ma'am.

23 Q. -- we answer questions.

24 So do you teach your officers or students
25 that it's okay to leave a cruiser out running for four

1 hours or seven hours while they're in headquarters?

2 A. I don't teach them that, no.

3 Q. Okay. Do you think that's okay to do?

4 A. I -- I -- probably --

5 Q. You don't know?

6 A. Probably not.

7 Q. You've come as an expert, right?

8 A. Yes.

9 Q. An expert on police policies and
10 procedures, right?

11 A. Yes.

12 Q. So it's not okay to do that, is it, in your
13 opinion?

14 A. Probably not.

15 Q. Okay.

16 A. I wouldn't agree with it.

17 Q. Is it okay for officers while they're on
18 duty to bring personal computers and do personal work in
19 dispatch?

20 A. I've seen it happen.

21 Q. Is that okay?

22 A. I've seen it when it's not okay, I've seen
23 it when it was. When it's students in school and if
24 there's more than one person covering the sector they
25 were allowed to sit at a desk as long as they were on

1 call to respond.

2 Q. But they were --

3 A. They could spend a few hours.

4 Q. -- allowed to?

5 A. Yes, ma'am.

6 Q. Is that with permission from the
7 supervisor --

8 A. With permission --

9 Q. -- they're allowed to?

10 A. -- from the supervisor, yes, ma'am.

11 Q. Okay.

12 A. Other times I've seen it happen when it was
13 entirely inappropriate.

14 Q. Okay. Did you watch Officer Bholat sit for
15 two-plus hours doing homework one night?

16 A. I did not.

17 Q. You -- you're going to testify about their
18 behavior, but you haven't watched the videos, right?

19 A. I have not watched the videos.

20 Q. Did you watch any video of Officer Puckett
21 putting the head of one of the dispatchers in his lap
22 and putting his hands on the back of her head?

23 MR. MORGAN: Objection. It's a
24 mischaracterization.

25 MS. JACOBS: Well, let's pull it up.

1 Let's watch it.

2 MR. JUETT: That's probably the best
3 thing to do.

4 COURT REPORTER: I'm sorry; can you
5 speak up? I can't hear you.

6 MR. JUETT: That's -- sorry -- that's
7 probably the best thing to do is bring it up.

8 MR. MORGAN: Are you going to let him
9 have his notes back?

10 MS. JACOBS: (Nods head.)

11 MR. MORGAN: Will you let him have his
12 notes back?

13 MS. JACOBS: I will let him have his
14 notes back, yes.

15 MR. MORGAN: And is there a finding
16 that he -- he didn't take any notes in listening to
17 witnesses testify?

18 MS. JACOBS: No, there's no such
19 finding.

20 Q. Okay. So what we've pulled up is --

21 MR. BEAUMAN: That screen has gone
22 off.

23 MS. JACOBS: What?

24 MR. BEAUMAN: The screen is off.

25 MS. JACOBS: That back screen has gone

1 off.

2 (Discussion off the record.)

3 Q. So if you'll turn around and watch the
4 video, please, sir.

5 A. (Witness complies.)

6 MS. JACOBS: Okay. You can stop it.

7 Q. Do you believe that to be appropriate
8 conduct for a lieutenant?

9 A. Probably not.

10 Q. Do you think it's okay for a -- or
11 appropriate for a lieutenant to kiss a dispatcher?

12 MR. MORGAN: Objection.

13 Q. Do you think it's appropriate?

14 MS. JACOBS: I mean, what's the
15 objection?

16 MR. MORGAN: Well, I don't think
17 that's in evidence.

18 MS. JACOBS: Well, let's play that
19 video.

20 MR. MORGAN: Well, what -- I don't
21 think that was played with the chief.

22 MS. JACOBS: It was played with the
23 chief. It's October the 18th.

24 MR. MORGAN: Okay.

25 CHIEF WILLIAMSON: What's the time?

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MS. JACOBS: 12:43 a.m.

Q. Are you watching?

A. I was waiting.

Q. Okay. Sir, as an expert in criminology, do you believe that to be inappropriate conduct for a lieutenant in dispatch?

A. I don't know of the relationship that they have. I don't know that it's inappropriate or appropriate.

Q. Is it appropriate to kiss co-workers ever?

A. Probably --

MR. MORGAN: Let me object to the form.

A. Probably not, but if people are friends, I don't know. It's -- there's -- there's such a thing as a friendly kiss that's not sexual, ma'am. I -- I don't know that that was, but I don't know that it wasn't either.

Q. So if it's not sexual then, you know, you could kiss anybody on the way out the door?

A. I -- I know somebody who I might kiss on the cheek. It depends on the relationship that I have with them, ma'am. I -- I wouldn't --

Q. A co-worker?

A. Sure.

1 Q. You have in your notes -- you said, what
2 are the supervisor's duties on shift, do they include
3 physical patrol.

4 Have you reviewed the job descriptions for
5 these officers?

6 A. Well, I -- I do -- I do work on my
7 reputation, and I would like to clarify that I have not
8 taken notes as you allege that I was doing something
9 illegal or improper out there --

10 Q. On your --

11 A. -- so I'd like to at least note that that
12 didn't occur.

13 Q. Okay. That's fine.

14 A. Is that correct?

15 Q. I don't know if that's correct or not.

16 A. Did you see any --

17 Q. I hear what you're saying.

18 A. -- any notes from any testimony?

19 Q. I hear -- sir, I see handwritten notes. I
20 don't know.

21 A. So do you see any notes from other
22 testimony --

23 Q. Sir --

24 A. -- from today?

25 Q. -- I'm asking the questions.

1 A. Okay.

2 Q. In your notes --

3 MR. MORGAN: Well, you made the

4 allegation.

5 MS. JACOBS: He doesn't get to ask me

6 questions. That's just --

7 MR. MORGAN: You can --

8 THE WITNESS: You have --

9 MS. JACOBS: -- the way it is.

10 MR. MORGAN: -- clarify this issue --

11 MS. JACOBS: Yeah, you can clarify --

12 MR. MORGAN: -- for this man too.

13 MS. JACOBS: -- you can clarify it

14 later.

15 Q. I don't see any notes from the hearing

16 testimony, but I don't have time to review those in

17 detail.

18 A. And you're correct, there are none.

19 Q. You do have in your handwritten notes, what

20 are the supervisor's responsibilities, does it include

21 patrol.

22 Have you reviewed the job descriptions of

23 the lieutenants?

24 A. No. These were notes that I wrote on

25 Friday --

1 Q. Okay.

2 A. -- in preparation for this.

3 Q. So if the job description does include that
4 they are to be on patrol --

5 A. Right.

6 Q. -- does that change things for you?

7 A. Well, it didn't change it. It put it in
8 perspective.

9 Q. Okay.

10 A. This was stuff that I wanted to know as I
11 was --

12 Q. Okay.

13 A. -- gathering information.

14 Q. So the perspective is that they're supposed
15 to be on patrol, right?

16 A. That's correct. Absolutely.

17 Q. Okay.

18 A. There are some supervisors who don't work
19 patrol.

20 Q. You testified before that this behavior of
21 staying in dispatch is just going to continue forever no
22 matter what, right?

23 A. That's my understanding -- that's my
24 belief, yes.

25 Q. Okay. So an email isn't going to fix it?

1 A. It may temporarily.

2 Q. It's going to fix it with these officers,
3 though, right?

4 A. I would -- I would guess that these
5 officers probably wouldn't go in dispatch again.

6 Q. Especially if they're not working, right?

7 A. Is that a comment or a question?

8 Q. That's a question. Especially if they're
9 not employed by the department anymore, right?

10 A. I would guess they wouldn't be guests in
11 dispatch.

12 Q. And you said that the responsibility for
13 the level of supervision kind of goes up the ladder,
14 right?

15 A. Absolutely.

16 Q. Okay. And you saw in the charges that
17 these two lieutenants were charged with not correcting
18 the behavior of their subordinates, correct?

19 A. I saw that, yes.

20 Q. Okay. You agree that they had a
21 responsibility to fix the behavior of these people?

22 A. If they saw some infraction of some sort do
23 they have a responsibility? Absolutely they do.

24 Q. If they see an officer sitting in dispatch
25 for three-plus hours, do you consider that to be an

1 infraction that they should be correcting?

2 A. I don't know. I -- maybe, maybe not.

3 Q. Maybe not?

4 A. Yes.

5 Q. So sometimes it's okay for officers to sit
6 in dispatch three-plus hours?

7 A. Absolutely.

8 Q. Okay. Especially when it's dangerous
9 outside, right?

10 A. Is that a question?

11 Q. Yes.

12 A. No, not when it's dangerous out. Officers
13 would be entitled to sit in dispatch to do paperwork,
14 whatever they've been authorized to do, if there are no
15 calls and they are available to respond when their unit
16 number is called on the radio.

17 That's what's below a supervisor's duty:
18 Are they available for call and did they ever miss one.

19 Q. How do we know if they missed a DUI that
20 went through town?

21 A. I don't know. There could be --

22 Q. You don't know?

23 A. -- a DUI that --

24 Q. They weren't out, were they?

25 MR. MORGAN: I'm sorry; please,

1 Mr. Juett, allow the witness to finish his answer before
2 you interrupt him.

3 MR. JUETT: Let him -- let him finish.

4 A. No, I don't know, and by the same token,
5 burglaries, suspicious subjects, things that require a
6 physical response are probably called into dispatch, and
7 it would be my understanding that those types of calls
8 would be available.

9 To compare what was called in and wasn't
10 deterred versus --

11 Q. Well, let's talk about deterrence a little
12 bit.

13 You would agree that a police presence
14 itself is a deterring factor, right?

15 A. Yes, ma'am.

16 Q. Okay. So when they are here in this
17 building -- in dispatch or upstairs, wherever they
18 are -- they're not out deterring crime, are they?

19 A. No, not actively.

20 Q. Okay. So what if there's a burglary on
21 Sunday night, okay, and that's a dispatched call, they
22 go out and take care of that, but they weren't out the
23 night before, right?

24 A. Correct.

25 Q. Okay. How do you know that because they

1 weren't out that burglar wasn't deterred from going in
2 the next night?

3 A. That's a good point. That's -- you
4 couldn't -- you couldn't know.

5 Q. Okay. You also testified that sometimes
6 it's not safe for them to be out sitting on the street,
7 right?

8 A. At times, correct.

9 Q. Okay. So it's better for them to be holed
10 up here in dispatch?

11 A. If their attention is -- is to be divided,
12 it might be, yes.

13 Q. What do you mean attention to be divided?

14 A. If they are doing paperwork, reading or
15 talking to somebody on the phone, if their attention is
16 specifically focused on one thing, then they should be
17 somewhere where it's safer so that there's nothing else
18 going on. That's -- that's how officers get killed
19 sometimes.

20 Q. Yeah. And so you don't know because you
21 haven't watched the videos, but I'll tell you on the
22 videos, when they're charged, they're not doing
23 paperwork, they're not talking to other people, they're
24 not doing work for the City. Okay?

25 A. Okay.

1 Q. So those aren't times --

2 MR. MORGAN: Object to the form --

3 Q. -- so --

4 MR. MORGAN: -- because I think -- I'm
5 sorry to interrupt -- we have seen evidence where these
6 guys were doing paperwork.

7 MS. JACOBS: We'll go back to that
8 with the guys.

9 MR. MORGAN: Okay. But the objection
10 is still there.

11 MAYOR THORNTON: Sustained.

12 Q. So if they're in dispatch and they're not
13 doing paperwork, they're not doing interviews, they're
14 not being distracted by work duties, it's not unsafe for
15 them to be out there, is it?

16 A. If they're -- would you rephrase that for
17 me?

18 Q. If they're not doing paperwork, they're not
19 doing an interview, they're not doing work on behalf of
20 the City, then it's not unsafe for them to be out on
21 patrol, is it?

22 A. It's not unsafe? I'm not sure that I'm
23 following you. I'm sorry.

24 Q. You said --

25 A. It's not unsafe?

1 Q. -- it's unsafe for them to be out.

2 A. Oh, okay. Is it -- so if they're -- if
3 they're stationary out -- out somewhere, if they're not
4 reading or talking or focused on one thing?

5 Q. (Nods head.)

6 A. I see. I -- I would advise against it --
7 staying in one place for any period of time -- only
8 because -- and I'm talking about being out on patrol,
9 being parked in one place or in a parking lot, a
10 convenience store, a bank or something like that --

11 Q. Now --

12 A. -- it's not a good idea.

13 Q. Okay.

14 A. But is it dangerous? To answer your
15 question, if they're not doing anything here and they
16 don't have a specific reason for it -- I'm not quite
17 sure I understand what you're asking me, so --

18 Q. Well, the charges are that they were in
19 dispatch, not --

20 A. Yes.

21 Q. -- doing work --

22 A. Okay.

23 Q. -- for long periods of time, right?

24 A. All right.

25 Q. You understand that, right?

1 A. Yeah, I understand.

2 Q. Okay. So if they're not doing work in
3 dispatch, they're not going to be doing work out sitting
4 in their car either, right?

5 A. If they're not doing work in dispatch --

6 Q. If there's no work to do while they're in
7 dispatch --

8 A. Okay.

9 Q. -- why would they be sitting out there
10 doing it? They should be patrolling, right?

11 A. Okay.

12 Q. Right?

13 A. Yeah, I -- I guess so.

14 Q. And you said if they're out there they're
15 just a sitting duck, right --

16 MR. MORGAN: Objection.

17 Q. -- if they're doing work?

18 A. No, I --

19 MR. MORGAN: That's a
20 mischaracterization.

21 MR. JUETT: I think he's saying if
22 they're sitting still when they're out that they're a
23 sitting duck and --

24 THE WITNESS: That's what I was trying
25 to say.

1 Q. Okay. So -- but if they're not doing
2 paperwork --

3 A. Yes.

4 Q. -- they're not a sitting duck, are they?

5 A. If they're stationary?

6 Q. Yes.

7 A. Sure they are.

8 Q. Okay. So they should be moving, right?

9 A. Well, it would be best, yes.

10 Q. Okay. They shouldn't be in here, though,
11 right?

12 A. I don't know.

13 Q. You don't know?

14 A. I -- there's no -- there's no reason for
15 them not ever to be here unless they're told, don't be
16 here, you know.

17 Q. Okay. If they're told, don't be here, they
18 shouldn't be here, right?

19 A. Oh, absolutely.

20 Q. And why did you get your ass chewed when
21 you were a patrolman for sitting in dispatch?

22 MR. MORGAN: I'm not sure that's what
23 he said, but if that's what she wants to -- language she
24 wants to use, then --

25 MS. JACOBS: That's what he said.

1 I'm -- I'm repeating his language.

2 MR. JUETT: He said got his rear end
3 chewed for being in dispatch.

4 A. I was trying -- I was trying to be polite.

5 Q. Why did you get your rear end chewed?

6 A. Because I had been in dispatch too many
7 times on a given day.

8 Q. Uh-huh.

9 A. It wasn't a pattern, but I was told to
10 leave and I left.

11 Q. Because it was wrong, right? You weren't
12 doing your job?

13 A. I wasn't doing my job? I did a pretty good
14 job at my job, ma'am, but there -- that's just -- police
15 work has an ebb and a flow to it.

16 There are times when you won't get your
17 unit called and you won't see a human being all night if
18 you work in a rural area. Sometimes in the cities it
19 looks abandoned. That's the nature --

20 Q. So is it --

21 A. -- of police work.

22 Q. -- okay then to -- to come in and -- and
23 lay back in a chair if you don't --

24 A. That's not --

25 Q. -- see anybody?

1 A. -- what you asked me. You said --
2 Q. I'm asking you that now.
3 A. Oh, you asked me that?
4 Q. Is it okay?
5 A. Is it okay to do what, lay back in a chair?
6 Q. Yeah.
7 A. Probably not.
8 Q. Okay. Your Ph.D. is not in dispatch
9 behavior, is it?
10 A. I'm not aware of a Ph.D. in dispatch
11 behavior, ma'am.
12 Q. What's your Ph.D. in?
13 A. Psychology.
14 Q. All right. In what specific --
15 A. Forensic.
16 Q. And what does that mean?
17 A. Forensic means related to the law.
18 Q. Okay. And how does that relate to this?
19 A. How does --
20 Q. How does --
21 A. -- this relate to it?
22 Q. Yes.
23 A. It -- it -- forensic is anything related to
24 the law, so any --
25 Q. So any psychology related to the law?

1 A. Anything, entomology, it could be
2 orthodontics. Anything that is related to the law is
3 considered forensic. That's the Latin term.

4 Q. Would you expect these officers to take
5 responsibility for their actions?

6 A. Sure --

7 Q. Okay.

8 A. -- with the --

9 Q. Would you expect the lieutenants to take
10 responsibility for their actions as leaders?

11 A. I would.

12 MS. JACOBS: That's all.

13 MAYOR THORNTON: Mr. Morgan, would you
14 like to redirect?

15 MR. MORGAN: In the interest of
16 brevity, no. That's all I have.

17 MAYOR THORNTON: Do any of the
18 Commissioners have questions for him?

19 MR. JUETT: Does anybody have any
20 questions?

21 COMMISSIONER GALBRAITH: No.

22 MAYOR THORNTON: You can call your
23 next witness.

24 MR. MORGAN: Okay.

25 THE WITNESS: May I be excused?

1 COMMISSIONER PERRAUT: Thanks,
2 Mr. Wallace.

3 MAYOR THORNTON: Thank you,
4 Mr. Wallace.

5 THE WITNESS: Thank you.

6 MR. MORGAN: Call Taylor Douglas.
7 I'll get her real quick. She's been in the room.

8 (Discussion off the record.)

9 **TAYLOR DOUGLAS**

10 having been first duly placed under oath, was examined
11 and testified as follows:

12 **EXAMINATION**

13 **BY MR. MORGAN:**

14 Q. Ms. Douglas, I'm sorry to make you turn --

15 MR. MORGAN: Is it okay if I stand
16 over here?

17 MR. JUETT: Sure. It's your witness
18 this time.

19 Q. Ms. Douglas, let me lead through some of
20 the preliminary stuff here.

21 MR. MORGAN: Is that all right,
22 Patsey?

23 MS. JACOBS: Yes.

24 Q. Did you used to work as a dispatcher here
25 at the Paris Police Department, ma'am?

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A. Yes.

Q. Okay. Were you working here in December of 2015?

A. Yes.

Q. Were you working with a dispatcher named Natalia Lorado?

A. Yes.

Q. Do you remember -- did you ever complain to Captain Rick Elkin or hear Natalia Lorado ever complain -- or make a comment for that matter -- to Captain Rick Elkin about officers being in dispatch?

A. No.

Q. Specifically officers on the night of December 5, officers being in the dispatch center for a large portion of their shift, did you ever say anything to Rick Elkin about that?

A. No.

Q. Did you ever hear Natalia Lorado --

A. No.

Q. -- complain or say anything about that?

A. No.

Q. Have you talked to Natalia Lorado since December and January --

A. No.

Q. -- of this year?

1 A. (Shakes head.)

2 Q. Okay. Ma'am, have you ever complained to
3 the Paris Police Department about any inappropriate
4 conduct being done by any Paris police officer toward
5 you in dispatch?

6 A. No.

7 Q. Do you have any complaint about any of the
8 Paris police officers from your -- do you have any
9 complaint about the Paris police officers?

10 MS. JACOBS: Objection; irrelevant.
11 Whether she has complaints is not relevant to the
12 charges.

13 MR. JUETT: We'll let her -- let her
14 say. Go ahead.

15 A. No, I don't.

16 Q. Okay. Did you ever talk to Chief
17 Williams -- did he come to you or, to your knowledge,
18 did he go to dispatcher Lorado and ever ask you or her
19 about the events that took place in the dispatch room?

20 A. No.

21 Q. Did -- did Captain Elkin ever come to you
22 and ask about any events that took place in the dispatch
23 room?

24 A. No.

25 MR. MORGAN: Ms. Douglas, that's all I

1 have. Thank you, ma'am.

2

3

EXAMINATION

4

BY MS. JACOBS:

5

Q. Ms. Douglas, you are aware that there's a
6 video camera in the dispatch room, correct?

7

A. Yes. It's been there for several years.

8

Q. Okay. So all the events -- good, bad, ugly
9 or otherwise -- are recorded, right?

10

A. Correct.

11

Q. Have you talked to any of these officers
12 since you left your employment?

13

A. Have I talked to them?

14

Q. Yes.

15

A. As in just talked to them? They're my
16 friends, so yes, I've talked to them.

17

Q. So you've talked to them, and you've talked
18 to them about these charges, right?

19

A. No.

20

Q. No?

21

A. No, I haven't.

22

Q. How did you know what you were going to
23 testify to?

24

A. They asked me to come testify.

25

Q. When's the last time you talked to one of

1 them?

2 A. At dinner.

3 Q. You didn't talk about the charges at all?

4 A. No.

5 Q. You resigned as a result of a disciplinary
6 action being pursued against you, correct?

7 A. Correct.

8 MR. MORGAN: Objection.

9 MS. JACOBS: That's all.

10 MR. MORGAN: Okay. That's -- I guess
11 that's okay, but me, it's different.

12

13

RE-EXAMINATION

14 **BY MR. MORGAN:**

15 Q. Ms. Douglas, I failed to ask, how long have
16 you known Robert Puckett?

17 A. Since May of '07.

18 Q. Okay. And is that involved in law
19 enforcement that you all have known each other, dispatch
20 and him being in -- in patrol or --

21 A. Yes.

22 Q. -- law enforcement?

23 A. (Nods head.)

24 Q. Did you take -- do you know -- have you
25 seen him or -- has he ever kissed you on the cheek,

1 ma'am?

2 A. Yes.

3 Q. Okay. And did you take offense to that?

4 A. No.

5 Q. Well, how did you interpret that display of
6 affection?

7 A. It was a friendly hug and kiss between two
8 friends.

9 Q. Okay. Have you seen him hug and draw close
10 to men?

11 A. Yes.

12 Q. Is that just the way he is?

13 A. That is the way he is.

14 MR. MORGAN: That's all I have.
15 Thanks.

16 MS. JACOBS: Nothing further.

17 MAYOR THORNTON: Can I excuse this
18 witness?

19 MR. JUETT: Yes.

20 MAYOR THORNTON: Ms. Douglas, you're
21 excused.

22 THE WITNESS: Thank you.

23 COMMISSIONER PERRAUT: Thank you,
24 Ms. Douglas.

25 MAYOR THORNTON: Do you want to call

1 your next witness?

2 MR. WHITLEY: Kevin Anderson.

3 MR. MORGAN: How do you want this to
4 work here, Mayor? Do you want -- I mean, the chief sat
5 next to his lawyer. Is that okay if the witness
6 stays --

7 MAYOR THORNTON: Sure.

8 MR. MORGAN: -- right here?

9 MAYOR THORNTON: You're absolutely --
10 that's fine.

11 MR. MORGAN: So long as you can hear.

12 MAYOR THORNTON: I think it would be
13 easier.

14 MR. MORGAN: Thank you.

15 **KEVIN ROBERT ANDERSON**

16 having been first duly placed under oath, was examined
17 and testified as follows:

18 **EXAMINATION**

19 **BY MR. WHITLEY:**

20 Q. Can you state your name for the record?

21 A. My name is Kevin Robert Anderson.

22 Q. Just a little background information about
23 you.

24 Where were you raised?

25 A. I was raised here in Paris.

1 Q. Graduate school?

2 A. Bourbon County High School in 2000.

3 Q. How long have you been in Paris?

4 A. The majority -- good part of my life, sir.

5 Q. All right. Let's talk a little about
6 your -- your work experience.

7 I guess, where are you currently employed?

8 A. The City of Paris, with the police
9 department.

10 Q. How long have you been with the Paris
11 Police Department?

12 A. Around ten or eleven years, sir.

13 Q. Did you have any kind of employment in law
14 enforcement before you became a Paris police officer?

15 A. No, sir. Prior to coming to work for the
16 City of Paris Police Department I went to Eastern
17 Kentucky University straight out of high school, got my
18 degree in police administration.

19 Q. Now, why did you seek employment with the
20 Paris Police Department?

21 A. When I started college I went through a
22 program called Kentucky Police Corps. What it was was a
23 program designed to get college-educated students
24 towards other police agencies.

25 I initially decided I was going to go to

1 college during my senior year of high school. A friend
2 of mine brought me the information about the Police
3 Corps, and I spoke with then-Chief Teddy Florence about
4 signing up.

5 I did the initial process with the Police
6 Corps and was initially signed my freshman year of
7 college.

8 The Police Corps told me that at that time
9 they would like to see my grades for the first school
10 year and then after they would pick me up if the City of
11 Paris would, which the City of Paris agreed to.

12 It's home. This is where I live. This is
13 where I want to work.

14 Q. A little bit of background about your
15 academy.

16 Did you attend basic academy?

17 A. Like I said, I attended the Kentucky Police
18 Corps. What it was is it was an academy that was still
19 taught through the Department of Criminal Justice
20 Training at Richmond, but it was kind of separate.

21 I attended a 23-week, 1,290-hour training.
22 At that same time the basic academy was 16 weeks, 660
23 hours.

24 Q. All right. Well, let's -- let's talk about
25 your -- I guess your current job before you were

1 suspended.

2 Are you ready to talk about that for a
3 little bit?

4 A. Yes, sir.

5 Q. Now, I guess you talked about earlier that
6 you grew up in Paris.

7 Are you kind of familiar with the good
8 areas versus the bad areas?

9 A. Yes, sir. Like I said, I've worked for the
10 City for ten or eleven years and, like I said, I've
11 lived here my whole life, so I know, you know, where our
12 trouble spots are and what are some of our calmer areas.

13 Q. Now, what -- what shift do you work?

14 A. Third shift.

15 Q. What time is that usually?

16 A. Right now I work an eight-hour shift. I
17 work from 11:00 to 7:00 Tuesday through Saturday.

18 Q. Now, let's -- let's get to why we're here
19 today. We're going to talk a little about this
20 dispatch. All right?

21 A. Yes, sir.

22 Q. Now, when you're typically riding around
23 your beat and you're not doing anything, what do you
24 typically do?

25 A. Well, after I've done some zone checks, if

1 there's no calls or activities and, you know, it's kind
2 of that time of night when things start to slow down, I
3 would either find somewhere and park or sometimes come
4 to dispatch.

5 Q. Now, when you said you sometimes come to
6 dispatch, why would you go back to dispatch?

7 A. Well, sir, generally for Paris, you know,
8 activity and things of that nature die down by around
9 2:00 in the morning.

10 That's a good time for me to get something
11 to eat, because where I work third shift we only have
12 four gas stations and a Walmart that's open.

13 The dispatch center has a refrigerator,
14 microwave, things of that nature, to where we can cook
15 our food, and I'll catch up on my paperwork, other
16 activities, and yes, sir, I will hang out.

17 Q. Now, when you said you were hanging out,
18 was there a rule in place about hanging out in dispatch?

19 A. No, sir, not at that time.

20 Q. At what time were you put on notice to get
21 out of dispatch?

22 A. On December 8 I received an email from the
23 Assistant Chief Best stating, stay out of dispatch, and
24 upon receiving that email I complied with it.

25 Q. Well, when you say complied with it, would

1 you say -- how would you characterize that?

2 A. Well, sir, I was told we could go in for
3 short visits to get our paperwork or to eat. I think
4 only one time after that came out that I actually ate in
5 there, because I didn't want to get in trouble.

6 So I usually would bring sandwich items,
7 things like that, but if you see my silver water jug
8 down there, I drink water religiously. And they have a
9 water cooler in dispatch, so lots of times I fill up my
10 jug, so I'm in and -- but I would be in and out of there
11 very quickly.

12 Q. Now, during the month of December were you
13 ever reprimanded by any of the officers about being in
14 dispatch?

15 A. No, sir, I was not.

16 Q. What about the month of January?

17 A. No, sir, I was not.

18 Q. During the month of January did you still
19 hang out in the dispatch area?

20 A. No, sir, I did not.

21 Q. All right. Now, let's talk a little bit
22 about -- I think I heard the chief testify about you
23 being a supervisor?

24 COURT REPORTER: I'm sorry; would you
25 start over? I didn't hear you.

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MR. WHITLEY: I'm sorry.

Q. Let's talk about your, I guess, unofficial supervisory role.

A. Yes, sir. On the shift back then that I worked I worked opposite of Lieutenant Puckett, so basically if I was working he was not -- except for one day a week we had an overlap.

So on the days when the lieutenant was not present and the second shift lieutenant had went home, then I became officer in charge.

Generally that would be anywhere from about 12:00 in the morning to 2:00 in the morning, after the second shift supervisor would go home.

Q. Okay. Now, during your time of being the officer in charge did you notice any of the other officers in the dispatch center?

A. Yes, sir, I did.

Q. What did you do at that time to correct the behavior?

A. Sir, at that time it wasn't a problem, so I didn't correct the behavior.

Q. After that email went out on December 8, did you -- did you try to correct their behavior?

A. Yes, sir. It was discussed at subsequent roll calls after the 8th not to be in dispatch. The

1 second shift lieutenant that I worked with addressed it
2 at roll call, so the officers that I was technically in
3 charge of, you know, also heard this as well.

4 And then periodically throughout the week I
5 would -- or my shift, I would drive through just to make
6 sure that there weren't any cars sitting down there.

7 Q. And was there -- were there cars still
8 sitting around dispatch?

9 A. No, sir.

10 Q. Let's talk about this time card
11 discrepancy.

12 Are you aware that there's an issue with
13 your time card?

14 A. Yes, sir. The initial question --
15 questionnaire I had gotten from the chief asked me to
16 clarify October 19 of 2015. It said that I had worked
17 nine hours and claimed ten hours on my time card.

18 At that time, with our written responses
19 that we gave to him that Monday morning, I gave him the
20 documentation that showed on my time card and radio
21 history that I, in fact, was not working that day and
22 did not put ten hours on my time card.

23 Once I received my charges that date had
24 been changed to the 9th of October.

25 Q. And what was going on the 9th of October?

1 A. Well, sir, on September 22, I had brought
2 my cruiser in to get an oil change. Where I work third
3 shift we have to bring our cars in to get the oil
4 changed or we have to take all of our equipment out,
5 swap them out, take a pool car home, so to me, it was
6 just as easy to bring my car in, get it changed and go
7 back home.

8 During the week of the 22nd of September, I
9 had forgot to schedule adjust my hour out. When I
10 remembered that I had not taken that hour it was on the
11 9th of October, and so that morning I did leave at 6:00
12 in the morning instead of 7:00 because I took the hour
13 of time off that I had used for my oil change.

14 Q. Do you have proof to verify that?

15 A. Yes, sir. I have a copy of the service
16 record history for my cruiser, which shows September 22
17 I went to Paris Quick Lube, which is the -- used to be
18 Dotson Quick Lube there by Hume Bedford Road.

19 MR. WHITLEY: I lost track of what
20 exhibit number we're on.

21 COURT REPORTER: You're on 10.

22 MR. WHITLEY: 10. I guess for the
23 record I have a color copy in blue for the tribunal and
24 I have some black-and-white copies as well.

25 (Defendants' Exhibit No. 10 was marked

1 for identification.)

2 Q. So you were talking about you got an oil
3 change.

4 Is that on the clock?

5 A. Well, yes, sir.

6 Q. All right. So that was your explanation
7 for the October 9 time card discrepancy?

8 A. Yes, sir.

9 Q. Now, did anyone speak to you about this
10 before February the 8th?

11 A. No, sir, they did not.

12 Q. Did your chief come and talk to you about
13 this issue?

14 A. No, sir, he did not.

15 Q. At what time did this time card issue come
16 to your attention?

17 A. When we were served the paperwork on
18 February 5.

19 Q. Now, let's talk about -- go back to this
20 dispatch.

21 Do you think that's the best place for you
22 to hang out?

23 A. To me, it is a good, safe place to be, but
24 probably not to the extent that I did.

25 Q. Now, now that this was brought to your

1 attention, I guess you've already corrected it?

2 A. Yes, sir.

3 Q. If you have the ability to keep your job,
4 will you promise this Commission that you will stay out
5 of this dispatch area?

6 A. Absolutely, sir. I mean, upon receiving
7 the email that it was a problem I took the corrective
8 measures to ensure that I didn't violate, you know, the
9 email.

10 And, you know, now it's -- I've not had any
11 disciplinary actions in my file and, you know, now it's
12 come to termination.

13 Q. Now, you realize that being in dispatch,
14 you know, it's not being the most efficient way to earn
15 a dollar, correct?

16 A. Yes, sir.

17 Q. Has there ever been a time for the City of
18 Paris you helped them out financially?

19 A. Yes.

20 MS. JACOBS: Objection; irrelevant.

21 MR. JUETT: Let him --

22 COURT REPORTER: I'm sorry; I
23 didn't --

24 MR. JUETT: Let him go ahead.

25 THE WITNESS: I can answer, sir?

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MR. JUETT: Yes.

THE WITNESS: Okay. Thank you.

A. I believe it was in 2007 the City had ordered several cruisers, and over the years subsequently as well I used to do the wiring on the cruisers -- myself and Terry Pollock and Jeff Wiser.

When I say wire them up I'm talking about taking them from a basic, plain-Jane car that you get from the dealership to the complete package car that you see on the street.

I done this while on duty for the City and I -- I got paid during my time -- don't get me wrong -- but I'd say it was probably a lot cheaper than if they had had the vehicles outfitted by like L & W, I believe, now.

Q. Now, have you had the opportunity to review how many times you responded to calls during the months of October through December?

A. Yes, I have.

Q. Do you have those numbers for this --

A. It was -- I believe it was just shy of 400 --

Q. Okay.

A. -- 397 calls or incidents where I was the responsible officer during those months.

1 Q. And how many times have you assisted other
2 officers during this time -- this three-month time?

3 A. I assisted 56 times, but I can personally
4 say -- it's not the best practice at times, but I don't
5 always call out -- like if somebody is on a traffic stop
6 and you can tell they're just about done or something
7 like that, I'll ease up, turn my stuff on and, you know,
8 then clear the call after they're done, so it is more
9 than 56 times.

10 Q. So are you saying there are times where you
11 didn't always log correctly things in the radio log?

12 A. Yes, sir.

13 Q. Now, have you ever been disciplined for not
14 using your radio log correctly?

15 A. No, sir. Like I said, I haven't had any
16 disciplinary actions in my time here.

17 Q. Now, some silly questions.

18 Have you ever made an arrest?

19 A. Yes, sir, I have made arrests.

20 Q. Do you ever go to court and testify?

21 A. Yes, I do.

22 Q. At the conclusion of your arrest has anyone
23 ever gone to prison?

24 A. Yes.

25 COURT REPORTER: I'm sorry; could you

1 say that again? I didn't hear you.

2 Q. Gone to prison?

3 A. Yes, they have. In 2009, I believe -- I
4 was a detective at the time for the City -- I worked a
5 murder case and ended up testifying in circuit court in
6 which the suspect was found guilty.

7 Q. Have you ever been recognized for your hard
8 work as a Paris police officer?

9 A. Yes, sir. I've had several commendations
10 and awards that have been given to me for my acts in the
11 line of duty and for my investigations and things like
12 that.

13 Q. Let's talk about a couple of those.

14 What are some of those that come to mind?
15 I'm sorry.

16 A. One of my more recent ones I was awarded
17 officer of the month for the month of August of 2015.
18 There was a robbery at the Shoe Show here in Paris. I
19 was the primary vehicle or -- well, let me back up. I
20 apologize.

21 I first caught up to the vehicle on
22 Lexington Road just past the golf course. A pursuit
23 ensued, at which time it led to I-75 in Lexington.

24 At that time myself and Officer Bholat gave
25 chase to a suspect who was carrying a handgun running

1 across the Interstate. We chased the subject as far as
2 we could, and he went through a tree line to where we
3 lost visibility of him.

4 At that point in time it was -- it's in our
5 training to stop and mark that location because K-9 can
6 then track, at which time which contacted Lexington.
7 They brought their K-9 out, and they were subsequently
8 able to track the guy to a house and make an arrest on
9 the robbery.

10 Q. What's the highest honor you've ever
11 received as an officer?

12 A. I'm sorry.

13 MR. JUETT: Take a minute.

14 A. In 2012 I was given the Medal of Valor for
15 actions in the line of duty. I can't say it.

16 Q. It's okay. Now, you understand what's at
17 stake here, don't you?

18 A. Yes, sir.

19 Q. I guess in your own words -- the lawyers
20 and I, we've been arguing and we've been talking -- in
21 your own words, what is it that you're asking this board
22 to do?

23 A. I want my job back and I want to work for
24 the City and continue to do the same thing that I've
25 done for the last ten years. I want to make it. I want

1 to come back to work.

2 MR. WHITLEY: No other questions.

3 -----

4 **EXAMINATION**

5 **BY MS. JACOBS:**

6 Q. Officer Anderson, you --

7 MR. MORGAN: Can you give me just a
8 second, ma'am?

9 MS. JACOBS: Yeah, sure.

10 MR. MORGAN: Thank you. What do you
11 want to do with this?

12 MR. WHITLEY: I want to introduce
13 these awards and recognitions.

14 MR. MORGAN: Do you have any objection
15 to that?

16 MS. JACOBS: No.

17 MR. MORGAN: That will be Exhibit 12?

18 COURT REPORTER: 11.

19 MR. MORGAN: I apologize.

20 (Defendants' Exhibit No. 11 was marked
21 for identification.)

22 MR. MORGAN: I'm sorry, ma'am. You
23 can go ahead now.

24 Q. Are you ready?

25 A. Yes, ma'am.

1 Q. Have you viewed the videos with respect to
2 the time that you were noted to be in dispatch?

3 A. I've seen the ones that are in here, ma'am.

4 Q. You didn't look at any of them before
5 coming on Monday?

6 A. No, ma'am.

7 Q. So you don't have any -- any way or reason
8 to disagree that in October you spent 28.02 percent of
9 your time in dispatch, do you?

10 A. Ma'am, I -- I can give you the same
11 explanations for all three months. I can't give you
12 specifics or exacts, no, ma'am.

13 Q. Okay.

14 A. There were times I'd do my paperwork in
15 dispatch. I'm a pretty tall guy, and sitting in my
16 cruiser typing just doesn't work well for me.

17 Q. And your paperwork is done on your MDT; is
18 that right?

19 A. Yes, ma'am. I'm --

20 Q. You bring --

21 A. -- I'm a lucky one. I've got a battery on
22 my MDT that will actually work when you take it out of
23 the cruiser, because some of them you have to have a
24 cord, and I don't.

25 Q. Do you ever bring your personal computer

1 into the office to work on?

2 A. I may have, ma'am. I can't say.

3 Q. Okay. For -- but -- so that's not official
4 business that you do work --

5 A. I -- I don't --

6 Q. -- on your personal computer?

7 A. -- recall bringing my personal laptop in,
8 but I can't say that I didn't in three months, ma'am.

9 Q. And -- and again, you can't dispute that in
10 November you spent 39.13 percent of your time in
11 dispatch, can you?

12 A. No, ma'am. Like I said, there's times I do
13 paperwork, there's times I eat, and yes, ma'am, there
14 are times I've been out there -- in there and hung out.

15 Q. Okay. When you responded to the chief's
16 questions did you express any remorse for being --
17 hanging out in dispatch?

18 You saw all these numbers at that time,
19 right?

20 A. Yes, ma'am. I put in the questions that I
21 could not give specific answers for every date that he
22 was requiring of me. I don't recall what I was doing
23 every single day.

24 I mean, if I went through the video day by
25 day by day I might be able to, but he gave me 48 hours

1 notice, and that's the best answer I could give him.

2 Q. But just in general, looking at, say -- say
3 November the 30th, and it says you were in dispatch for
4 four hours and fifty-six minutes, right?

5 A. Give me just a second to pull that up,
6 ma'am. What date did you say again?

7 Q. November the 30th.

8 A. Yes, ma'am, it says I was in there at two
9 different times for four hours and fifty-six minutes.

10 Q. Okay. So when you looked at that over the
11 48 hours -- that weekend you had -- did you look at that
12 and say, oh, my gosh, what have I done?

13 A. Like I said, ma'am, I didn't say I was
14 perfect. I could have been doing case work, I could
15 have ate, and I could have been hanging out. I'm not
16 denying that.

17 Q. Okay. And you agree that it's -- it's
18 inefficient use of your time just to hang out in
19 dispatch, right?

20 A. It's not the best use of my time, you are
21 correct, ma'am.

22 Q. And your job is to patrol the streets,
23 right?

24 A. Among other things. There are times for
25 patrol, yes, ma'am.

1 Q. You've seen the job descriptions we have
2 circulated around several times, right?

3 A. Yes, ma'am.

4 Q. And in fact, the first thing it says is
5 patrol, right?

6 A. Yes, ma'am.

7 Q. And so when you're in dispatch for four
8 hours and fifty-six minutes, you don't know what's going
9 on on the streets, do you?

10 A. Well, ma'am, like I said, I didn't say it
11 was an efficient use of my time, no.

12 Q. So the answer is no, you don't know what
13 was going on?

14 A. No, ma'am. When I was in dispatch I cannot
15 say what was going on on the street.

16 Q. Of the 400 or so -- whatever -- calls you
17 said that you took or responded to or participated in
18 over those months, you don't have any way of knowing how
19 many crimes occurred while you were in dispatch that you
20 missed, do you?

21 A. And I don't know how many crimes that
22 didn't occur while I was in dispatch.

23 Q. Okay. And you never told the people --
24 your subordinates -- to get out and patrol, did you?

25 A. No, ma'am. Like I said, at that time it

1 wasn't an issue.

2 Q. But it was an issue that they weren't doing
3 their job, right?

4 A. Ma'am, like I said, we have downtime that
5 we eat and we do other things.

6 Q. Other things meaning hanging out in
7 dispatch?

8 A. Yes, ma'am, like I said, hanging out,
9 eating, doing paperwork, things of that nature.

10 Q. Okay. So if you're doing --

11 A. And no, it was not a problem then. Now,
12 once the email came out I corrected it.

13 Q. But the problem wasn't that you -- you
14 hadn't been told about it; the problem is that you and
15 your guys weren't on the street, right?

16 MR. MORGAN: Objection.

17 MS. JACOBS: You can answer that
18 question.

19 MR. MORGAN: Well, no, I think the
20 hearing officer needs to say something first, but the
21 objection here is, she's -- she's -- I think that it's
22 fair to say that the problem is that when this email
23 went out, whether this officer corrected his behavior or
24 not and whether he instructed others to do so or not.

25 And what's being said here is, no, the

1 problem is that before the video -- before the email
2 goes out these guys are all hanging around in dispatch.
3 It's a mischaracterization of the issue before this
4 Commission.

5 MS. JACOBS: Actually, it's exactly
6 the issue before this Commission.

7 MR. MORGAN: The issue is whether the
8 discipline is effective, whether these guys warrant --
9 whether they committed this --

10 MR. JUETT: Well --

11 MR. MORGAN: -- and whether they need
12 to be fired, and part of 2-A -- part of the second
13 question -- is, did they act accordingly when they got
14 notice on that email.

15 MS. JACOBS: I'm entitled to ask him
16 the question about what happened before.

17 MR. JUETT: I agree.

18 Q. So the charges against you and against the
19 others, right, efficiency -- you've seen that, right?

20 A. Yes, ma'am.

21 Q. And you've admitted that your use of time
22 was inefficient on occasion, correct?

23 A. On occasion, yes, ma'am.

24 Q. And you've admitted that you did not
25 instruct those people under your supervision to be more

1 efficient in their use of time either, correct?

2 A. And I didn't see --

3 MR. MORGAN: Asked and answered.

4 A. -- that as an inefficiency because at the
5 time --

6 COURT REPORTER: I'm sorry; could you
7 start over again? I didn't hear your answer.

8 THE WITNESS: Yes, ma'am.

9 A. I didn't see their time as inefficient
10 before the email because it was not an issue. We had
11 not been told to stay out of there up to that point, and
12 once the email came out we corrected the behavior.

13 Q. Sir, I'm not asking about whether you --
14 let me strike that.

15 What I'm asking about is, was it efficient
16 use of your subordinates' time even before the email for
17 them to be in dispatch for two or three hours?

18 A. Ma'am, I guess that would depend upon what
19 they was doing.

20 Q. Okay. If we watch video and we see them
21 just sitting, is that an efficient use of their time?

22 A. No, ma'am.

23 Q. And you failed to correct that behavior,
24 correct?

25 MR. WHITLEY: He's already asked --

1 I'm going to object because he's already asked and
2 answered that question several times.

3 MR. JUETT: Sustained.

4 Q. Did you say you graduated from the academy
5 or from Eastern?

6 A. I graduated from Eastern Kentucky
7 University in 2004, and directly after I went to the
8 academy -- about a month later.

9 Q. Okay. And did you complete the academy
10 course?

11 A. Yes, ma'am.

12 Q. Did you take an oath at the end of that?

13 A. Yes, ma'am, I took an oath at the City of
14 Paris.

15 Q. What did that oath say?

16 A. Ma'am, I don't have that document in front
17 of me.

18 Q. Do you remember?

19 A. No, ma'am, I do not.

20 MR. MORGAN: Which oath, Ms. Jacobs?

21 Q. How many oaths did you take?

22 A. Two, ma'am.

23 Q. One for the academy and one for the City?

24 A. No, ma'am, I took an oath for the City in
25 2004 and then I took it again in 2014.

1 Q. Okay. Is this the oath that you took in
2 2014?

3 A. Yes, ma'am, it is.

4 Q. And you signed that, right?

5 A. Yes, I did.

6 Q. Okay. And among other things, like not
7 fighting a deadly duel or acting as a second, it says
8 you will be faithful and true to the Commonwealth and
9 faithfully execute, to the best of my ability, the
10 office of police officer according to law.

11 Do you remember taking that oath?

12 A. Yes, ma'am.

13 MS. JACOBS: That's all I have.

14 MAYOR THORNTON: Mr. Whitley, do you
15 need to redirect?

16 MR. WHITLEY: Yeah. Yeah. Yeah.

17 -----

18 **RE-EXAMINATION**

19 **BY MR. WHITLEY:**

20 Q. You -- you've just been questioned about
21 this oath you took.

22 A. Yes, sir. Yes.

23 Q. Do you take that oath seriously?

24 A. Yes, I do. I mean --

25 Q. You've been an officer how long again?

1 A. A total of 11 years.

2 Q. And in those 11 years did you work hard?

3 A. Yes, sir, I have.

4 Q. Did you -- did you protect the citizens?

5 A. Yes, I have.

6 Q. Now, if we're talking about a few instances

7 where you were in dispatch, beyond that, did you do your

8 job hard?

9 A. Yes, sir, I have.

10 Q. Did you do that job well?

11 A. I believe I have.

12 Q. You talked about the Citation of Valor.

13 A. Yes.

14 Q. Let's get into the details about that a

15 little bit.

16 MS. JACOBS: That -- that's beyond the

17 scope of the redirect.

18 MR. WHITLEY: You questioned his oath

19 and his work ethic and his efficiency. Let's talk about

20 when he put his life on the line for this department.

21 MS. JACOBS: It's beyond the scope.

22 THE WITNESS: If you all would allow

23 it --

24 MS. JACOBS: We got into that he

25 got --

1 THE WITNESS: -- I'd like to talk
2 about it.

3 MS. JACOBS: -- the medal.

4 MR. JUETT: It's noted.

5 MR. WHITLEY: It's not just the medal.

6 COURT REPORTER: I'm sorry; I didn't
7 hear you.

8 COMMISSIONER PERRAUT: Noted.

9 MR. JUETT: It's noted. We'll let him
10 go ahead and testify.

11 Q. Talk about it.

12 A. Can I talk about it? In July of 2012 I
13 responded to a domestic in progress on Hanson Street.
14 Upon arrival I engaged a subject with a knife.

15 I was able to talk the subject out of the
16 knife by giving him various verbal commands, and once he
17 dropped the knife a fight ensued.

18 During the -- during the fight the subject
19 picked me up off the ground and slammed me to the
20 ground, pinning himself on top of me. Basically he was
21 sitting on my chest. He was -- give or take -- 315
22 pounds.

23 We fought over my baton and he was able to
24 get it from me, and as he started to use the baton on me
25 I took his life, and if that doesn't meet up to the oath

1 of my responsibility, I don't know what does.

2 MR. WHITLEY: Move to introduce that
3 certificate he earned.

4 (Defendants' Exhibit No. 12 was marked
5 for identification.)

6 MS. JACOBS: Was it not part of the
7 packet?

8 MR. WHITLEY: No.

9 Q. Well --

10 COURT REPORTER: Hold on one second.

11 Q. Ready?

12 A. Yes, sir.

13 Q. Now, you've heard the chief talk about this
14 complaint about the dispatch on December the 5th.

15 A. Yes, sir, from Natalia Lorado.

16 Q. Did you have an opportunity to talk to
17 Ms. Lorado?

18 A. Yes, sir, I did.

19 Q. Did you talk to her about her complaint
20 against you all in that dispatch room?

21 A. Yes, sir, I did.

22 Q. What did she tell you?

23 A. She told me that she never made a complaint
24 on us for siting in dispatch that evening or for her
25 having to sit in a metal chair.

1 MR. WHITLEY: Is that okay with
2 everyone?

3 MS. JACOBS: That's fine.

4 MR. WHITLEY: We also talked about the
5 incident that occurred on January the 9th and January
6 the 14th. I made some objections, and I think we agreed
7 to take that out of the report as well.

8 MR. BEAUMAN: I'm sorry; I was trying
9 to write down the first one.

10 MR. WHITLEY: It's -- if you -- if you
11 go down to November --

12 MR. BEAUMAN: So 11/5 is the one
13 that's out. Is that correct?

14 CHIEF WILLIAMS: Correct.

15 MR. WHITLEY: Yes.

16 MR. BEAUMAN: Okay. All right. I'm
17 sorry; I'm just trying to get it all --

18 MR. WHITLEY: And then right
19 underneath that is January the 9th and January the 14th.

20 MS. JACOBS: That's correct.

21 MR. BEAUMAN: No, these --

22 MR. WHITLEY: He's saying no, you're
23 saying yes.

24 MR. BEAUMAN: No. No, we just didn't
25 use the memo.

1 MR. WHITLEY: Well, there was no
2 testimony on it. We -- we didn't talk about that at
3 all.

4 Q. Okay. State your name for the record.

5 A. Abdullah Bholat.

6 Q. I guess, can you tell us a little bit about
7 where you were raised and what -- what school you went
8 to -- high school?

9 A. Well, for the most part I was raised in
10 California; however, I went to school here off and on
11 throughout middle and high school, and then my senior
12 year of high school I completed school here in Bourbon
13 County. I graduated in 2008 from Bourbon County High
14 School.

15 Q. How long have you been living here in
16 Paris?

17 A. Continuously since 2007 -- August of 2007.

18 Q. Where are you currently employed?

19 A. By the Paris Police Department, City of
20 Paris.

21 Q. And how long have you been employed with
22 the Paris Police Department?

23 A. As a police officer I've been employed
24 since January of 2012.

25 Q. Beyond being a police officer, do you have

1 any other experience as a -- in law enforcement?

2 A. When I started -- or when I moved back to
3 Kentucky in 2007 I started with the Police Explorer
4 Program that was currently at the police department at
5 that time.

6 Q. What is that Police Explorer Program? I'm
7 not familiar with that.

8 A. The Police Explorer Program is basically a
9 program for high school-aged individuals up to the age
10 of 21 that are interested in law enforcement.

11 Throughout that program we learned a little
12 bit about the police department, how -- what police work
13 is like, things like that.

14 I went on numerous ride-alongs -- more than
15 I can count -- participated in competitions against
16 other Explorer posts, represented the department both
17 locally and nationally.

18 Q. So why did you ultimately seek employment
19 with the Paris Police Department?

20 A. As soon as I moved to -- to Paris I got
21 involved with this police department, and I -- I knew
22 from that point when I turned 21 this is where I wanted
23 to work.

24 I -- I was a Police Explorer here, stayed
25 here until I was 21, then became an advisor for the post

1 while I was still here, and during that time I also
2 applied to be a dispatcher for the police department as
3 well in 2009.

4 Q. Did you work at the -- the dispatch
5 department?

6 A. Yes, I did. I applied in 2009, was hired
7 here, went through the dispatch academy in 2010, was a
8 distinguished graduate from the dispatch academy, and
9 I'm still currently used as a part-time dispatcher from
10 time to time when it's needed.

11 Q. Let's talk about the qualifications to be a
12 police officer.

13 Where did you attend the academy?

14 A. I attended the police academy in Richmond,
15 Kentucky, at the Department of Criminal Justice
16 Training. It was an 18-week academy at the time from
17 which I graduated in 2012.

18 Q. Let's focus in on your current job.

19 As a police officer what kind of duties do
20 you perform and should you perform?

21 A. We respond to calls, patrol, take reports.
22 Really anytime anyone calls 911 or has a problem,
23 whether it's criminal or not, we go.

24 I've been on everything from barking dog
25 complaints to --

1 COURT REPORTER: I'm sorry; from what?

2 THE WITNESS: Barking dog complaints.

3 A. -- to armed robberies to people that locked
4 themselves out of their cars.

5 Q. All right. So like which shift do you work
6 mainly?

7 A. I've worked some form of night shift ever
8 since I've been here. I started off on third shift,
9 which was 9:00 p.m. to 7:00 a.m.

10 I then switched to swing shift, which was
11 6:00 p.m. to 4:00 a.m., and before the suspension I was
12 working 5:00 p.m. to 1:00 a.m., Tuesday through
13 Saturday.

14 Q. Is there a specific area that you're like
15 supposed to work?

16 A. Where Paris is so small we generally patrol
17 the whole city. I take calls wherever they happen
18 throughout the city.

19 Q. Now, let's focus in on this dispatch.
20 That's the issue here.

21 A. Yes, sir.

22 Q. What do you typically do when, I think,
23 things slow down in the city?

24 A. I patrol. If there's nothing going on or
25 there's inclement weather and there's not really anyone

1 out, sometimes I'll pull over in a parking lot and sit
2 there and wait for a call or occasionally I'll go to
3 dispatch and sit there and talk with my co-workers.

4 Q. Why would you do that?

5 A. Well, dispatch is, one, where I started out
6 at. I consider all of them family. I consider everyone
7 that I work with family. I spend -- sit there, talk to
8 them.

9 If a call comes out, if 911 rings in, I'll
10 be one of the first ones to hear it -- along with the
11 dispatchers -- and I can tell by -- from being a
12 dispatcher myself by the tone in their voice when a
13 serious call or something like that is happening.

14 And I know from the way they're talking to
15 the caller on the phone that -- if something serious is
16 going on, and I'm heading out the door and starting, and
17 they can relay further information on the radio.

18 Q. Now, I guess, are there some times when
19 you're in dispatch that you're not always using your
20 time effectively?

21 A. I -- I'd say there were some times that I
22 wasn't most efficient with me being in there.

23 Q. Did -- did there come a time when you
24 stopped hanging out at dispatch?

25 A. We received an email on December 8.

1 There -- other than a few instances on the holidays
2 where I was in there for a couple of short visits,
3 I've -- I've avoided dispatch.

4 Q. What do you do now to correct that
5 behavior?

6 A. I try to stay completely away from
7 dispatch, only go in there if I absolutely have to for
8 official business.

9 Q. Now, there are some dates in December where
10 you were, I guess, in and out of dispatch.

11 Can you explain to the Commissioners why
12 you were in there those times?

13 A. What specific dates? I'm sorry.

14 Q. Let's go up to like Christmas Eve, since
15 you were in there a couple of times.

16 A. With it being the holidays there wasn't
17 much going on. Usually it's been a standing order for
18 people -- there's only a need -- a two-man minimum on
19 the streets on those days, so usually it's relatively
20 slow.

21 I'm away from my family, so they're my
22 family away from my family. I'll stop by for a few
23 minutes and talk to them and then leave.

24 Q. Was there a time in December when you were
25 requested to work some -- work dispatch?

1 A. I believe I worked a shift in dispatch. I
2 don't remember what the date was.

3 Q. Okay. Well, as a police officer then, is
4 it -- I guess, are you voluntarily doing that or are you
5 made to do that?

6 A. I volunteered to do it. It was on my day
7 off.

8 Q. When were you notified that your behavior
9 for the months of October, November and December were
10 unacceptable?

11 A. I had received a notice on -- I believe it
12 was Friday, February 5 -- saying that I was under
13 investigation. At that time I was made aware.

14 Q. Were you requested to give justifications
15 for your actions?

16 A. I was -- the chief asked for justifications
17 for our actions, and I tried to provide the best
18 justification I could within the time frame.

19 That's -- I was asked for several months
20 to -- to recall all of these specific instances within
21 48 hours, and I've never been under investigation
22 before. My answers may not have been the most detailed
23 at the time.

24 Q. What kind of toll has this taken on you?

25 A. I've been very stressed out, worried about

1 losing my job, losing my paycheck, not getting to -- to
2 serve the community that I live in.

3 Q. Now, in the course of being a police
4 officer in Paris have you ever been recognized for
5 any -- any of your achievements?

6 A. Yes, on several occasions.

7 Q. Let's talk about some of them. Tell the
8 Commission what you've been recognized for.

9 MR. WHITLEY: I'm going to go ahead
10 and introduce this, some of his personal achievements.

11 (Defendants' Exhibit No. 13 was marked
12 for identification.)

13 A. I don't have all of them sitting in front
14 of me; however, last -- this past December, at the
15 Christmas party, I was recognized for my part in an
16 armed robbery investigation at Shell gas station last
17 year, as well as the pursuant that Officer Anderson
18 mentioned where we chased the gentleman that robbed Shoe
19 Show to Lexington and then subsequently surrounded a
20 house and captured him in Windburn.

21 I've also received several other awards
22 throughout the years. One was for my part in helping
23 take down a meth lab on High Street that was close to
24 Paris Elementary School and my part with a bicycle ride
25 that occurred in Paris -- I believe it was in 2013.

1 And I also received a card here this past
2 December from a member of the community for my actions.

3 Q. Was there anything attached with that card?

4 A. The Chief of Police told me that the lady
5 that wrote me the card donated \$500 to the police
6 department, which went to the Shop With a Cop fund that
7 we -- we use.

8 Q. Let's -- I mean, you understand what's at
9 stake here, don't you?

10 A. Absolutely -- my career.

11 Q. In your own words -- I mean, this is your
12 time -- will you explain to the Commission what you're
13 hoping to get at the conclusion of this?

14 A. I'd like to get my job back and get back
15 to -- get back to work patrolling the streets. I
16 definitely understand the seriousness and the severity
17 of -- of what's going on here, what's at stake.

18 And I -- like I said, I'd like nothing more
19 than to just get back to -- to try to be a better
20 officer, definitely learn from this and -- and move on.

21 Q. Now, have you had an opportunity to review
22 how many calls and assistance -- I mean, assists you've
23 made since October of 2015?

24 A. Yes, I have.

25 Q. How many have you made? How many calls

1 have you responded to?

2 A. I was the responsible officer on a total of
3 568 calls and assisted on 116.

4 And as Officer Anderson said, it's -- it's
5 probably not the best practice, but sometimes we do back
6 each other up on calls and don't necessarily call it out
7 on the radio, so the number on assists is probably a
8 little more than 116, but I can't provide an exact
9 number.

10 Q. Now, if this Commission gives you your job
11 back, will you promise to stay out of this dispatch area
12 and become more efficient?

13 A. Absolutely.

14 MR. WHITLEY: No further questions.

15 MAYOR THORNTON: Ms. Jacobs?

16 -----

17 **EXAMINATION**

18 **BY MS. JACOBS:**

19 Q. Officer Bholat, you would agree it's a
20 violation of policy to not call out on the radio when
21 you go to a stop, isn't it?

22 A. I wasn't charged with violating --

23 Q. But you just testified --

24 A. -- the radio policy.

25 Q. -- that you -- you sometimes do that

1 backing up somebody else, right?

2 A. I wasn't charged with violating that policy
3 and I'd have to see the policy, so I'm not sure.

4 Q. We introduced it yesterday.

5 Is it practice and policy to let
6 dispatch -- let headquarters know where you are when you
7 go on a stop?

8 A. It's preferred to let them know, yes.

9 Q. And why is that?

10 A. For officer safety reasons.

11 Q. Okay. So you don't do that all the time,
12 do you?

13 A. On almost every occasion. There's a few
14 occasions that I haven't.

15 Q. Okay. Now, the 568 calls you talked about,
16 that was October through February, right?

17 A. (No response.)

18 Q. That wasn't October through December?

19 A. It was the paperwork that you all provided
20 to us --

21 Q. Okay.

22 A. -- we went through.

23 Q. Do you want to look at some dates? It was
24 through February, right?

25 MR. MORGAN: February 1. I mean --

1 Q. So how many traffic stops did you miss in
2 October when you were sitting in dispatch?

3 A. I can't speculate to what would have --
4 what would have or wouldn't have occurred had I been not
5 sitting in dispatch or on patrol.

6 Q. Because you're pretty active with traffic
7 stops and things, right?

8 A. I'd like to think I am, yes.

9 Q. Okay. Except when you're sitting in
10 dispatch?

11 A. Ma'am, I'm human.

12 Q. You're also an officer of the City of
13 Paris, right?

14 A. Yes, ma'am.

15 Q. And you took an oath to protect and to
16 serve, right?

17 A. Yes, ma'am.

18 Q. And you took a paycheck, right?

19 A. Yes, ma'am.

20 Q. Okay. And in fact, on that -- that date
21 when you said you volunteered for dispatch, you got paid
22 overtime for that, right?

23 A. Yes, ma'am.

24 Q. Okay. So that wasn't a volunteer position?

25 A. I was asked. I could have turned it down.

1 Q. But you got paid overtime, right?

2 A. Yes, ma'am.

3 Q. Okay. And in fact, you've received prior
4 counseling -- oral counseling -- about not hanging out
5 in dispatch, right?

6 A. Not to my knowledge. I've never signed
7 anything saying I've received an oral counseling.

8 Q. I didn't ask if you signed anything.

9 I asked if you'd received prior counseling
10 about hanging out in dispatch too long?

11 A. No, ma'am, not to my knowledge.

12 Q. Okay. So if we have a report that says
13 Captain Elkin and Lieutenant Thomas talked to you about
14 that back in 2013, they'd be lying about that?

15 MR. MORGAN: Objection.

16 MR. WHITLEY: Objection. It
17 speculates if someone was lying or telling the truth.

18 MR. JUETT: Has that been --

19 COURT REPORTER: I'm sorry; I didn't
20 hear your answer.

21 MR. JUETT: Has that been introduced?

22 MS. JACOBS: Yes, it was introduced.

23 MR. MORGAN: We did, and this was the
24 one that he was unaware of and I think the chief said it
25 was never in his personnel file. It's something that

1 the chief found somewhere in his office, so we're not
2 sure.

3 To characterize it as saying that this
4 is evidence of a verbal counseling, I don't even think
5 the chief would suggest that; rather it's evidence that
6 somebody wrote it down and stuck it in some part of the
7 chief's office and he found it only recently.

8 MS. JACOBS: Well, what they wrote was
9 that they talked to him about this and counseled him not
10 to do it. That's my question.

11 MR. MORGAN: It speaks for itself.

12 MS. JACOBS: It does speak for itself.
13 Thank you.

14 Q. Now, you would agree with the chief -- he
15 testified on Monday that it's okay to be in dispatch for
16 20 minutes or so to have your dinner and -- and visit
17 and come in, right?

18 A. That's what he said.

19 Q. Okay. Do you think 30 minutes is okay?

20 A. Whatever the chief said in his email.

21 Q. I'm asking you. Do you think 30 minutes is
22 okay to hang out in dispatch?

23 A. I don't see a problem with it if you're
24 eating your meal or whatever --

25 Q. Okay.

1 A. -- according to the email.

2 Q. What's whatever?

3 A. Taking a break.

4 Q. And then do you think 40 minutes is okay?

5 A. It would just depend on the situation.

6 Q. Do you think an hour is okay?

7 A. Again, it would depend --

8 MR. MORGAN: Object.

9 A. -- on the situation.

10 MR. MORGAN: Object to the form here.

11 He's admitted --

12 MS. JACOBS: He --

13 MR. MORGAN: -- I'm sorry; almost done

14 here -- he's admitted that he -- he recognizes this was

15 a mistake, I mean, so if we want to get to relevance, we

16 can go in ten-minute increments, which is apparently

17 what we're going to do here.

18 This is a waste of time and it's

19 cumulative and it's argumentative, particularly in light

20 of the fact that this young man has said he recognizes

21 the mistake.

22 Q. And the mistake is, sir, that --

23 MR. MORGAN: I'm sorry.

24 MR. JUETT: Your objection is noted.

25 MR. MORGAN: And is it overruled or

1 sustained?

2 MR. JUETT: Overruled.

3 Q. And so you recognize, sir, that it's
4 inefficient to be in dispatch for two hours at a time,
5 correct?

6 A. After the email came out, yes.

7 Q. So you don't think before the email that it
8 was inefficient for you to be in dispatch for two hours
9 at a time?

10 A. It was brought to my attention the
11 severe -- or the seriousness of it. Was all of my time
12 the most efficient? Probably not.

13 Q. So you would agree with me then that it was
14 an inefficient use of your time to be in dispatch for
15 two hours or more, right?

16 A. Yes.

17 Q. Okay. And in fact, you have done your
18 schoolwork for nursing school while on duty in dispatch,
19 correct?

20 A. When -- when I was able to. When the
21 supervisor approved it.

22 Q. And who's the supervisor that approved you
23 doing work other than work for the City of Paris?

24 A. It would have been whoever my lieutenant or
25 captain was at the time.

1 Q. Okay. So you're saying one of these guys
2 approved you doing work other than work for the City of
3 Paris while you were on duty?

4 A. Yes.

5 Q. Have you looked at any of the videos?

6 A. Just what I've seen in here the past two
7 days.

8 Q. Okay. You didn't review anything in
9 preparation for being here?

10 A. No.

11 Q. So you don't have any way or reason to
12 dispute that in October you spent 24.9 hours in
13 dispatch, do you?

14 A. If that's what the numbers say, ma'am.

15 Q. Okay. And that in November you spent 22.3
16 hours there, right?

17 A. Ma'am, you can ask me for all the months
18 what the paper --

19 COURT REPORTER: I'm sorry; could you
20 say that again?

21 A. Ma'am, you can ask me the same question for
22 every month. I -- you all totaled the numbers up.

23 Q. Okay. Did you go back and check those,
24 have any reason to dispute those at all?

25 A. I didn't go back personally and go through

1 each individual number.

2 Q. Now, you also got -- part of the charges
3 are that in January you were off radio, off duty, off --

4 MR. WHITLEY: I'm going to object
5 again, because when -- when -- when this evidence was
6 introduced we objected, they pulled it from the -- from
7 the case file, and I believe the testimony then is,
8 we're not going to pursue that charge anymore.

9 Now we're going back to that evidence
10 that they did not introduce. They're going to start
11 talking about something that's not even introduced in
12 their case in chief.

13 MR. JUETT: I would agree --

14 MR. MORGAN: Is this the one that
15 we --

16 MR. WHITLEY: We agreed --

17 MR. MORGAN: -- we agreed to take off?

18 MR. WHITLEY: -- to it.

19 MR. MORGAN: Then --

20 MR. BEAUMAN: Not -- not the charge.

21 It was the document.

22 COURT REPORTER: I'm sorry; could you
23 say that again? I didn't hear you.

24 MR. JUETT: I -- I asked if it was the
25 one that they agreed to take off from the rest of the

1 charges.

2 MR. BEAUMAN: Right.

3 MS. JACOBS: Not the charge.

4 MR. BEAUMAN: Not the charge, just the
5 document --

6 MR. WHITLEY: It's two --

7 MR. BEAUMAN: -- and then we were
8 going to call Officer Bholat as a witness in our case in
9 chief, and you all agreed we would wait and you would
10 call him first.

11 MR. WHITLEY: I do not remember
12 agreeing that I was going to wait to call this officer
13 for the purpose of getting into that charge on January
14 the 9th and the 14th.

15 MR. MORGAN: It didn't happen.

16 MR. WHITLEY: I do recall specifically
17 we going back to the Commissioners and grabbing that
18 document and taking it away from them because they did
19 not get that evidence in.

20 I remember that as clear as day, and
21 we talked about it and we agreed at that time that they
22 was going to be no longer pursuing that charge.

23 Less than two minutes ago one of the
24 attorneys said yes and one of the attorneys is saying
25 no. Now both of the attorneys are now saying no, that

1 agreement was never made. That's the discussion we had.

2 MR. MORGAN: That's what we're dealing
3 with.

4 MR. BEAUMAN: Well --

5 MS. JACOBS: We asked about calling
6 the officers in our case in chief, and they said, no,
7 we're going to call them, so we waited.

8 MR. JUETT: She -- she did ask whether
9 you were going to call the officers and if you -- if you
10 were, that she was not going to call them in her case in
11 chief if you all agreed to that.

12 MR. WHITLEY: That may have been a
13 conversation --

14 MR. MORGAN: That's --

15 MR. WHITLEY: -- but that's not when
16 it comes to the relevancy of this particular evidence.

17 I do not remember her saying, well,
18 I'm going to pull these documents away from the
19 Commission on the condition that your officer testify.
20 There was never a condition met.

21 We pulled it and we made an agreement
22 to strike that from his charges. I remember it because
23 I turned around right then and there and marked through
24 the charges to make sure I was clear on it.

25 MR. JUETT: I'm hearing that there is

1 not an agreement. They have not agreed that --
2 MR. WHITLEY: Well, they're going
3 to --
4 MR. JUETT: -- they were --
5 COURT REPORTER: Wait. One at a time,
6 please. One at a time.
7 MR. WHITLEY: They -- go ahead.
8 MR. MORGAN: You go ahead.
9 MR. WHITLEY: You.
10 MR. MORGAN: They have reneged on this
11 agreement. You know, to -- to say -- we were here. We
12 were all here 20 minutes ago when Daniel started and --
13 and he brought to everybody's attention the lower half
14 of all these charges, the ones in November that the
15 chief rung him up on when he went to Officer Elliott's
16 (sic) visitation and then the stuff in January.
17 I -- I don't -- I don't get it, and
18 now we're arguing about whether --
19 MS. JACOBS: We'll -- we'll move on.
20 MR. MORGAN: Hold on just a second --
21 MS. JACOBS: We'll move on.
22 MR. MORGAN: -- please, Patsey.
23 MS. JACOBS: We'll move on.
24 MR. MORGAN: Thank you. Geez.
25 MS. JACOBS: Now, with respect to the

1 November 5 he says he's (sic) renegeing on, tonight is
2 the very first time this chief has heard that he was
3 doing something that was acceptable --

4 MR. MORGAN: Okay.

5 MS. JACOBS: -- the very first time.

6 MR. MORGAN: Which is part of the
7 reason why he's supposed to have an in-depth
8 investigation, but I'm glad we're moving on.

9 MS. JACOBS: Yeah.

10 MR. JUETT: It sounds like we've got a
11 resolution, so --

12 Q. October 17, have you looked at your radio
13 calls for that night?

14 A. October 17?

15 Q. Yes, sir.

16 (Plaintiff's Exhibit No. 60 was marked
17 for identification.)

18 Q. Take a look at that and see if that appears
19 to be a complete list of your calls for the shift of
20 October 17.

21 A. Ma'am, as far as I can tell from what
22 you've provided me here.

23 Q. Okay.

24 COURT REPORTER: I'm sorry; what did
25 you say? As far as you could tell --

1 THE WITNESS: As far as I could tell
2 from what you've provided me.

3 A. As far as I can tell, ma'am.

4 Q. Are you satisfied that this is the complete
5 list of your calls for that night?

6 A. As far as I can tell, ma'am.

7 Q. Okay. Do you have any question that this
8 is your calls for that night?

9 A. No, ma'am.

10 Q. Okay. If you'll look on the second page,
11 it looks like you made a traffic stop at 1:13:06, right?

12 A. According to this, yes, ma'am.

13 Q. You completed that or cleared the call at
14 1:15:21, right?

15 A. Yes, ma'am.

16 Q. Okay. And the video evidence shows that
17 you arrived at dispatch at 1:42. Okay?

18 A. (No response.)

19 Q. Do you want to review that?

20 A. No, ma'am.

21 Q. Okay. The video evidence also shows that
22 you stayed in dispatch from 1:42 a.m. until 4:21 a.m.

23 Do you want to review that?

24 A. No, ma'am.

25 Q. Do you have any reason to dispute that?

1 A. No, ma'am.

2 Q. Who told you you could stop working at 1:15

3 in the morning?

4 A. Ma'am, I was on duty until I went off shift

5 at 04:00 that morning.

6 Q. You were sitting in dispatch, correct?

7 A. On duty, yes, ma'am.

8 Q. Okay. You weren't making any traffic stops

9 like you had the night before, right?

10 A. Are you talking about the night before the

11 shift of the 17th?

12 Q. I'm talking about the shift of the 17th.

13 You'd been fairly busy, made a couple of

14 traffic stops, right?

15 A. Yes, ma'am.

16 Q. And then you stopped working at 1:42,

17 correct?

18 MR. MORGAN: Objection to form.

19 A. No, ma'am. I was working till --

20 Q. Who told you you could go into --

21 MR. JUETT: He's saying that he was

22 working.

23 COURT REPORTER: I'm sorry; what

24 did --

25 MR. JUETT: He's saying that he was

1 working, he was on duty at the time.

2 Q. You were on duty, but you weren't out
3 patrolling, making traffic stops anymore, were you?

4 MR. WHITLEY: Let me -- at this point
5 we have to object. We've asked and answered these
6 questions --

7 MS. JACOBS: Well, he hasn't answered
8 the question.

9 MR. WHITLEY: -- a thousand different
10 ways.

11 MS. JACOBS: We're -- I'm entitled --

12 MR. MORGAN: Relax.

13 MS. JACOBS: -- to cross examine the
14 witness.

15 MR. WHITLEY: Well, I mean --

16 MR. JUETT: Let's -- let's -- let's
17 hear an answer to the question and then we can move on.

18 A. Can you repeat the question for me, ma'am?

19 Q. The question is, after 1:15 in the morning
20 you didn't make any other traffic stops, did you?

21 A. According to this, no, ma'am.

22 Q. Okay. Is there any reason to dispute this?

23 MR. WHITLEY: We've already asked --

24 MS. JACOBS: Well, he's saying --

25 MR. WHITLEY: -- and answered this

1 question.

2 MS. JACOBS: -- according to this, and
3 he's leading as if this is somehow wrong or altered
4 or --

5 Q. It's not, is it?

6 MR. WHITLEY: You handed him the
7 document. You asked him, does this look correct. He
8 says, based on this document, yes. You handed it to him
9 and said --

10 MS. JACOBS: Let it --

11 MR. WHITLEY: -- is it right;
12 accordingly, yes. What else can you ask -- what else
13 can he say?

14 Q. Sir, does this appear to be the document --
15 you've had -- you've had them, right? Your attorneys
16 had them, right?

17 A. Yes, ma'am.

18 Q. Okay. Is this the -- you've seen these
19 before, right?

20 A. Yes. I've seen the documents that were
21 provided to us before, yes, ma'am.

22 Q. Okay. And this was provided?

23 A. Yes.

24 Q. Okay. So after you cleared a traffic stop
25 at 1:15 in the morning you went to dispatch and stayed

1 there until 4:00 in the morning?

2 MR. WHITLEY: Again, I'm going to
3 object. We've asked this question three or four times,
4 five different ways.

5 MR. JUETT: I have to agree. The
6 question does seem to be asked, Ms. Jacobs. Is there a
7 particular angle on it that hasn't been asked that
8 you're trying to get to?

9 Q. My angle is, who told you you could go and
10 sit in dispatch until 4:00 in the morning?

11 MR. WHITLEY: He's already answered
12 that question.

13 MS. JACOBS: He didn't answer the
14 question.

15 MR. WHITLEY: I'm going --

16 Q. Who told you you could go --

17 MR. WHITLEY: -- to object.

18 Q. -- sit in dispatch?

19 MR. WHITLEY: He's answered that
20 question three or four different times. He's already
21 said nobody did, and then we started rehashing it a
22 different way. He's already answered. No one gave him
23 permission to do that.

24 MS. JACOBS: Fine, no one gave him
25 permission. Good enough.

1 MR. JUETT: Thank you.

2 MR. WHITLEY: He's already answered
3 it.

4 Q. When you responded to the questions that
5 the chief asked you, you didn't make any response with
6 regard to schoolwork, did you?

7 A. Ma'am, according to my packet, it said
8 various. I was never given a specific day or time to
9 try to answer.

10 Q. But you didn't respond at all, did you?
11 You didn't say, I can't answer that or I don't know?
12 You didn't respond at all, right?

13 A. I believe I did, ma'am.

14 Q. Well, let's take a look.

15 Do you have those questions that the chief
16 asked you?

17 A. I have a copy of the questions, ma'am.

18 Q. Okay. Question number three, have you ever
19 sat in headquarters or in dispatch for over 1.5 hours
20 and worked on school assignments; explain and give a
21 justification.

22 Is that the correct reading of that?

23 A. Yes, ma'am, that's what it says.

24 Q. And then on your responses -- do you have
25 those as well?

1 A. I don't have it in front of me, ma'am.

2 Q. Can you get that?

3 MS. JACOBS: Do you have all that to
4 give him?

5 MR. WHITLEY: No. You can -- we'll
6 take a copy of that.

7 Q. Did you respond in any way to the question
8 about school assignments?

9 A. Yes, ma'am. Question number three, without
10 knowing the specific dates and times of the question, I
11 can't give a more detailed answer; however, I was
12 subject to calls and available at all times.

13 Q. Traffic stops aren't calls, are they?

14 A. They can be.

15 Q. Okay. When you make a traffic stop for
16 somebody speeding, is that usually because somebody has
17 dispatched you to go out or is it because you're sitting
18 out there watching and deterring crime?

19 A. I've been both -- I've been dispatched to
20 reckless driving complaints, speeding complaints, and
21 I've self-initiated complaints.

22 Q. Self-initiation is how most crime is
23 deterred, right?

24 A. No, ma'am.

25 MR. MORGAN: Objection.

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MR. WHITLEY: Objection.

COURT REPORTER: I didn't hear your answer.

THE WITNESS: No, ma'am.

Q. It's not?

A. (No response.)

Q. Were you trained in the police academy that deterrence occurs by being present in the community?

MR. WHITLEY: I'm going to object. We've already asked these questions earlier. We --

MS. JACOBS: I've never asked about the training.

MR. WHITLEY: Not specifically that way, but we've asked it in different ways. We've hit on this subject a lot.

MR. JUETT: Let's -- let's hear the answer. Overruled.

A. Could you repeat the question for me again, ma'am? I'm sorry.

Q. Were you ever trained in the police academy that police presence creates a deterrence for crime?

A. It can.

Q. It can. It does, right?

A. It can.

Q. You took an oath at the academy?

1 A. I took an oath for the City of Paris.

2 Q. You didn't take an oath at the academy?

3 A. I didn't sign an oath or anything, ma'am,
4 at the academy.

5 Q. Did you raise your hand and swear to it?

6 A. No, ma'am.

7 Q. What did you swear to when you came here?

8 A. I can't recall the specific details of the
9 oath that I signed here, but it was in my personnel
10 file.

11 Q. That you will faithfully execute the duties
12 of a police officer, right?

13 A. Yes, ma'am.

14 MS. JACOBS: That's all the questions
15 I have.

16 MAYOR THORNTON: Mr. Whitley, do you
17 want to redirect?

18 MR. WHITLEY: No. In an abundance
19 (sic) of time, we'll just -- we're done.

20 MAYOR THORNTON: You may excuse the
21 witness and call your next witness.

22 COURT REPORTER: Can we take a break?

23 MAYOR THORNTON: The court reporter
24 needs a break.

25 (Recess taken.)

1 MAYOR THORNTON: Is Counsel ready?

2 MR. MORGAN: Yes.

3 MAYOR THORNTON: You may call your
4 next witness.

5 MR. MORGAN: Thank you. If I may,
6 Mr. Mayor, I'll ask Lieutenant Puckett to identify
7 himself for the record.

8 COURT REPORTER: He needs to be sworn
9 first.

10 **ROBERT L. PUCKETT**

11 having been first duly placed under oath, was examined
12 and testified as follows:

13 **EXAMINATION**

14 **BY MR. MORGAN:**

15 Q. Okay. Now, sir, please identify yourself
16 to the members of the Commission and the Mayor.

17 A. Robert L. Puckett.

18 Q. Where were you born, sir?

19 A. Paris.

20 Q. Where were you raised?

21 A. Paris.

22 Q. What high school did you attend?

23 A. Paris High School.

24 Q. How long have you lived in Paris?

25 A. I've lived in Paris for 35 years. I was

1 gone for ten years to the military.

2 Q. What branch of the military?

3 A. Air Force.

4 Q. When was that?

5 A. From '91 to 2001.

6 Q. What job did you do at -- with the Air
7 Force?

8 A. I was a fuels and cryogenics specialist --
9 logistics.

10 Q. When you got out of the Air Force after ten
11 years of service did you return to Paris?

12 A. Yes, sir, moved back -- moved back to
13 Paris.

14 Q. And what did you do then?

15 A. I worked at Lexmark for a little bit as a
16 computer printer software -- the person you called when
17 your printer stopped working.

18 Q. Okay. I thought that was my nephew, but
19 okay. Go ahead.

20 And then -- and then what, sir?

21 A. From there I went -- I built houses for a
22 couple of years -- I was building superintendent for a
23 company out of Lexington -- and then in 2003 I came here
24 to the police department.

25 Q. Okay. What kind of training, education,

1 qualifications did you do that helped you get your job
2 and do your job as a law enforcement professional?

3 A. Well, my -- my military background assisted
4 in -- in getting me the job here just due to the
5 camaraderie and discipline and that kind of thing, and I
6 was also a supervisor in the military.

7 Q. Okay. So when you started to work for the
8 Paris Police Department did you have to go to Richmond
9 for training?

10 A. Yes, sir, 16-week academy.

11 Q. Okay. And that's DOCJT we also hear it
12 called?

13 A. Yes, sir, in Richmond.

14 Q. After you completed the academy training in
15 Richmond, come back to work here?

16 A. Yes, sir.

17 Q. What was your position then?

18 A. I was a patrol officer.

19 Q. What year?

20 A. That would have been 2004.

21 Q. Who was the chief?

22 A. Mike Kendall.

23 COURT REPORTER: I'm sorry; Mike --

24 THE WITNESS: Mike Kendall.

25 Q. And have you been with the Paris Police

1 Department as your employer for the last 12 years then?

2 A. Yes, sir.

3 Q. Please tell the Commission members what
4 type of duties that you have had with the Paris Police
5 Department.

6 A. When I first started here at the police
7 department I really enjoyed working narcotics. There
8 were a couple of street-level guys at the time that kind
9 of took me under their wing.

10 The enjoyed the narcotics part of it, so I
11 kind of geared my training towards narcotics.

12 Q. Okay.

13 A. I was still a patrol officer, but I was
14 hanging with those guys too, learning about narcotics.

15 Q. What time frame is this?

16 A. This was 2004 on, but in 2011 -- actually,
17 let me back up. 2007, 2008, I was pulled from patrol
18 and put in the street-level narcotics position here.

19 Q. Okay. You were pulled from narcotics with
20 Paris Police Department?

21 A. Actually, I was pulled from patrol and went
22 into our street-level unit here at the police department
23 in -- I think it was 2007, 2008, somewhere in that time
24 frame.

25 Q. What does that mean, you were pulled from

1 one assignment and put into another?

2 A. It's -- it's not a promotion, but I was --
3 I was made a narcotics detective. My job was to do
4 street-level narcotics in the city of Paris and Bourbon
5 County.

6 Q. As a detective what's your -- did you work
7 a shift like you do as a patrolman?

8 A. I -- I did not. I didn't have a set shift.
9 I predominately worked night shift, because at that
10 point in time that's when the drugs were typically --
11 the drug activity was typically going on.

12 Q. Okay. Does that change over time?

13 A. It does. It does. The dynamics of drug
14 dealing does change. You know, sometimes it's worked as
15 a regular job -- 8:00 to 4:00 -- with the drug dealers.

16 It really depends on how patrol works. If
17 you have active day shift officers, then they'll move
18 the drug dealing to nighttime. If the nighttime is
19 heavy, then they'll move it to daytime. It -- it jumps
20 back and forth.

21 Q. Okay. I gather in growing up and living in
22 Paris as long as you have you have a good idea of the
23 lay of the land here, the neighborhood folks?

24 A. Yes, sir.

25 Q. And you know when -- fair to say you know

1 when -- when good times are in Paris and when bad times
2 are in Paris?

3 A. Yes, sir.

4 Q. After 2007, when you were put into the
5 narcotics detective role, how long did you stay with
6 that?

7 A. I believe I stayed there right around two
8 years -- maybe a little over two years -- as a
9 street-level detective and then I came back to patrol.

10 Q. Okay. All with the City of Paris?

11 A. Yes, sir.

12 Q. How long did you stay on the patrol
13 assignment then in what, '09?

14 A. I went back to patrol, I think, in '09,
15 yes, sir. Then I was on patrol till 2011, and then in
16 2011 Kentucky State Police Drug Task Force -- DESI
17 East -- let's back up to 2010.

18 We had a federal roundup in the city, as
19 most folks are aware of, and that was Paris Police
20 Department working with Kentucky State Police -- DESI
21 East -- to do that roundup.

22 I believe there were 52 or 55 folks that
23 were indicted federally and given a ton of prison time
24 in federal -- in federal court.

25 At that point I think the Mayor built a

1 rapport with the guys at DESI East and got to talking
2 and ended up getting a task force position at DESI East.

3 In 2011 the chief then, Kevin Sutton, and
4 Mayor Thornton picked me and sent me to that task force,
5 and I worked that task force from 2011 to 2014, for
6 three years.

7 Q. Was your workstation in -- in Bourbon
8 County?

9 A. The office that I was working out of was
10 actually in Avon, in -- it was actually in Fayette
11 County.

12 Q. Okay. All right. Did you --

13 A. But I -- I was still employed by Paris. I
14 was -- I was employed by Paris. I was paid by Paris.

15 The task force position when I first went
16 there was an unpaid slot. I -- I think it was about a
17 year after I was there it became a paid slot, so
18 therefore a grant paid my salary to be at that position,
19 so the City was out a couple of thousand dollars a year
20 on my salary to be at that position.

21 Q. Okay. So it freed up your salary --

22 A. Yes, sir.

23 Q. -- for somebody else, and you worked the
24 task force with -- along with KSP and other law
25 enforcement agencies?

1 A. Correct. The task force was made up of
2 different agencies. It wasn't just State Police. It
3 wasn't just Paris. There were other surrounding
4 counties that were involved on the task force.

5 Q. How long did you do that, sir?

6 A. I did that for almost three years -- or
7 actually, it was a little over three years.

8 Q. Until when?

9 A. 2014.

10 Q. Okay. And then what?

11 A. I was promoted to lieutenant from DESI
12 East.

13 Q. Okay. You were working with this task
14 force along with the State Police and other police
15 departments, and you say you got promoted from that to
16 become a lieutenant --

17 A. Yes, sir.

18 Q. -- here in Paris?

19 A. Yes, sir. I gave up the position over
20 there to become a lieutenant here.

21 Q. Okay. And that, by any stretch, is a
22 promotion?

23 A. From the detective to lieutenant, yes, was
24 a promotion. Going to the task force was not a
25 promotion as far as pay-wise.

1 Q. What were you -- you were lieutenant of
2 what part of the Paris Police Department in '14?

3 A. When I came to -- back as a lieutenant I
4 was assigned to third shift. I was the third shift
5 lieutenant.

6 Q. Tell the Commission members what -- what
7 it's like to be a lieutenant to the third shift.

8 What is your -- you know, we can see what's
9 written on paper, but we've also heard that what's
10 written is not necessarily what's understood, so give us
11 an idea of what it's really like.

12 A. As a third shift lieutenant conducted roll
13 calls, attended staff meetings, was available for the
14 officers that worked under me or worked with me, whether
15 it be second shift, swing shift, third shift,
16 responsible for making sure that they were doing their
17 job correctly.

18 Q. What training did the City of Paris provide
19 you as a lieutenant to help you become a supervisor of
20 other patrol officers or detectives or whoever else you
21 were supervising?

22 A. When I became a lieutenant there was --
23 there was minimal training available to become a
24 lieutenant. I became a lieutenant, and then this past
25 summer, in July, I attended the Department of Criminal

1 Justice Sergeant's Academy, which is -- it's a
2 supervisor -- three-week supervisor course.

3 Q. That's in Richmond?

4 A. Yes, sir.

5 Q. And you held that lieutenant position from
6 '14 until -- well, I guess until two weeks ago?

7 A. About two weeks ago, yes, sir.

8 Q. Sir, during the time that you were an
9 officer here in Paris you did receive discipline for an
10 infraction involving an inmate, correct?

11 A. 2010, April.

12 Q. Okay. Was that when you were with the
13 DESI -- the KSP task force?

14 A. No, sir. I was a patrol officer here.

15 Q. Okay. And tell the Commission members,
16 what was the result of that, sir?

17 A. I received a 90-day suspension for that
18 incident. I was lucky enough to keep my job out of
19 that.

20 I was brought back a little early -- seven
21 or eight days early -- on that suspension, and since
22 then I have -- I've been sent to a task force and
23 promoted to lieutenant.

24 Q. Okay. This incident involving this inmate
25 had nothing to do with dispatch, did it?

1 A. No, sir.

2 Q. It didn't have anything to do with time
3 cards, did it?

4 A. No, sir.

5 Q. It didn't have anything to do with dogs,
6 did it?

7 A. No, sir.

8 Q. It didn't have anything to do with showing
9 emotions or affections for others, did it?

10 A. No, sir.

11 Q. Well, I -- I say emotion because, Robert,
12 you strike me as a -- as an emotional guy, someone who
13 wears their emotions outwardly, and is that part of what
14 happened there with that inmate, the guy got to you too
15 much?

16 A. Yes. He -- he threatened my family, and I
17 didn't -- at that -- at that point in time in my career
18 I didn't handle that the way it should have been
19 handled.

20 Q. Okay.

21 A. I made a mistake.

22 Q. Did you accept responsibility for that?

23 A. Yes, sir.

24 Q. Did you go to any hearing for that?

25 A. No, sir.

1 Q. Who was the chief then?

2 A. Chief Kevin Sutton. He was brand new here.
3 He'd been here -- gosh -- two or three months when that
4 happened.

5 Q. Chief Sutton came from Lexington, right?

6 A. Yes, sir.

7 Q. Did he bring in Assistant Chief Williams?

8 A. Yes, sir. I think Chief Williams started
9 later on that year -- October, November maybe.

10 Q. Okay. From Lexington also?

11 A. Yes, sir.

12 Q. Robert, let's talk about these charges that
13 are against you now involving dispatch.

14 A. Yes, sir.

15 Q. Tell the Commission members, please, what
16 do you typically do when you're done with that -- riding
17 the beat, checking the doors, the -- checking on the
18 businesses, doing these security checks, but you're not
19 being dispatched to any kind of location?

20 A. At the beginning of our shift we -- we
21 typically have a roll call. Probably nine and a half
22 times out of ten we have a roll call every night when
23 the shift starts at 9:00.

24 After roll call or during roll call we'll
25 discuss anything that needs to be brought up -- yada,

1 yada, yada -- and then we BS for a little bit and then
2 folks leave the station.

3 Typically I would stop in dispatch, speak
4 to everybody, stay in there for a little bit, go
5 upstairs and check and see if I had any case work,
6 anything that I needed to do in my office.

7 Q. Okay. What time is -- the time frame we're
8 going to talk about here is October, November,
9 December --

10 A. Okay.

11 Q. -- of this year.

12 A. Yes, sir.

13 Q. What was your shift then?

14 A. Third shift.

15 Q. And what are the -- what's the time -- the
16 hours for third shift?

17 A. 21:00 to 07:00.

18 Q. Okay.

19 A. 9:00 p.m. to 7:00 a.m. Sorry.

20 Q. That's a ten-hour shift?

21 A. Yes, sir.

22 Q. So you work what, four ten-hour shifts each
23 week -- or eight -- is that right --

24 A. Yes, sir.

25 Q. -- four in a week?

1 A. We've been doing four ten-hour shifts, yes,
2 sir.

3 Q. Was it four on, four off -- four days on,
4 three days off, or what?

5 A. It varied. The schedule was a rotating
6 schedule, so you might work three days in a row, have a
7 couple off, and then it -- you work forty hours a week.

8 Q. To whom did you report?

9 A. From this time frame I reported to
10 Assistant Chief Best.

11 Q. Okay. And you would -- lieutenants report
12 to the assistant chief?

13 A. Assistant chief, yes.

14 Q. Not to --

15 A. Well, the assistant chief and the chief.

16 Q. Okay. Would they report to the captain?

17 A. No, sir. The captain was over -- he was
18 over dispatch, so he was in our chain of -- chain of
19 command, we could -- we could go through him, but we
20 typically were -- were under the assistant chief and
21 chief.

22 If the captain had been in patrol, then he
23 would have been our direct supervisor.

24 Q. But Captain Rick Elkins is over -- was at
25 that time over communications?

1 A. Yes, sir.

2 Q. And we've heard a little bit about you
3 replacing him in communications.

4 A. Yes, sir. That happened December -- middle
5 of December of '15.

6 Q. Tell the Commission members, please, why
7 would you go to dispatch?

8 A. As far as?

9 Q. Well, what reasons would you have as a
10 lieutenant to go -- have to go to dispatch?

11 A. Well, sometimes to get -- pass on
12 information -- if, you know, there was something they
13 needed to pass on -- an EPO needed to be served, just
14 general information, and then just to eat, hang out.

15 Q. Hang out?

16 A. Hang out.

17 Q. Okay. You've seen the videos here of you
18 and others.

19 Do you accept responsibility for hanging
20 out too much in dispatch?

21 A. Yes, sir.

22 Q. Why did you?

23 A. Well, it's -- for the twelve years that
24 I've been here, it's every six, eight months, hey, guys,
25 you're hanging out in dispatch too long. It stops.

1 Four or five months, slowly but surely it creeps back
2 until, hey, guys, you're hanging out in dispatch too
3 much.

4 It -- it's just been that way the whole
5 time I've been here.

6 Q. Who's the one who says, hey, guys, you're
7 hanging out in dispatch too much?

8 A. As a patrol officer it would have been a
9 supervisor. As -- as a supervisor it was the chief, the
10 captain, and you go tell the guys, hey, guys, quit
11 hanging out in dispatch.

12 They'd quit hanging out in dispatch, and
13 slowly but surely it would go back into them hanging out
14 in dispatch.

15 Q. Why?

16 A. It's like a magnet. I don't know. It's
17 just -- I -- I can't explain it. Third shift, after
18 about 1:00 or 2:00 in the morning there's nothing to --
19 well, I won't say nothing -- there's not much that goes
20 on in this town -- fortunately for us.

21 You could ride around this town for two
22 hours and not see another car or -- or a person.

23 Q. Is Paris anything like Lexington after
24 2:00 a.m.?

25 A. Not -- no, sir. Typically after 2:00 a.m.

1 if something happens it's normally pretty big.

2 Q. You mentioned that over the 12 years that
3 you've been with the police department that you have
4 these ebbs and flows where you are told not to.

5 Did Chief Williams, whenever he was chief
6 or assistant chief, ever tell you to stay out of
7 dispatch?

8 A. Yes, sir.

9 Q. When?

10 A. As a lieutenant, he briefed it a couple of
11 times in roll -- in staff meetings.

12 Q. Okay. So he was aware of the issue?

13 A. I -- I assume so by him briefing it, yes,
14 sir.

15 Q. Did he say how he became aware of any issue
16 regarding dispatch?

17 A. Typically, no. It was just, stay out of
18 dispatch, you guys are hanging out in dispatch too long,
19 quit hanging out in dispatch.

20 Q. Is that about how long and instructive
21 the -- his statement was?

22 A. It was -- yeah. There wasn't a whole lot
23 more detail on it, just stay out of dispatch.

24 Q. Okay. Was there, to your knowledge, ever
25 any reason why a reprimand -- a verbal reprimand --

1 could not go to you as a supervisor or you as a patrol
2 officer for hanging out too long in dispatch?

3 A. I'm sure it could have, yes, sir.

4 Q. Do you know why one was not done?

5 A. No, sir.

6 Q. Do you know why no policy or procedure was
7 ever implemented putting in writing, don't hang out in
8 dispatch?

9 A. No, sir.

10 Q. Well, we've heard about these emails on
11 December the 8th.

12 Did you get that -- or get them?

13 A. Yes, sir.

14 Q. And what --

15 A. I got -- I got one. I received the one
16 from Assistant Chief Best.

17 Q. Okay. And what did you do when you got
18 that?

19 A. I stayed out of dispatch.

20 Q. Okay. Why?

21 A. Because that's what you do when you get
22 that email, you stay out of dispatch -- or you get that
23 staff briefing, you stay out of dispatch.

24 Q. What did you do to keep your troops out of
25 dispatch?

1 A. The first available roll call I told
2 them -- told them to stay out of dispatch.

3 Q. Okay. Robert, do you deny that in the
4 months of October and November, before you got this
5 email, and on these videos that we see that you were
6 hanging out there too long?

7 A. Yes, sir, I was, and I allowed my guys to
8 hang out there too long.

9 Q. What about after the email?

10 A. No, sir.

11 Q. No what?

12 A. Well, I -- I didn't hang out in dispatch
13 any longer until I was transferred there. It was like
14 four or five days after that I was transferred to
15 dispatch, so then yes, I was hanging out in dispatch all
16 the time.

17 Q. Okay. So tell us what it's like when --
18 when you become a lieutenant over dispatch. Tell the
19 Commission members what that means and what that was
20 like. What were your duties?

21 A. Well, I still really don't know that,
22 but --

23 Q. Well, what do you mean by that?

24 A. There was -- there was no training when I
25 went into dispatch. I was with Lieutenant -- or

1 Captain -- I'm sorry; Captain Elkin for about a week.
2 Then I went on vacation for Christmas.

3 When I came back from vacation to pick up
4 my dispatch training from Captain Elkin I believe his
5 daughter or someone had a baby, so then he took off, and
6 I was on my own after about -- about -- probably about a
7 week of training.

8 Q. Did you say anything to the chief about
9 that?

10 A. No, sir.

11 Q. Did the chief say anything to you about
12 that?

13 A. No, sir.

14 Q. Did the chief ever ask you or say anything
15 to you about his investigation into your appearance in
16 dispatch in October and November?

17 A. No, sir. The month of November I was -- I
18 was in school, and then I was off two weeks for deer
19 season in November, so I -- I probably only had a couple
20 of days that I worked in November.

21 Q. Did you take your transfer to dispatch as
22 a -- as a positive, a negative or just a transfer?

23 A. I -- I didn't know. I was -- I was never
24 told why. Assistant Chief Best called me the Friday
25 before the 14th of December and said, hey -- I was off

1 that day -- he said, have you checked your email? I
2 said, no, sir.

3 He said, you've been transferred to
4 dispatch effective Tuesday, because I still had to work,
5 I think, that weekend, so my -- I had Monday off and
6 then I started in dispatch on Tuesday morning.

7 And I asked Assistant Chief Best, you know,
8 the reason for the change. He said, I don't know, I was
9 just told to send the email, I'm just making sure you
10 got the email.

11 I spoke with Captain Elkin. After I hung
12 up the phone with Assistant Chief Best I called Captain
13 Elkin, asked him. Of course, he had no idea either.

14 And I called Assistant Chief Best back,
15 asked if he was okay for me to contact the chief and
16 speak to him -- I'd just like to know why -- and the
17 chief did not answer my phone call or return my phone
18 call.

19 Q. So you found out about your transfer from
20 an email?

21 A. Yes, sir.

22 Q. Is that how it's normally done here?

23 A. I've never seen a transfer over here
24 before. That's the first one I've ever seen.

25 Q. There's what, 25 or so officers at any

1 given time on the police department?

2 A. Roughly, yes, sir.

3 Q. Fairly small?

4 A. Fairly small.

5 Q. Any reason to prevent face-to-face
6 communications?

7 MS. JACOBS: Objection; irrelevant.
8 It's irrelevant.

9 MR. JUETT: We'll let him go ahead.

10 COURT REPORTER: I'm sorry?

11 MR. JUETT: We'll let him go ahead and
12 answer.

13 Q. Any reason that would prevent face-to-face
14 communications?

15 A. Not that I know of, no, sir.

16 Q. Particularly among supervisors?

17 A. Correct. Yes. There -- I can't think of a
18 reason why we couldn't communicate.

19 Q. Lieutenant, we've also seen video here of
20 you -- it's been alleged that you inappropriately
21 engaged in horseplay --

22 A. Yes, sir.

23 Q. -- that you touched a dispatcher in
24 dispatch when there were several other people around and
25 that you kissed dispatchers on the top of the head.

1 Why did you do that?

2 A. I come from a loving family. That's what
3 we do. That's how I was brought up.

4 Q. Did you mean any disrespect to any of those
5 dispatchers?

6 A. No, sir.

7 Q. Have you ever heard whether any of those
8 dispatchers have ever complained about your show of
9 affection?

10 A. No, sir. And I don't -- I don't
11 discriminate. I hug Ernie and the guys too, so --

12 MR. MORGAN: I'd like the record to
13 reflect that Robert has hugged me before as well.

14 Q. Do you -- well, what about grabbing the
15 dispatcher's head?

16 A. Horseplay.

17 Q. You admit that you engaged in horseplay?

18 A. Yes, sir.

19 Q. Is this something for which you should be
20 fired?

21 A. I don't think so, but here we are.

22 Q. Well, why don't you think it's something
23 for which you should be fired?

24 A. Well --

25 Q. You acknowledge that you've violated a

1 horseplay policy?

2 A. Yes, sir.

3 Q. And that is in writing, isn't it?

4 A. (No response.)

5 Q. You're not supposed to engage in -- is
6 horseplay defined?

7 A. It's -- it's just horseplay.

8 Q. Okay. Horseplay is horseplay?

9 A. It doesn't specify --

10 Q. But --

11 A. -- any particular thing.

12 Q. All right. Tell these Commission members
13 why you feel like you should not be fired for engaging
14 in horseplay.

15 A. Well, if I had been given a chance to
16 correct the action, I would have corrected the action.
17 I've been hugging and kissing and grab-assing, so to
18 speak, the whole time I've been here. It's never been
19 an issue. If it had been an issue and somebody came to
20 me with it, it would have stopped.

21 The police department and dispatchers,
22 we're just a -- we're a big dysfunctional family. Give
23 me a second.

24 Q. Okay. Are you done? Take your time.

25 Robert, one of the complaints here is that

1 you hang out too much at headquarters and when you pull
2 in you let your car keep running.

3 A. Yes, sir.

4 Q. Are you guilty of that?

5 A. Yes, sir.

6 Q. Are you guilty of letting your car run too
7 long?

8 A. Well, the issue with that particular
9 vehicle -- and there was a time frame there where the
10 weather had changed, it was cold -- if you shut that
11 vehicle down, with all the computer equipment that was
12 going on in that vehicle it wouldn't start, and that
13 actually happened one night.

14 A call came in. I went out to get in the
15 vehicle and it wouldn't start, so there I sat. Yeah, I
16 don't think it was a hot call, but it was a, you know,
17 get-there call, and I could not respond due to my
18 vehicle not -- not starting.

19 And once -- once the officers took care of
20 the call, one of the officers came back and jumped my
21 vehicle.

22 Q. I bet that was embarrassing.

23 A. It was.

24 Q. Lieutenant, why would you be at
25 headquarters? Tell the Commission members what duties

1 you have here, why you would be here.

2 A. As a lieutenant we were responsible for --
3 when the officers would do a report -- a wreck report, a
4 case report, citations -- our job was to review those
5 particular cases, wreck reports.

6 When the officer completes a report or a
7 wreck report they transmit it from their computer. It's
8 a -- it's called Kentucky OPS.

9 So when they transmit their report it goes
10 into cyber world, and then when I log on to my computer
11 and I type in, then the computer world spits it back
12 into my computer to where I can review it.

13 When I review it, once I make sure there's
14 no corrections that need to be made or make the
15 correction, print it out, I sign it and I put it in the
16 appropriate -- well, first I scan it into the computer
17 and into the particular call that it -- it goes with,
18 put it in a folder, and then I put it in the
19 administrative assistant's basket.

20 Q. That doesn't sound real smooth and
21 efficient. It sounds like there's a lot of moving parts
22 to that.

23 A. It's a little more -- it's not as
24 complicated as it sounds. If you could see it work,
25 it's -- it's really not that -- I mean, there's -- it

1 sounds like a lot, but it's not a whole lot.

2 Q. Is it something you can do from your MDT?

3 A. No, sir. There's no scanners in our cars.
4 The scanners are attached to our computers at our desks.

5 Q. Well, you know, you're going to be asked
6 here in a few minutes, well, by gosh, you were here for
7 562 hours or however long, you know, they say that you
8 were.

9 Well, how long does it take to scan a
10 document?

11 A. Each case report -- typically with me, I
12 would make the corrections instead of kicking the report
13 back to the officer because it just slows down the time
14 of getting the report to Ms. Lisha, the administrative
15 assistant, so if it was a minor correction, I would make
16 the correction.

17 Half hour for -- for a case report, half
18 hour for a wreck report.

19 Q. Okay. When you say corrections what do you
20 mean?

21 A. Just I -- I'm kind of OCD, so to speak, so
22 periods and commas and spelling and that kind of thing,
23 if it was not correct, I would correct it.

24 Q. With a red pen or what?

25 A. No, sir, I'd just correct it on my

1 computer.

2 Q. All right. Going back to these -- the
3 displays of affection and -- and you had mentioned
4 something about a dysfunctional family.

5 What do you mean by that?

6 A. Well, throughout our careers we see some
7 crazy stuff. We see stuff that normal people don't
8 see -- dead bodies, suicides, murders, suicides -- I
9 think I said suicides -- and we're about all we've got,
10 so we have a different kind of relationship.

11 We're not -- what normal people think is
12 normal, it's nothing to us. If you heard our jokes, I'm
13 sure you would be appalled. The stuff we say to each
14 other, we cut each other's guts out. That's as officers
15 and dispatchers. I'm sure the firefighters do it, EMTs
16 do it.

17 We're not the normal. We don't -- we don't
18 think like normal people, because you guys don't see the
19 stuff that we see. When there's a gunshot, normal
20 people run that way; we run to it. And we see -- we see
21 bad stuff.

22 And the way we mess around, the way we play
23 around, the way we joke is completely different than --
24 like I said, if -- if -- if you watched us interact with
25 each other, you -- you would probably be offended.

1 That's -- that's how we cope.

2 That's -- you know, I -- early on in my
3 career, when I stood over a six-year-old boy that had
4 been bludgeoned --

5 Q. Here in Paris?

6 A. Uh-huh. To this day it -- it still affects
7 me. Chief Gray knows. He was there. You don't ever
8 forget that -- ever.

9 Q. And if you did, I think you'd be a lesser
10 human. You would be truly immoral. Would you agree
11 with that, sir?

12 A. Yes, sir. My son was four when that
13 happened, so what I saw was my son laying there. This
14 was --

15 Q. Did you -- let me stop you there and ask
16 you, when you started that shift when you saw that
17 six-year-old boy, did you know that that was going to
18 happen?

19 A. No. I was actually off duty and was called
20 in. I was -- I think I was a part-time narcotics
21 detective and part-time patrol, so I was on the crime
22 scene unit, so when that actually -- when that call came
23 in the captain called me and -- Captain Franks -- and
24 said, I need you to come across from Hardee's.

25 When I showed up I did not realize what I

1 was getting ready to see.

2 Q. On any given day when you put on a uniform
3 and go to work for the Paris Police Department -- or any
4 police department -- does somebody say, hey, in about
5 three hours this is going to happen and in about six
6 hours that's going to happen?

7 A. No, sir.

8 Q. Do you have any idea what's coming your
9 way --

10 A. No, sir.

11 Q. -- when you start a shift?

12 A. And I've said it pretty much my whole
13 career: Ninety-five percent of the time we as police
14 officers are overpaid, five --

15 Q. What does that mean?

16 A. -- five percent of the time, there ain't
17 enough pay in the world for what we do.

18 Just ninety-five percent of the time
19 there's -- you know, \$17, \$18, \$19, \$20 an hour for what
20 we do is too much money, but that five percent of the
21 time the City doesn't have enough money to pay us for
22 what we do.

23 Q. Lieutenant, you've been charged with
24 various radio log discrepancies.

25 A. Yes, sir.

1 Q. Please tell the Commission members what
2 your response is to that. Let's start with October 13
3 if you want.

4 A. Was it October 13?

5 Q. I think so.

6 A. I don't have any questions.

7 Q. Okay. Go to, if you will --

8 A. I think it was October 6.

9 Q. I'm sorry; it is. Let's start with
10 October 6. You claimed ten hours of work but had no
11 radio activity.

12 A. No, sir. I have -- since I received those
13 questions I have gone back through my bank statements, I
14 have gone back through everything. As far as I can
15 tell, I did not work on that day.

16 I don't know if I took a sick day and did
17 not put in a sick request, but I did not work that day.

18 Q. Okay.

19 A. That was the first -- I believe it was the
20 first day of the time card -- the pay period -- and it
21 may have been a complete oversight on my part of putting
22 that ten hours in the sick or vacation portion of the
23 time card.

24 Q. Tell us real quick, are you -- are you a
25 salaried worker or do you get paid by the hour?

1 A. I get paid by the hour.

2 Q. Okay. And I think we all understand here,
3 but if you go more than 40 hours in a pay period, that's
4 when you go into overtime, correct?

5 A. Well, the -- the -- yes, because even
6 though we're paid every two weeks, each week is
7 separate, so you can work forty-eight hours in this week
8 and thirty-six hours in this week, but you'll still get
9 your -- your eight hours overtime -- whether it be with
10 vacation or sick time, so --

11 Q. Right.

12 A. If you get eight hours the first week, you
13 take ten hours of vacation the second week, you're still
14 going to get your eight hours overtime.

15 Now, if you take the vacation in the first
16 week and you have eight hours overtime, you're only
17 going to get charged for two hours of vacation. You're
18 not going to get the overtime.

19 MR. MORGAN: Okay. Any questions
20 about that?

21 THE WITNESS: I think I'm correct.

22 COMMISSIONER GALBRAITH: You have to
23 work 40 hours?

24 THE WITNESS: Yes, sir.

25 COMMISSIONER GALBRAITH: That's right.

1 You have to be on duty or whatever your job is --

2 THE WITNESS: Correct.

3 COMMISSIONER GALBRAITH: -- you have
4 to work 40 hours to get the eight overtime?

5 THE WITNESS: Ye, sir.

6 COMMISSIONER GALBRAITH: Right.

7 Q. Well, because -- the reason I'm asking this
8 is on October 10, the chief says that you claimed four
9 hours of overtime while dealing with a suicidal subject
10 but had no radio traffic.

11 A. Yes, sir.

12 Q. Explain that, please.

13 A. I was actually off duty that night.

14 Dispatch called around 2:00 a.m. I got up, got dressed,
15 responded to the park -- Garrard Park.

16 At that point I was the -- there was not
17 another supervisor out, so I was -- I took command of
18 the scene.

19 We jacked around with this guy for two
20 hours. We thought he was in a truck, then he wasn't in
21 a truck. We were pinging his phone.

22 I went back to dispatch. I actually spoke
23 to the guy on the phone. I talked him into meeting me
24 over on Pleasant Street just to make sure he was okay.
25 He was afraid he was going to go to jail.

1 What we were told by his family is he was
2 suicidal and had a gun. I assured the guy that if -- if
3 he'd just let me see that he was okay, we wouldn't take
4 him to jail, we'd let him go about his way.

5 Myself and another officer went over on
6 Pleasant. We met with the guy. We cleared the call at
7 the park, but myself and Officer Castle went over on
8 Pleasant Street.

9 We found the guy. We made sure he was okay
10 and we let him go. I mean, he had -- other than taking
11 up our time, he hadn't really done anything wrong.

12 In the meantime, we had been in touch with
13 his mother and his, I think, ex-girlfriend -- it may
14 have been his girlfriend at the time. I don't know.
15 They showed up here at the police department.

16 So once they showed up here I actually sat
17 out in the lobby and spoke with the family -- the
18 mother. They were concerned with him, that he was
19 suicidal and on drugs and this and that.

20 And we basically talked -- and a couple of
21 the other officers were in there -- we just assured them
22 that he was okay, he was going to be fine. We never
23 heard anything else from them and cleared the call.

24 But the call, I noticed on the radio log it
25 ended at -- I don't know -- 4:20 or something like that.

1 The call didn't actually -- I don't think the family
2 left till 5:30, quarter to six that morning.

3 Q. Okay. Well, did you have radio traffic,
4 though, during this period of time?

5 A. I would say we had radio traffic going to
6 Pleasant Street. I think I actually had them clear the
7 radio just because Officer Castle and I weren't real
8 sure what we were going into.

9 Once we secured him, made sure he was okay,
10 the radio went back to normal, and then I don't -- I
11 don't think we had any more radio traffic after that.

12 Q. Does the fact that you didn't have radio
13 traffic mean you weren't working that night?

14 A. No, sir.

15 Q. What would be a better way -- what -- let
16 me ask it this way: Would it be a better way to
17 determine whether the fact that you claimed four hours
18 of overtime and had no radio traffic to ask you -- or
19 even ask a dispatcher -- about what was going on that
20 night and figure out what was going on rather than just
21 shooting first and asking questions later?

22 A. I -- I mean, had the chief approached me
23 with a -- with a discrepancy I would have explained it
24 to the best of my ability just how I explained it here.
25 I didn't realize it was an issue at the time.

1 Q. I'm looking at the -- the little log here,
2 this list of things that the chief wrote up on you.

3 Looking at 10/10/15 -- and that's the date
4 that we're talking about here; is that correct?

5 A. Yes, sir.

6 Q. It says that you were in dispatch twice for
7 one hour and twenty-eight minutes. I think you
8 described to us one occasion at least in which you went
9 out to the park, tried to find the guy, whatever
10 happened, you came back to dispatch, you called family
11 or whatever.

12 A. Well, what -- what happened is -- is this
13 gentleman we were dealing with, he kept -- he'd call
14 into dispatch and then he'd hang up on them. We were
15 trying to ping his phone, figure out where he was. It
16 was bouncing all over the place, so we never could get a
17 good location on him.

18 Dispatch advised us that he was -- they had
19 him on the phone, so I left the scene there, I came back
20 to dispatch and I actually spoke to the man on the
21 phone.

22 And I'm not a hostage negotiator or
23 anything like that, but for whatever reason he liked me
24 and he would talk to me and we actually built up enough
25 of a rapport to where he would actually let me see him

1 and make sure he really was okay.

2 And I held to my word when I saw that he
3 was okay, he was fine. He had -- he had done nothing
4 wrong criminal-wise to arrest him.

5 Q. Okay. Well, you spent all this time
6 talking to this guy. I think you described something
7 about jerking around or something with this guy, I mean,
8 and you don't end up charging him.

9 That doesn't sound like an efficient use of
10 your time, Lieutenant.

11 A. Well, there was nothing to charge him with.

12 Q. Did you know that going into this, that
13 this might turn out to be something of a waste of time?

14 A. No, sir, not going into it. I mean,
15 afterwards you look at it and go wow.

16 Q. Did it mean a lot to this guy's family?

17 A. Well, they were -- they -- they weren't so
18 happy that we let him go. They -- they kind of wanted
19 us to take him into custody to try and get him help, but
20 I mean, at that point that wasn't on us. That was going
21 to be something that they would have to do as a family.

22 We just -- we can't arrest somebody because
23 their -- their family wants us to.

24 Q. Is it fair to say a lot of times people
25 want police officers to be all things to all people at

1 all times?

2 A. I think so, yes, sir.

3 Q. Lieutenant, please tell the Commissioners
4 briefly here about what happened on October 13 in which
5 you claim -- the chief says that you claimed twelve
6 hours, but the radio log shows you only in service for
7 nine.

8 A. There were a few instances where I was
9 actually working with the manager or assistant managers
10 at Walmart on a -- on a community grant for the police
11 department.

12 We received the grant last year. I filled
13 out the paperwork, went through the -- a different
14 manager then, and we received -- was it \$1,000, Chief,
15 \$1,500, something like that?

16 MS. JACOBS: Don't --

17 A. I think it was like \$1,000, so this year we
18 were trying to -- I was trying to do the same grant
19 through Walmart and try and get more money.

20 I think the year before we had gotten --
21 bought a couple of computers and I think Dan Cummins
22 donated some money, and we -- we went that route.

23 So I was trying to do the same thing with
24 Walmart again this year, and we were having issues
25 with -- however we signed up for it last year was

1 affecting us being able to go forward this year.

2 So it wasn't -- it wasn't a go in, sit
3 down, okay, we put the stuff in and bam, we're out of
4 here, you got the grant. I don't even know if we've
5 received the grant yet.

6 It was three different instances where I
7 spent time with the main manager at Walmart and then
8 another time it was the main manager and an assistant
9 manager, and we had their corporate on the phone.

10 I had to call the chief, get the tax ID
11 number for the City so we could enter that in there, and
12 I don't think we still ever got through as far as
13 getting that grant.

14 I actually spoke with the manager of
15 Walmart in January, and it's a new fiscal year for them,
16 so we -- the City may still be eligible for that grant.
17 That was -- that was that time.

18 Q. Okay. Is grant writing in the lieutenant's
19 job description?

20 A. No. I have no grant writing experience.

21 Q. Okay. Is that just one of those things
22 that you do, though, to get the job done?

23 A. I'm just trying to get us some money where
24 we can get it. Times are tough.

25 Q. Briefly tell the Commissioners, on

1 October 14, the chief says that you claimed two hours of
2 work, but the radio log shows no activity.

3 A. I think that was --

4 MS. JACOBS: That was --

5 A. -- a staff meeting.

6 MS. JACOBS: Yeah, that was a staff
7 meeting.

8 THE WITNESS: Yes, ma'am, that was a
9 staff meeting.

10 MR. MORGAN: Oh, you took that back?

11 MS. JACOBS: Uh-huh, yes.

12 Q. Tell us briefly -- almost as briefly as
13 that, if you can -- on October 18 it says, radio logs
14 show no activity.

15 A. On the 19th I had a circuit trial on a drug
16 case I had when I was at DESI. It ended up lasting all
17 day, so I was preparing for that trial.

18 Q. Explain what happened on October 22 in
19 which you claimed eight hours of work, but the chief
20 says the radio was in service for only six.

21 A. Which date?

22 Q. October 22.

23 A. I think that was also with the Walmart. I
24 think that was number seven -- question number seven.
25 On the -- let's see -- the 22nd?

1 Q. Yes, sir.

2 A. Yes, that was the -- that was the Walmart
3 grant. I was working with the manager. Instead of
4 putting down overtime I just schedule adjusted that time
5 out --

6 Q. Okay.

7 A. -- on that shift.

8 Q. October 28, the chief says you worked ten
9 hours, but only have radio logs for six and a half.

10 A. That was also with Walmart, with working on
11 the grant.

12 Q. October 30, eight hours, but radio says
13 only seven and a half.

14 A. Well, what I did with third shift is the
15 officers would typically call in about ten minutes prior
16 to their shift, so the first day they'd have ten
17 hours -- or I'm sorry; ten minutes -- ten minutes --
18 they would call in 10-8 ten minutes before their shift,
19 the second day 10-8 ten minutes before their shift,
20 third day 10-8, so I would let those guys go home at
21 6:30 to make up the half hour that they had accumulated
22 for coming in ten minutes early.

23 I think that we've been in that issue with
24 Wage & Hour before on time, so that was the reason for
25 that.

1 If -- if you look back, that's -- I mean,
2 all along that's how I've -- I've done it. I would let
3 those guys leave at 6:30, along with myself, to make up
4 the half hour that they had put in extra coming in
5 early -- ten minutes early.

6 Q. Do you know whether that's permitted under
7 the law?

8 A. No, sir, I do not.

9 Q. Okay. I'm not talking policy, but do you
10 know whether peace officers are allowed to use or accrue
11 compensatory time --

12 A. No.

13 Q. -- comp no?

14 A. No. We have schedule adjustment. It's not
15 comp time.

16 Q. Please tell the Commissioners briefly what
17 happened on December 7, which the chief says that there
18 was no radio activity.

19 A. I can't advise. I mean, I was 10-8. I was
20 here. I was available for calls. I -- I can't advise.
21 I'm not -- I wasn't -- I was never required to keep a
22 log of exactly what I did.

23 Q. You say that you were 10-8. What does that
24 mean?

25 A. I was on duty, available for call.

1 Q. Okay. Do you -- and that's, as I
2 understand it, when you come into work or whatever you
3 call dispatch and you report, Lieutenant Puckett is 10-8
4 and they make a record of that, correct?

5 A. Yes, sir.

6 Q. They should make a record of that?

7 A. They do in the computer, yes --

8 Q. Okay.

9 A. -- typically.

10 Q. Do they have to type it in?

11 A. Yes, I think -- I think that's how -- yeah,
12 they put something in the computer that says you're 10-8
13 where your name pops -- your number pops up on the
14 screen.

15 Q. Okay. It's not an automatic thing that's
16 done without human intervention, but the actual
17 dispatcher -- a dispatcher has to actually type it in
18 that --

19 A. Yes.

20 Q. -- Puckett is --

21 A. Yes.

22 Q. -- on duty?

23 A. Yes, sir.

24 Q. So if the dispatcher doesn't do that,
25 there's no record of it, right?

1 A. No, there wouldn't be. I --

2 Q. And these dispatchers are only human too,
3 right?

4 A. Yeah. I was -- I was 10-8 on that day.
5 It's just saying there was no radio activity for the
6 entire shift, so I don't -- I don't think they're saying
7 I wasn't here. They're just saying that I wasn't on the
8 radio --

9 Q. Okay.

10 A. -- and I -- I can't advise what I did on
11 that shift.

12 Q. Lieutenant, I asked you to pull some
13 recognition records that you have received, and you gave
14 me two.

15 Have you got more than two, though?

16 A. Well, typically I'm the one that writes
17 them, so I don't write myself any.

18 Q. Okay. But as a patrolman did you get them?

19 A. Oh, I did, yes, sir. Yes, sir, but I don't
20 have those.

21 Q. Well --

22 A. Once I became a lieutenant here I would
23 write the guys -- most of the stuff these guys have in
24 '14 and '15 are probably what I wrote, but I didn't
25 write myself one.

1 Q. Okay. Let me read a couple of -- read the
2 two that you gave me, and then we can pass them around,
3 and this one says, on October 20 -- why don't you read
4 it? What is this recognition here, October 20?

5 A. It says, officers were dispatched to a
6 fight in progress involving a knife on Crest Court. As
7 the first units arrived, officers called out there was a
8 man lying in the front yard who had been stabbed several
9 times. EMS was immediately called and in route to the
10 scene.

11 Officer Bouchard and Officer Wilson began
12 administering CPR to the victim prior to the arrival of
13 EMS. The other officers gained information as to the
14 identity of the suspect and that he had run from the
15 scene just prior to officers' arrival.

16 A perimeter was established, and a K-9
17 officer was called from Lexington to assist in the
18 search. Paris officers went with the K-9 officer and
19 began tracking the suspect.

20 Approximately three-quarters of a mile away
21 officers located the suspect hiding under a vehicle. He
22 was taken into custody without incident and charged with
23 murder and tampering with physical evidence.

24 Your actions in this case reflect your
25 professionalism and teamwork with fellow officers which

1 resulted in a successful outcome. Thank you for your
2 dedication and service to the department and to the
3 citizens of Bourbon County.

4 That was a murder. It actually happened in
5 my neighborhood. I was off duty that night. Police
6 cars going by, so it's like, oh, I better turn the radio
7 on, see what's going on.

8 I figured out pretty quick what was going
9 on, that there was something serious right up the
10 street. I got dressed, got out on the street.

11 Lieutenant Dempsey had control of the --
12 the scene. He was on duty. I called the chief, let him
13 know what was going on, and then we set up a perimeter,
14 and eventually -- I think it was about an hour and a
15 half, two hours -- we -- we had the guy in custody.

16 Q. Okay. You were not on duty when this all
17 started, right?

18 A. No, sir.

19 Q. And -- and if anything, you were laying
20 about the house when you noticed these police cars go by
21 and you went into action?

22 A. I was in the magic chair, yes, sir.

23 Q. Please read this citation into the record.

24 A. On 1/12/2015, officers were dispatched to
25 the Shell gas station on South Main Street reference a

1 robbery that had just occurred.

2 After arriving officers learned that a
3 suspect had entered the store and struck the clerk in
4 the head with a lead pipe, causing serious injury to the
5 clerk.

6 Witnesses stated that the suspect had
7 ran -- ran on foot from the store towards the railroad
8 tracks. Officers set up a perimeter and called for a
9 K-9 unit out of Lexington.

10 While on perimeter officers noticed a
11 vehicle circulating the area. Officers pulled the
12 vehicle over, conducted an investigative stop. That
13 vehicle actually ended up being the girl's boyfriend
14 that robbed the store.

15 The suspect was found hiding under a
16 railcar on the tracks approximately 45 minutes after the
17 robbery. The suspect was the girlfriend (sic) of the
18 person driving the vehicle. Both subjects were brought
19 to the police department and questioned. The suspect
20 was charged with robbery first.

21 Your actions in this case reflect your
22 professionalism and teamwork with fellow officers which
23 resulted in a successful outcome. Thank you for your
24 dedication and service to this department and to the
25 citizens of Bourbon County.

1 Q. Both of these citations were signed by
2 Chief Williams, right?

3 A. Yes, sir.

4 Q. And when was it that Chief Williams
5 presented you with these awards in 2015?

6 A. It would have been at the Christmas party.

7 Q. The Christmas party, which was on December
8 what?

9 A. Sometime the first part of December. I'm
10 not sure what day.

11 Q. December 5?

12 A. I --

13 Q. Does that ring any bells?

14 A. That was the Christmas parade.

15 Q. Christmas parade?

16 A. I'm not sure.

17 Q. Okay.

18 MS. JACOBS: The 4th.

19 A. The 4th -- the 4th was the Christmas
20 party.

21 MR. MORGAN: Would the Commissioners
22 like to see these citations?

23 MS. JACOBS: Are you going to
24 introduce them?

25 MR. MORGAN: I'm going to show them,

1 and if they wish for them to be introduced, then I'll do
2 that.

3 Q. Lieutenant, you understand what's at
4 stake?

5 A. Yes, sir.

6 Q. What are you requesting this Commission to
7 do for you, sir?

8 A. I would like an opportunity to right my
9 shortcomings here, and on the back side of this,
10 whatever happens, I'm going to be a better man, I'm
11 going to be a better police officer -- whether it's here
12 or somewhere else.

13 I would like to work here. I'm from here.
14 My kids go to school -- or my son goes to school here.
15 I'm active in this community. I'm a football coach,
16 baseball coach at Paris outside of my duties at the
17 police department.

18 This is my town. If I could get an
19 opportunity to fix the problems here, I would -- I would
20 take that and -- and -- and do very well -- do very
21 well.

22 MR. MORGAN: That's all the questions
23 I have. Thank you.

24 MAYOR THORNTON: Ms. Jacobs?

25

1 **EXAMINATION**

2 **BY MS. JACOBS:**

3 Q. Lieutenant Puckett, do you think you let
4 your town down when you spent 46 percent of your time in
5 dispatch or headquarters for the last quarter of 2015?

6 A. Yes, ma'am, I did.

7 Q. You agree that you were not working on
8 the -- is it the 6th of October? Is that the right
9 date?

10 A. The 6th of October, yes, ma'am.

11 Q. Okay.

12 A. I was -- I was -- from everything I can
13 see, I've -- like I say, I've gone back through bank
14 statements, and I can't find anywhere that I was working
15 that day.

16 Q. Have you paid that money back to the City?

17 A. No, ma'am. I was just made aware of it two
18 weeks ago. I have over 700 hours of sick time, over 200
19 hours of vacation time. I'm not going to steal time
20 from the City.

21 Q. So spending 46 percent of your time in the
22 last quarter of 2015 is not stealing time from the City?

23 A. Ma'am, you just asked me if I would say
24 that I didn't do what I was supposed to do, and I agreed
25 with you --

1 Q. Okay.

2 A. -- but no, ma'am, I didn't --

3 Q. But you don't think it's stealing time?

4 A. I did not steal, no, ma'am.

5 Q. Okay. When you're sitting in dispatch --

6 and we've seen videos and we can watch whatever one you

7 want to --

8 A. Yes, ma'am, we've watched the video.

9 Q. -- with your feet propped up --

10 A. Yes, ma'am.

11 Q. -- watching TV --

12 A. Yes, ma'am.

13 Q. -- that's not stealing time?

14 A. I -- I wouldn't call it stealing. I'm a

15 lot of things, but I'm not a thief.

16 Q. Well, if you're not doing your job but

17 you're taking money --

18 A. Okay. I'm not doing my job, but I'm not a

19 thief.

20 Q. You don't leave your personal car running,

21 do you?

22 A. I do sometimes, yes, ma'am.

23 Q. Leave it out in the driveway running?

24 A. Sometimes, yes, ma'am. Not all the time,

25 no.

1 Q. Okay. And on that occasion where you said
2 your car didn't start --
3 A. Yes, ma'am.
4 Q. -- and you missed the call --
5 A. Yes, ma'am.
6 Q. -- right?
7 A. Yes, ma'am.
8 Q. So there is an occasion where you missed a
9 call because you were in dispatch, right?
10 A. No, ma'am, I wasn't -- I'm not saying I was
11 in dispatch. I'm just telling you my car wouldn't
12 start.
13 Q. Where were you?
14 A. I was at headquarters.
15 Q. Okay. So there was a time --
16 A. Yes, ma'am.
17 Q. -- when a call was missed because you were
18 here and not on the street?
19 A. Because my vehicle wouldn't start, yes,
20 ma'am.
21 Q. Okay. If you had been out patrolling with
22 the car running --
23 A. Yes, ma'am.
24 Q. -- you wouldn't have missed the call, would
25 you?

1 A. No, ma'am, I would not have.

2 Q. Does the City pay for the gas in your
3 police car?

4 A. Yes, ma'am.

5 Q. Who gave you authority to write grants for
6 the City?

7 A. No one. I was writing a grant. I was
8 trying to obtain a grant from Walmart.

9 Q. What's the difference?

10 A. Trying to get money for the City, I didn't
11 know that was --

12 Q. Were you writing the paperwork and filling
13 out the papers for the --

14 A. Yes, ma'am --

15 Q. -- for Walmart?

16 A. -- I was.

17 Q. Okay. Well, that's writing a grant, right?

18 A. Okay.

19 Q. All right. Who gave you the authority to
20 write grants for the City?

21 A. No one.

22 Q. And you don't have authority to sign on
23 behalf of the City, do you, for a grant?

24 A. I -- I don't -- no.

25 Q. No?

1 A. I guess not, no, ma'am. I'm sorry I tried
2 to get them money.

3 Q. Now, we've watched more than once the video
4 of what happened with the dispatcher and -- and the
5 physical contact.

6 A. Yes, ma'am.

7 Q. You would agree that that's inappropriate
8 behavior in the workplace, correct?

9 A. Like I told you earlier -- like I said
10 earlier, what we consider inappropriate is not -- or
11 what normal people consider inappropriate I don't think
12 we consider inappropriate.

13 Q. When you went to this leadership lieutenant
14 training -- supervisor training -- for three weeks in
15 Richmond --

16 A. Yes, ma'am.

17 Q. -- and when you went through the academy
18 and doing your normal yearly time that you have to do --
19 continuing education or whatever is required of you --
20 have you ever had training on sexual harassment?

21 A. I -- I don't think they touched on it in
22 the sergeant's academy.

23 Q. Never?

24 A. I'm not saying I've never had it, no,
25 ma'am.

1 Q. Okay. Would you agree with me that what we
2 saw on there was of a sexual nature?
3 A. No, ma'am.
4 MR. MORGAN: Objection.
5 Q. You would not?
6 A. (Shakes head.)
7 Q. Explain what was going on there.
8 MR. MORGAN: Object to the form.
9 MR. JUETT: Yeah, she's just asking
10 him what he interpreted.
11 MR. MORGAN: She rolled on. Go ahead.
12 Q. Explain what was happening.
13 A. It was horseplay.
14 Q. Okay. I want to talk -- specifically, we
15 saw the dispatcher put her hands on the sides of your
16 chair, right?
17 A. I -- I don't know if they were on the
18 chair, my legs. I -- it was grainy, but --
19 Q. Okay. Do you want to watch it again?
20 A. Sure, let's watch it again. I have my
21 family here. Let's watch it again.
22 Q. Well, I mean, this is -- you knew that was
23 being recorded, right?
24 A. Absolutely, yes, ma'am.
25 Q. Okay. And then she put her head in your

1 crotch and you put your hands on the back of her head,
2 correct?

3 A. She did not put her head in my crotch.

4 Q. Well, let's watch it then.

5 MR. MORGAN: Oh, geez.

6 Q. I mean --

7 MR. MORGAN: This is a character --
8 this is a mischaracterization by -- we -- we have seen
9 this video quite enough. I think the Commissioners know
10 exactly what is seen, what was shown on this.

11 For whatever reason emotion seems to
12 be getting the better, and we want -- and for some
13 reason we want to just see this time and time again.

14 The dispatcher took the stand and no
15 questions were asked of her about that incident, so
16 now -- and -- and he's being asked what she did. So
17 they missed that opportunity, but Mr. Juett, I ask for
18 some control here and instruct that we move on.

19 MR. JUETT: Well, I think that he's --
20 he's being asked what he saw on the video and --

21 MR. MORGAN: The video speaks for
22 itself, sir.

23 MS. JACOBS: Yes, it does. Yes, it
24 does.

25 Q. Do you agree that on the --

1 MR. MORGAN: I'm sorry; did you make a
2 ruling, sir?

3 MR. JUETT: I'll sustain the motion.

4 MR. MORGAN: Thank you.

5 Q. Lieutenant, on October the 18th, we saw the
6 video where you apparently left and then came back and
7 gave both dispatchers a kiss.

8 That's what appeared to happen, right?

9 A. Yes, ma'am, I believe so.

10 Q. And would you agree that that's what
11 happened then?

12 A. I hugged -- hugged her. I -- I can't
13 advise.

14 Q. Did you --

15 A. It was -- it was probably a hug and a kiss.

16 Q. Okay. Do you often hug and kiss
17 dispatchers when you leave?

18 A. Almost every time probably, yes, ma'am.

19 Q. Do you hug and kiss the officers when you
20 leave?

21 A. Sometimes, yes, ma'am.

22 Q. Okay.

23 A. I have.

24 Q. Do you give them a kiss?

25 A. Yes, ma'am.

1 Q. Do you hug and kiss the City Clerk when you
2 leave?

3 A. I -- I don't see the City Clerk.

4 MR. MORGAN: I don't think the City
5 Clerk is involved in this.

6 MS. JACOBS: I'm asking --

7 MR. MORGAN: There's no charges --

8 MS. JACOBS: -- the question.

9 MR. MORGAN: Excuse me, ma'am. It's
10 irrelevant.

11 MS. JACOBS: Right.

12 A. Ma'am, I hug and kiss my friends, yes.

13 Q. Okay. Do you believe that that's
14 appropriate workplace conduct for a supervisor?

15 A. Now that you've brought it to my attention
16 I guess not, but I've always done that since I've been
17 here.

18 Q. You said --

19 A. It's never been an issue before.

20 Q. -- that when you do roll calls and -- and
21 things that one of the things as the supervisor you have
22 to do is to make sure that the people under your
23 supervision are doing their job correctly, right?

24 A. Yes, ma'am, and I failed them.

25 Q. You failed --

1 A. Yes, ma'am.

2 Q. So you agree with all of those --

3 A. Absolutely.

4 Q. Okay.

5 A. And these guys wouldn't be here if I had
6 done my job.

7 Q. You've said that it's been said to you time
8 and time again -- and other people -- don't be in
9 dispatch, don't hang out in dispatch, right?

10 A. Yes, ma'am.

11 Q. So is there any reason that the Commission
12 should believe that that December 8 email is going to do
13 the trick?

14 A. Oh, I promise you it's done the trick --

15 Q. It wasn't the email, though --

16 A. -- for the whole department.

17 Q. -- was it? It's the charges, right?

18 A. No, ma'am, it was the email.

19 Q. The email did it?

20 A. Yes, ma'am.

21 Q. Okay. But time and time and time again
22 you've been told, and then it just slips back into --

23 A. Yes, ma'am --

24 Q. -- daily?

25 A. -- and at no point in my career have I been

1 written up for it --

2 Q. Okay. Now, you weren't --

3 A. -- not even as much as --

4 Q. -- you weren't --

5 A. -- a verbal counseling.

6 Q. -- written up on December 8, right?

7 A. No, ma'am.

8 Q. Okay. So why would they expect that the
9 December 8 email cures the problem?

10 A. It -- it has cured the problem.

11 Q. Well, the charges have cured the problem,
12 right?

13 MR. MORGAN: Objection. You know,
14 the -- objection to the argumentation here. Just look
15 at the logs here. They -- that speaks for itself.

16 Q. Speaking of the logs, Lieutenant, your
17 counsel introduced this as Exhibit 1.

18 Do you remember that?

19 A. Yes, ma'am.

20 Q. Okay. Would you look through there -- and
21 I actually went ahead and marked it, but you can check
22 me -- and make a demarcation of the ones that go October
23 through December, please?

24 A. I'm sorry; could you say that again,
25 please?

1 Q. Would you --

2 MR. MORGAN: Demarcation?

3 Q. -- show for the Council which of those logs
4 are after December 31, please?

5 A. Have -- did you put this in here?

6 Q. I did, yes --

7 A. Okay.

8 Q. -- but you can check me.

9 A. Why do I need to do it?

10 Q. Because I want you --

11 A. I mean, you --

12 Q. -- to show the Commission --

13 A. -- you've --

14 Q. -- what's after December 31.

15 THE WITNESS: Do I need to do that or
16 is that her job?

17 MR. MORGAN: I don't -- you know, this
18 is what you gave us, so if they're after December 31,
19 then let's look in the mirror.

20 MS. JACOBS: Well, I believe that he
21 has represented to the Council that these were the logs
22 through this period of time, and I think it needs to be
23 corrected, because after the yellow sticky is after
24 December 31, and I think the Commission needs to be
25 aware of that.

1 MR. MORGAN: I'm -- I'm sorry. What I
2 thought I was saying to the Council was that these
3 records were provided to these -- to me for these
4 officers by the City, Police Chief, and his lawyers,
5 as -- at my request for all activity from October 1 to
6 February 1, and I can show you the emails and all of
7 that for this request.

8 As an officer of the court, I will
9 state that this is what Bryan Beauman gave me, along
10 with this addendum here, which as I mentioned on Monday,
11 those are records in which none of these officers were
12 involved -- the ones there on the table. These are
13 records in which all of these officers were involved.

14 If there's records missing it's not
15 from me, and I don't know what is being alleged here. I
16 hear something about after December 31.

17 MS. JACOBS: That's correct.

18 MR. MORGAN: And, you know, I've
19 watched --

20 MAYOR THORNTON: Mr. Morgan, I will --
21 I will tell you too that when you set that on that desk
22 in here on Monday I was led to believe -- and I think
23 that Commissioner Perraut even questioned that -- that
24 that was the entire case log for this period of time,
25 being October to the end of December.

1 And if that's not the case, I would
2 like to know what part of that -- whatever the cutoff is
3 on that is -- is what it is -- because the theatrics
4 that I saw in here on Monday made this look like they've
5 got this group that's doing all this work and this group
6 over here with the small pile did all this work.

7 MR. MORGAN: Well, I'm sorry for --
8 for theatrics. What I'm -- this is through -- through
9 February 1 I believe is what my request was. This says
10 February -- 2/8/16, so that's the bottom sheet here.

11 So I guess if we're looking -- if --
12 if Patsey has indicated that this is through December,
13 then -- then I -- I'm sure that it is. I'm sure --
14 well, here's some December right here.

15 MS. JACOBS: Well, did you review that
16 prior to presenting it to the Council?

17 MR. MORGAN: I did.

18 MS. JACOBS: Why don't you take out,
19 while we wait, the January things and the February
20 things.

21 MR. MORGAN: Is that what you want me
22 to do, Mr. Mayor --

23 MAYOR THORNTON: I'm sorry?

24 MR. MORGAN: -- members of the
25 Council?

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MAYOR THORNTON: I'm sorry?

MR. MORGAN: Do you want me -- yeah, I'm sorry. It's -- it's unfortunate that the lawyers -- yes, Mr. Commissioner?

COMMISSIONER GALBRAITH: No, you're -- you're exactly -- you go ahead and finish that --

MR. MORGAN: I'm just saying that --

COMMISSIONER GALBRAITH: -- and then I have something too --

MR. MORGAN: -- I will --

COMMISSIONER GALBRAITH: -- because I know where you're headed. I -- I agree, but you --

MR. MORGAN: It's unfortunate, but I want to make sure we're all clear on this, so what I'm doing is taking out -- for some reason this was out of order and put it back into order.

MS. JACOBS: My point is just that I don't want any misrepresentation with Council about what was done during the period of time in question.

COMMISSIONER GALBRAITH: And for clarification on my part, did I understand that that -- that big stack I think that had a red rubber band around it --

MR. MORGAN: Yeah.

COMMISSIONER GALBRAITH: -- that was

1 all of second and third shift calls --

2 MR. MORGAN: Yes.

3 COMMISSIONER GALBRAITH: -- correct?

4 MR. MORGAN: Yes, sir --

5 COMMISSIONER GALBRAITH: Yes.

6 MR. MORGAN: -- from October 1 --

7 COMMISSIONER GALBRAITH: Yes.

8 MR. MORGAN: -- through January -- I'm
9 sorry; February 8. That's what this all is. Now, this
10 stack is from October 1 through the end of December.

11 COMMISSIONER GALBRAITH: But again,
12 for all of second and third shift?

13 MR. MORGAN: No. No, this is just
14 these guys. This is just these guys. This is everybody
15 else but these guys from October 1 through February
16 the 6th -- whatever the last day is here -- 8th. This
17 one says February 8.

18 COMMISSIONER GALBRAITH: All right.
19 Let me understand.

20 MR. MORGAN: Sure.

21 COMMISSIONER GALBRAITH: The big stack
22 right here, that's these five officers. The other stack
23 is -- no, no, no, no, no, no, Mr. Morgan, right here,
24 that stack -- that stack is all of -- all of the other
25 officers on third shift, second shift, or all of --

1 MR. MORGAN: All shifts.
2 COMMISSIONER GALBRAITH: First, second
3 and third --
4 MR. MORGAN: Correct.
5 COMMISSIONER GALBRAITH: -- that's all
6 other officers? That's five officers, and that other
7 stack is --
8 MR. MORGAN: This --
9 COMMISSIONER GALBRAITH: -- twenty
10 officers or whatever?
11 MR. MORGAN: Right. That's -- you
12 are -- you are correct, sir.
13 COMMISSIONER GALBRAITH: Okay.
14 MR. MORGAN: What I had asked for last
15 week -- way back when -- in starting this was, please
16 provide these officers with an activity log for the time
17 period here, and what we got was October 1, obviously,
18 through February the 6th --
19 COMMISSIONER GALBRAITH: Right. Okay.
20 MR. MORGAN: -- or 7th -- whatever it
21 was -- and got an email from Mr. Beauman saying, this is
22 a whole big stack of stuff; do you want it? I said,
23 bring it on, please.
24 COMMISSIONER GALBRAITH: Send it on.
25 MR. MORGAN: So we get that. I give

1 it to these guys. They go through and highlight and
2 show where they have taken activities.

3 This is -- this stack here represents
4 from October 1 through December 31, 2015, of these five
5 guys.

6 This little stack or smaller stack
7 represents the activities of these five guys from
8 December -- January 1 through February 6 or 7. This
9 stack represents everybody else in Paris from October 1
10 through February 7.

11 This is all three shifts. This ends
12 at the end of calendar year 2015.

13 MR. JUETT: Does that answer your
14 question?

15 COMMISSIONER GALBRAITH: Yes.

16 MR. MORGAN: Okay.

17 COMMISSIONER GALBRAITH: Now, that's
18 not the interpretation I had when I left here on Monday.

19 MR. MORGAN: Okay. Well, I'm glad we
20 clarified --

21 COMMISSIONER GALBRAITH: All right.

22 MR. MORGAN: -- that, and I apologize
23 for making any confusion.

24 MR. BEAUMAN: You had asked for
25 October 1 through February 9 in your email.

1 Q. Lieutenant Puckett, you testified that with
2 respect to the October 7 question on your time card
3 and -- and logs -- we've -- we've talked about that --
4 do you remember talking about that in the charge, about
5 October the 7th?

6 A. I think it was the 6th, but yes, ma'am.

7 Q. Is it the 6th?

8 COMMISSIONER GALBRAITH: Is that the
9 sick day?

10 A. I believe it's the 6th, ma'am.

11 COMMISSIONER GALBRAITH: October 6th?

12 THE WITNESS: Yes, that's the 6th.

13 Q. I'll hand you back this stack. I'm sorry
14 to stand in your way.

15 Do you see any day shift officers as we go
16 through here?

17 A. (No response.)

18 Q. What shift does Rollins work?

19 A. He's a sheriff's deputy.

20 Q. What shift?

21 A. I have no idea what he works.

22 Q. Okay. This includes KSP and all types of
23 other things, right?

24 A. Yes, ma'am.

25 Q. Okay. So these are not your individual

1 call sheets, these are the whole department --

2 A. It looks like it.

3 Q. -- together?

4 A. It looks like it's a compiled list, yes,
5 ma'am.

6 Q. Compiled, okay. One of the charges is that
7 on October -- I'm sorry; December the 7th, there was no
8 radio activity for your entire shift.

9 A. Yes, ma'am.

10 Q. Okay. And we talked about that.

11 You were 10-8 --

12 A. Yes, ma'am --

13 Q. -- and then 10-7 --

14 A. -- I was 10-8 --

15 Q. -- but no activity in between?

16 A. -- and 10-7.

17 COURT REPORTER: I'm sorry; I didn't
18 hear your answer.

19 THE WITNESS: I was 10-8 and 10-7.

20 Q. And just as an aside, you know to radio on
21 and off when you are on duty and then when you're going
22 off, right?

23 A. Yes, ma'am.

24 Q. So when you were meeting on -- on December
25 the -- I'm sorry; October the 10th, you were meeting

1 with the suicidal subject, you said you thought he had a
2 gun or he told you he had a gun?

3 A. Yeah, he had -- he had told us that he had
4 a -- or he had told the dispatchers that he had had a
5 gun.

6 Q. But you radio off? You're -- you're out?

7 A. (No response.)

8 Q. You're not still in radio contact even
9 though you're going to meet this man who says he has a
10 gun?

11 A. I advised that I probably cleared the
12 channel so if something took place we'd -- myself and
13 Officer Castle would have the channel.

14 Q. Okay.

15 A. But that -- that would have -- the incident
16 itself had been cleared because the officers cleared the
17 park, so in order for us to go to Pleasant Street, then
18 that -- that may have been a separate call. I don't --
19 I don't know if dispatch put a new call in or not.

20 Q. December the 7th, you said you didn't know
21 what you were doing that day during that period of time,
22 right?

23 A. Is that -- is that the ten hours with no
24 radio log?

25 Q. Yes.

1 A. Yes, ma'am, I --

2 Q. Did you look at any video before Monday and
3 tonight?

4 A. No, ma'am.

5 Q. So you don't have any -- any way to dispute
6 the video that indicates that you were in dispatch from
7 2:29 in the morning until 5:26 in the morning, do you?

8 A. No, ma'am, I -- I haven't -- I haven't
9 viewed that video.

10 Q. And when you're doing paperwork you're up
11 in your office doing that, right -- or in the shift room
12 during --

13 A. I actually had an office upstairs.

14 Q. Okay. So when you're in dispatch you're
15 not doing paperwork or reviewing reports?

16 A. No, ma'am.

17 Q. So from 2:29 to 5:26 in the morning we can
18 watch the video and know exactly what you were doing,
19 right?

20 A. Probably not much of anything.

21 Q. Okay. So you agree that in October, out of
22 140 hours worked, you spent 59 of those hours at
23 headquarters?

24 A. I -- is that what the paper says?

25 Q. Yes, sir.

1 A. Yes, ma'am.

2 Q. And then in November --

3 A. Yes, ma'am.

4 Q. -- half of your time?

5 A. Yes, ma'am. Yes, ma'am.

6 Q. December, half of your time?

7 A. Yes, ma'am.

8 Q. Okay. Did you take an oath when you went

9 to the academy?

10 A. Absolutely.

11 Q. You took an oath when you came here?

12 A. Yes, ma'am.

13 MS. JACOBS: That's all I have.

14 THE WITNESS: Okay. Thank you.

15 MR. MORGAN: No redirect.

16 MAYOR THORNTON: You may excuse the

17 witness, and do we need to take a break? We'll take a

18 five-minute break.

19 (Recess taken.)

20 MAYOR THORNTON: Are the Counselors

21 ready?

22 MS. JACOBS: Yes, sir.

23 MAYOR THORNTON: If we could please

24 remain -- get back to order in here. Myron, if you'd

25 have everybody hush up.

1 MR. MORGAN: Mr. Mayor, if I -- if I
2 may, very briefly, Bryan tells me there may still be
3 some confusion, that I may have -- I may still be
4 confusing on this. I apologize if I am, and I'm going
5 to try my best to clarify these records.

6 The records that have some type of
7 coloring to them, whether it's pink or yellow, the
8 highlighted portions are one of these five officers.
9 Whether -- pink means that they are responsible;
10 yellow -- yellow means they responded or they --

11 COMMISSIONER PERRAUT: Assisted.

12 MR. MORGAN: -- assisted, thanks --
13 that they assisted.

14 Now, in some of these -- the front
15 page here, there's -- it's full of colors, some of
16 these -- like this one -- there's just one, and on these
17 other ones there are going to be some Paris police
18 officers and there may be other police officers because
19 this is all from dispatch -- from the Paris dispatch
20 here, and as we've heard, they handle KSP, Paris,
21 sheriff, all of that.

22 So to be -- I just want to make sure
23 that I'm -- I'm not confusing in anything, and I -- and
24 I hope that that -- so this stack here, the one with the
25 rubber band, is just for the year of 2015 -- that ends

1 in '15.

2 This whole thing here is for these
3 five guys in which they've done something through --
4 from October 1 through February 8.

5 COMMISSIONER GALBRAITH: Okay.

6 MR. BEAUMAN: And I had asked
7 Mr. Morgan to clarify that, because I thought the
8 impression that had been given was that that large stack
9 was these five guys and these five guys only. That's
10 not the case.

11 COMMISSIONER GALBRAITH: And that was
12 my original question.

13 MR. BEAUMAN: Right, and that's what
14 he's clarifying. It's more than just these five guys in
15 that big stack.

16 MAYOR THORNTON: Okay.

17 COMMISSIONER GALBRAITH: Good, because
18 when you look at that first sheet, it just so happens
19 the top sheet shows all of, let's say, these five
20 officers out there, so that's why --

21 MR. MORGAN: Right.

22 COMMISSIONER GALBRAITH: -- I asked
23 the original question.

24 MR. BEAUMAN: Thank you, Mr. Morgan.

25 MR. MORGAN: You're welcome. Thank

1 you for clarifying. Any questions before we get going
2 with the next witness?

3 COMMISSIONER GALBRAITH: No.

4 MAYOR THORNTON: Go right ahead.

5 MR. MORGAN: Okay. James Primm is our
6 next witness. If you will, please, raise your right
7 hand to be sworn in by this young lady.

8 **JAMES PAUL PRIMM**

9 having been first duly placed under oath, was examined
10 and testified as follows:

11 **EXAMINATION**

12 **BY MR. MORGAN:**

13 Q. Sir, please state your name and
14 occupation --

15 A. James --

16 Q. -- for the Commission.

17 A. James Paul Primm. I work for the City of
18 Paris Police Department.

19 Q. How long have you worked for the Paris City
20 Police Department?

21 A. A total of 15 years.

22 Q. Where were you born?

23 A. Virginia Beach, Virginia.

24 Q. Where were you raised?

25 A. Paintsville, Kentucky.

1 Q. How long -- how long have you lived in
2 Paris?

3 A. I've only lived in Paris going on a little
4 over a year. My -- most of the time I've -- from about
5 '95 to then was in Lexington.

6 Q. Okay. You've been employed by the Paris
7 Police for 15 years, you said?

8 A. Yes, sir.

9 Q. What type of duties do you have?

10 A. I'm a police officer with the City.

11 Q. Over the 15 years have you always been in
12 patrol?

13 A. No, sir. I was a detective for five years.

14 Q. Detective in what area?

15 A. General -- general detective. I took care
16 of mostly theft reports all the way up to murder cases.

17 Q. Okay.

18 A. I didn't do a lot of narcotics because that
19 wasn't my specialty.

20 Q. Okay. Why did you want to work for the
21 Paris Police Department?

22 A. At the time I was with the Fayette County
23 Sheriff's Department, and the department at Fayette
24 County -- most people know -- is just a court service
25 agency, serve papers and things to that nature.

1 I wanted to get back into full law
2 enforcement, answering calls, taking complaints. At the
3 time Paris had a few openings due to a crash that
4 occurred out on -- on the Bypass and were hiring some
5 officers, so I applied here since it was so close to me
6 living in Lexington.

7 Q. Okay. You attended the Criminal Justice
8 Academy, correct?

9 A. Yes, sir.

10 Q. When did you attend -- or graduate that --
11 the academy?

12 A. I was actually in two classes. My
13 graduating class was 270 in '98. I started out in class
14 269. I went eight weeks in the academy and my mother
15 passed away.

16 I had to drop out of the academy and wait
17 until the next class caught up, and that class, 270, was
18 the last ten-week class that the academy has had since.

19 Q. When was that?

20 A. That was in '98. I think my graduation
21 date was like November or something.

22 Q. Okay. Well, J.P., let's -- let's get right
23 to it here, and you know that you've been brought up on
24 disciplinary charges and the chief wants you fired --

25 A. Yes, sir.

1 Q. -- for infractions that he says that you've
2 done in violating various policies regarding you hanging
3 out at dispatch --

4 A. Yes, sir.

5 Q. -- as -- as well as claiming hours but
6 there's no radio traffic and other things like that.

7 A. Uh-huh.

8 Q. Let's start with dispatch. Okay?

9 A. Uh-huh.

10 Q. Why would you go to dispatch?

11 A. Well, there's several reasons why I would
12 go to dispatch. Dispatch is the hub of the police
13 department. It's where we get all of our information
14 from.

15 We -- we're allowed to go in there and run
16 criminal histories or NCIC reports, things to that
17 nature.

18 We're also allowed to go in there sometimes
19 and have dinner, where I -- I've gone and taken my
20 dinner, plus I've also gone and taken dispatchers
21 dinners. I've also gone from there -- they've ordered,
22 I've gone and picked it up and brought it to them.

23 Sometimes I -- you know, I have gone in
24 there, worked on case reports. In fact, you pulled one
25 up the other day. I sat by Travis Campbell and worked

1 on a case report with -- with him running stuff for me
2 informational-wise.

3 I think you may remember because I actually
4 had to turn my flashlight on because some of my
5 paperwork I couldn't see because I need new glasses and
6 it was kind of dark in there. They had the lights
7 turned down. I couldn't see it very well, so I -- I
8 used my flashlight.

9 So there's many different reasons that I
10 could have been in dispatch. Now, there are reasons
11 that you saw that I was just there because we were -- we
12 were probably either not busy or had nothing to do or we
13 were just hanging out.

14 Q. Okay. Do you admit that you hung out too
15 long in dispatch?

16 A. Yeah, I admit that we hung out too long. I
17 think over the 15 years I've been here it's -- it's
18 something that everybody has done.

19 You know, even when Commissioner Gray was
20 the chief, it happened then. Even when Teddy
21 Florence -- Teddy Florence hired me -- was chief, it
22 happened then.

23 It was -- like it's been said several
24 times, it's -- it's kind of a -- and our expert
25 witness -- I'm sorry; I can't remember his name --

1 Q. Wallace.

2 A. -- Wallace -- you know, it's a thing that
3 happens in just about every department. It's a rotating
4 thing, but I think once the email was issued it stopped
5 and stuff.

6 You know, and that happens all the time in
7 police work. There's unwritten rules and written rules,
8 as the chief said and other people have said, and, you
9 know, if it was in a policy, we would have not done it.

10 As Lieutenant Puckett testified, if he knew
11 about it, he would have stopped it -- I guarantee it.
12 I've known Robert my 15 years -- or 13 years you've been
13 here, Robert -- 12 years.

14 Robert is a good supervisor. If it would
15 have -- if he thought it was a problem, he would have
16 stopped it. If Kevin thought it was a problem, as an --
17 as an OIC he would have addressed it, and they did
18 once -- once the memo -- or the email came out.

19 Q. Okay. I'd like to turn your attention to
20 this document in the packet that you were given, James.
21 This is for the month of December. Time in dispatch --

22 A. Yes, sir.

23 Q. -- is what it says at the top. In looking
24 at the left column here on it, it says 12/8/15.

25 That's the day the emails went out, right?

1 A. Yes, sir. You said December?

2 Q. Yes.

3 A. Yes, sir.

4 Q. Okay. And as I see by this, there's no
5 vacation or RDO.

6 RDO stands for regular day off, correct?

7 A. Yes, sir.

8 Q. So that appears that you would have been
9 working that day, right?

10 A. I'm sorry, sir; what day was it?

11 Q. The 8th.

12 A. Yes. Yes.

13 Q. Here, it might help you if you do something
14 like that.

15 A. Yes. I'm sorry.

16 Q. And then on the 9th you were there once for
17 seven minutes?

18 A. Yes, sir.

19 Q. The 10th, how many times does -- according
20 to Chief Williams' calculations, how many times did you
21 go to dispatch?

22 A. One.

23 Q. Now, on the 10th, you would have gone zero
24 times, right?

25 A. Oh, the 10th, yes, zero times.

1 Q. On the 11th, you went once --

2 A. Yes.

3 Q. -- and that was for 22 minutes, right?

4 A. Yes, sir.

5 Q. And in looking down here, on all of

6 these -- on the 15th, you didn't go at all?

7 A. No, sir.

8 Q. The 16th, one -- once for 38?

9 A. Yes, sir.

10 Q. The 17th, twice for 27?

11 A. Yes, sir.

12 Q. Look down at the end of the month. You --

13 you worked, but you have zero -- he has you down for

14 zero times, and although -- you didn't see any of the

15 video before this week, correct?

16 A. No, sir. I actually asked -- when I was

17 served my original paperwork on February 5, I actually

18 asked Assistant Chief Best if he could provide me with

19 the videos, time cards, or any other documentation that

20 I may need for -- for this, to help me answer the

21 questions above, and he said that he would not furnish

22 those to me, that if it went any farther than the

23 hearing on Monday that I could get it -- that or my

24 attorney could get it.

25 Q. Okay. All right. In discussing the -- the

1 dispatch, it appears that the -- well, you tell me: Did
2 the email work for you?

3 A. Yes, sir.

4 Q. Were you aware of any kind of a rule or
5 standing order or standing rule or whatever before this
6 email in December in which you were prohibited from
7 remaining too long, for anything more than eating or
8 short periods of time as -- as laid out by Chief Best in
9 that email?

10 A. No, sir.

11 Q. But you mentioned that --

12 A. I mean --

13 Q. -- but you mentioned that this was
14 something that's been going on and off --

15 A. Oh --

16 Q. -- for years?

17 A. -- I thought you meant as a -- as a -- as
18 a -- like a written policy or something. You just meant
19 as a -- as a general --

20 Q. All right.

21 A. Rephrase it, please.

22 Q. Yeah. On -- on December the 8th, you get
23 this email saying, don't go to dispatch anymore for any
24 long periods of time, right?

25 A. Right.

1 Q. Before that had you received anything in
2 writing?

3 A. Not -- not that I could find or to my
4 knowledge. We had spoken, I think, over the course of
5 my career of not going to dispatch, but nothing --
6 nothing in writing --

7 Q. Okay.

8 A. -- that I have.

9 Q. Okay. Now, you say that you have been
10 told, don't go to dispatch, before.

11 Is that what I'm hearing you say?

12 A. Yes, sir. Like -- like I said earlier, I
13 mean, it's an ongoing thing that's happened for several
14 years --

15 Q. Right.

16 A. -- I mean, you know, especially during the
17 wintertime. It's cold out. You know, it's snowing at
18 2:00 in the morning, and there's nothing going on.

19 You know, unfortunately, you know, officers
20 get bored and they go in, and as Officer Puckett said,
21 we're like a family. We go in there. We talk to the
22 dispatchers. You know, we hang out.

23 You know, we don't get the opportunity
24 to -- especially on second and third shift -- and, you
25 know, see our families or -- or see our friends or -- or

1 things like that that we have out of our police
2 business.

3 All our friends are -- well, all my friends
4 are pretty much in this room --

5 Q. Yeah.

6 A. -- right now.

7 Q. Well, and as I understand it, even on days
8 off you would go to dispatch?

9 A. Yes, sir.

10 Q. Why is that?

11 A. Well, I've gone through a divorce for the
12 last two years. It's been ongoing for six. Last
13 January I had to move out of my house. I moved into the
14 Housing Authority property.

15 You know, sitting there by yourself
16 watching TV gets lonely, you know. I had no idea --
17 I've never seen any -- any policy or anything saying
18 that we couldn't go in our days off or vacation days,
19 so, you know, I went to go see my friends and -- and
20 hang out.

21 You know, they've got a big screen TV.
22 I've got a -- I've got a small TV that I don't even have
23 cable, you know, and -- and, you know, that --

24 Q. Okay.

25 A. -- that was why I went there on my days

1 off.

2 Q. Okay. At any point in time before this --
3 this charge came to you, sir, on February 9.

4 At any point before this had you ever been
5 reprimanded or in any way disciplined for being in
6 dispatch too much?

7 A. No, sir.

8 Q. Was there, to your knowledge, anything that
9 would have prevented any supervisor -- from the chief on
10 down -- from reprimanding you or disciplining you --
11 disciplining you for being in dispatch too much?

12 A. I'm sorry; rephrase the first part.

13 Q. Is there -- is there any reason that you
14 are aware of that the -- anybody -- from the chief on
15 down -- at the Paris Police Department would be
16 prohibited or unable to reprimand you for being in
17 dispatch too much?

18 A. No, sir.

19 Q. Okay. Let's talk about the radio log
20 discrepancies for which you've been cited. Okay?

21 A. Yes, sir. Yes, sir.

22 Q. It says on various dates there were some
23 issues with your radio logs.

24 You're aware of that, right?

25 A. Yes, sir.

1 Q. What's the general policy regarding radio
2 logs?

3 A. Radio logs are for the dispatcher to keep
4 track of us. They are to start a radio log for when we
5 go 10-8, on what calls we're on, things of that nature,
6 and when we go 10-7.

7 Q. Okay. 10-8 is going on duty, 10-7 is going
8 off, right?

9 A. Yes, sir.

10 Q. All right. Let's look at some of the
11 specific ones that are in the charging document against
12 you. One is on October 13.

13 A. Yes, sir.

14 Q. It says, claimed ten hours of work, but no
15 radio traffic.

16 A. Yes, sir.

17 Q. What's your response to that, sir?

18 A. Hang on just a second. Yes, sir, that was
19 a -- that was a Thursday, and that would have been our
20 heavy day.

21 Q. What's a heavy day?

22 A. That's when we have everyone out. We have
23 about 14 officers out. That would be second shift,
24 swing shift and third shift combined.

25 One thing that I was not privy to look up,

1 I was not privy to have, so I -- I didn't get to
2 research these as well as I thought I could, but, you
3 know, this is a Thursday. I know I was on duty because
4 at midnight, at 00:42 hours, I was actually dispatched
5 to a call, so I know I was there. Okay?

6 I don't know if the dispatch failed to put
7 me in 10-8 or not. I can't say. I can tell you that --
8 we talk about radio logs and all these radio logs, but
9 no one has actually brought up that you can go back to
10 the taped radio communications and listen to see if we
11 came 10-8 or 10-7.

12 That's something that no one has brought up
13 here, and we have no -- it was not given to us to see.

14 There may be a radio call that's out there
15 that's on a tape that I went 10-8 or the dispatcher may
16 have just missed it -- I don't know -- but without going
17 back and listening verbally or auditorily to these
18 calls, I mean, I can't give you an exact reason why they
19 did not put me in.

20 Q. Okay. But your records show that after
21 midnight here on the 13th --

22 A. Uh-huh.

23 Q. -- you were dispatched to a call, correct?

24 A. Yes, sir, at 00:42 --

25 Q. Okay. I'm just --

1 A. -- which is on the 14th.

2 Q. I'm sorry --

3 A. Yes.

4 Q. -- I'm going to try and go quickly here.

5 A. No, no. I'm sorry.

6 Q. All right. The next item here it says, on
7 October 25, it says ten hours worked, but no radio
8 traffic.

9 What's your response to that?

10 A. That was actually the day I -- I was
11 traveling to my in-service class, and what I done is,
12 prior to this day I had gotten permission from
13 Lieutenant Dempsey -- I asked him specifically about my
14 time card. I said that, you know, I have to travel, I
15 would be working till 6:00 that morning, what do you
16 want me to do.

17 And he told me to go ahead and put ten
18 hours down because you have to travel, after you check
19 in your room you have to get things ready for the next
20 day and things of that nature, so I put it down as ten
21 hours.

22 Q. Do you know whether other officers put it
23 down as ten?

24 A. Not until I saw a document Monday that
25 Detective Asbury -- Detective Tony Asbury -- with the --

1 with the police department put down an hour on his time
2 card, but he is not under my supervision or my command
3 staff. It would be Lieutenant Dempsey.

4 Q. Okay.

5 A. So I don't -- I mean --

6 Q. All right. So the -- the October 25, you
7 were on your way to training?

8 A. Yes, sir. That -- that was a Sunday, I
9 believe.

10 Q. Okay. Okay. Let me turn your attention to
11 November 1, please. It says you worked ten hours but
12 had no radio traffic.

13 A. Well, I think -- let me -- let me look this
14 up real quick.

15 MR. BEAUMAN: Mr. Morgan, we took --
16 we took that one out.

17 MR. MORGAN: Okay.

18 MR. BEAUMAN: You can ask him about it
19 if you want to, but --

20 MR. MORGAN: All right. And that's
21 because he was attending school on the 1st and 2nd?

22 THE WITNESS: Yeah, that's what I was
23 going to say, that that was the day --

24 MR. MORGAN: Is that right?

25 THE WITNESS: -- that I should have

1 been --

2 MR. MORGAN: I'm sorry; let me --

3 THE WITNESS: Oh, I'm sorry.

4 MR. MORGAN: -- is that right? I want
5 to make sure we've got an agreement here before we move
6 on.

7 MS. JACOBS: Well, we do have an
8 agreement that that charge is taken out.

9 MR. MORGAN: Involving November 1
10 and 2?

11 MR. BEAUMAN: Not the 2nd.

12 MS. JACOBS: Not the 2nd.

13 MR. MORGAN: Not the 2nd, all right.

14 MR. BEAUMAN: Just the 1st.

15 MS. JACOBS: November 1.

16 MR. BEAUMAN: Just November 1.

17 Q. Okay. November 2, it says here that you
18 claimed ten hours of work time, but the radio log shows
19 service for nine hours.

20 How do you explain that, sir?

21 MR. MORGAN: Hold on a second. I'm
22 sorry; is there a question?

23 MS. JACOBS: No. Go ahead.

24 MAYOR THORNTON: We were trying to
25 figure out the November 2 date.

1 MR. MORGAN: Okay.

2 MAYOR THORNTON: I don't have

3 anything.

4 COMMISSIONER GRAY: It's not in my

5 packet.

6 MAYOR THORNTON: We're just trying to

7 clear up some --

8 MR. MORGAN: Okay. Well, good,

9 because I've got in on mine. If you all don't, then I'd

10 be happy to move on.

11 MAYOR THORNTON: That will work.

12 MR. MORGAN: Is -- I'm sorry; again,

13 this goes back to we didn't get a copy of these packets,

14 but the packet that I have says November 2, so --

15 MR. BEAUMAN: It's in the charges.

16 COMMISSIONER PERRAUT: It's cut off on

17 ours. You can see the top edge of it.

18 MR. JUETT: It's cut off. It may have

19 just been cut off in the copying of it.

20 COMMISSIONER GALBRAITH: It's -- It's

21 in --

22 COMMISSIONER PERRAUT: The original --

23 COMMISSIONER GALBRAITH: -- whatever

24 is in this book -- whatever is in this book, it's not in

25 the book --

1 COMMISSIONER PERRAUT: Okay. It's in
2 the other one.

3 COMMISSIONER GALBRAITH: -- but it's
4 in this sheet that's in your packet.

5 MR. JUETT: That's fine.

6 COMMISSIONER GALBRAITH: Look at that.

7 MR. JUETT: That's -- that's fine.

8 COMMISSIONER GALBRAITH: I mean, we're
9 just --

10 MAYOR THORNTON: So what are we doing
11 on November the 2nd?

12 MR. BEAUMAN: It's still --

13 MAYOR THORNTON: That's -- I can erase
14 it. I'm asking.

15 MS. JACOBS: It's still in.

16 MR. BEAUMAN: November 2 is good.

17 MS. JACOBS: We presented testimony on
18 it.

19 MAYOR THORNTON: Okay. Well, he's
20 fine with November 2.

21 MR. MORGAN: He's going to explain it,
22 sir.

23 MAYOR THORNTON: Okay.

24 MR. MORGAN: All right. Are we all on
25 the same page --

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MAYOR THORNTON: Yes, sir.

MR. MORGAN: -- literally?

COMMISSIONER PERRAUT: Yeah.

Q. Okay. Officer Primm, please tell the Commissioners your explanation here about the -- in response to the charge where you claim -- the charge being that you claimed ten hours of work, but the radio log shows service for nine.

A. Well, I mean, I was on duty at 20:34 and I received -- I have a copy where I was out. I mean, before that I'm sure I went 10-8.

I -- I always usually -- I always went 10-8 and I always -- usually anywhere from two to three to five minutes to half an hour -- sometimes an hour -- before the -- the shift starts, and I've never claimed overtime for any of that.

But I mean, I -- I don't know why it was a discrepancy of 26 minutes. Is that what it would have been?

Q. Okay.

A. Actually, what day is that?

Q. November 2, election day.

A. When did we -- November 2? That would actually have me coming in at 8:34. That's actually 34 minutes before I was supposed to even be there.

1 Q. Okay. Again, the people who are putting in
2 this information are -- are just people, right?

3 A. Correct.

4 Q. They're only human?

5 A. Yeah, because we were working -- at that
6 point we were working 9:00 to 7:00 in the morning, so
7 that shows me being 10-8 34 minutes before I was
8 supposed to be.

9 Q. Okay. And then finally, November 5, sir,
10 the -- you've been cited for claiming ten hours of work,
11 but the radio logs show in service for eight hours.

12 A. Yes, sir, and actually, that day I came out
13 an hour early for that day and I looked on the CAD
14 screen and noticed that I wasn't 10-8, and I called
15 dispatcher Campbell and told him, hey, I'm not on there,
16 could you put me 10-8, please, and he said he would take
17 care of it.

18 He even noted in the dispatcher's log that
19 I was 10-8 and I'd been here since 20:00, which was
20 8:00 --

21 Q. Okay.

22 A. -- so I actually worked more than my time.

23 Q. Officer, we heard a little bit earlier
24 today regarding your -- a reprimand that you had
25 received involving something posted on Facebook; is

1 that -- or whatever -- some social --

2 A. Social media --

3 Q. -- media violation?

4 A. -- yes, sir.

5 Q. Explain to the Commission about that,
6 please.

7 A. At that time I had posted a comment on
8 Facebook. The next, I think, day or so I was called to
9 Chief Sutton's office.

10 He told me he had received a call from some
11 friends of mine on Facebook and was asking what was
12 wrong with me and why was I so upset. And I asked him
13 who those friends were, and he said, I -- I'm not going
14 to tell you, he said, but --

15 Q. Were there threats made on Facebook, sir,
16 or were these just comments?

17 A. Not a threat, per se. I -- I don't have
18 that exact paperwork with me. I think --

19 Q. What was your penalty for that, the
20 discipline you received?

21 A. I was -- I had a written reprimand.

22 Q. Okay.

23 A. And I -- I asked him why that was, and he
24 said due to the comment. And then he said that I had a
25 uniform shirt from Paris Police Department on and

1 violated the social media clause, but the picture itself
2 I didn't think showed any emblems, patches, things to
3 that nature.

4 Q. But you were reprimanded for having
5 something to do with the Paris Police Department on
6 your -- on social media?

7 A. Yes, sir.

8 Q. Okay.

9 A. And --

10 Q. Do you know whether others have such
11 emblems on theirs currently?

12 A. Well, I informed Chief Sutton at the time,
13 I said, well, why am I the only one being singled out
14 because of this, there are other people in the police
15 department that have those images and other videos from
16 the Paris Police Department on their thing, and he said,
17 I don't know, I'll look into it.

18 Q. Okay. But --

19 A. He --

20 Q. I'm sorry to interrupt, but what about now?

21 A. Well, that's what I was getting ready to --

22 Q. That's my question.

23 A. -- I was getting ready to say. From that
24 point on no one has been written up.

25 Now, you could go back and we have pictures

1 and things of several officers -- including the Chief of
2 Police, assistant chief and others -- violating that
3 social media policy, and no one has ever been
4 disciplined for it except me.

5 Q. Other than this discipline, have you
6 received awards and recognition, Officer Primm?

7 A. Yes, sir. I -- I have a few here. I don't
8 have all of them due to when I moved things got wet and
9 destroyed. You know how that goes. When you move out
10 of a house of 15 years and into an apartment it kind of
11 messes things up, but yes, I do have, I think, about
12 four here.

13 MR. MORGAN: Are we on 14?

14 COURT REPORTER: 14.

15 MR. MORGAN: This will be marked as
16 Exhibit 14.

17 (Defendants' Exhibit No. 14 was marked
18 for identification.)

19 Q. Officer Primm, as -- as I look at the
20 one -- the first one on this, it says it relates to
21 something that happened on October 20 of 2015.

22 Is that an award that you would have
23 received?

24 Behind that is a copy of the commendation
25 itself --

1 A. Uh-huh.

2 Q. -- saying that on the 4th day of December,
3 2015, that this was awarded to you.

4 Is that -- would that have been done at
5 the -- at this Christmas banquet or --

6 A. Yes, sir, that's when I was presented with
7 this award.

8 Q. Okay. And there are various other awards
9 in here, one from 2012, one from -- and two from 2011.

10 Do you receive --

11 A. Yes, sir.

12 Q. -- did you receive awards other than those
13 previously?

14 A. I believe I -- I did. I think I had some
15 letters of commendation and things of that nature. I
16 just don't have them with me due to they were lost in
17 the move.

18 Q. I get it. I understand. Officer, in
19 conclusion here, do you admit that the time that you
20 spent in dispatch -- did you spend too much time in
21 dispatch --

22 A. Yes.

23 Q. -- in the months of October, November, up
24 until the time you got the email in December?

25 A. Yes, sir.

1 Q. What do you want this Commission to do
2 in -- in response to your employment here with the --
3 with the police department?

4 A. Well, sir, I -- I would like to be
5 reinstated. I would like to go back to my job that I've
6 had for the last 15 years protecting the city of Paris.

7 You know, there's other things that we do.
8 You know, I -- I was with Kevin when he -- when -- you
9 know, I was one of the second officers there when --
10 when -- when he had to shoot and kill the guy to save
11 his life.

12 You know, like these people said, you know,
13 you don't know what's going to happen or what could have
14 happened.

15 The day Wesley Mullins was -- was killed
16 that morning, I worked that day. It's even got video of
17 me driving around there. Do you think if I'd have known
18 that six-year-old boy was in there I wouldn't have
19 stopped and done something about it? You're wrong.

20 I have done a lot for this city. I've put
21 my life on the line every day for this city, and just
22 because I sat around too long of my 15 years (sic) I'm
23 being fired over it, but yet this last winter I was out
24 in the middle of nowhere on these streets saving
25 people's lives, pulling them out of homes. When the

1 tornado hit on Spring Hill by the chief's house I was
2 over there helping those people.

3 None of that is being said about these guys
4 that have sat here and given their lives, sweat, blood,
5 everything for this place, but we're -- we're being
6 fired because we sat in dispatch.

7 You know, if I did it, write me up, give me
8 a written reprimand. I'm fine with that. I admit that
9 I shouldn't have probably been doing it all those times,
10 but yet I've been out there every day helping these
11 people, and what have I got? I'm sitting here getting
12 ready to get fired, so --

13 Q. Officer Primm, how many -- how much time
14 left do you have before you're eligible for retirement,
15 sir?

16 A. I've got to the end of the year, between
17 September and January.

18 Q. So approximately eight months?

19 A. Yes, sir.

20 MR. MORGAN: That's all I have. Thank
21 you. Ms. Jacobs may have some.

22 -----

23 **EXAMINATION**

24 **BY MS. JACOBS:**

25 Q. Officer Primm, what do you -- we call it an

1 elevator speech sometimes. If I'm going to ask you,
2 what do you do as a police officer, tell me what you do.

3 A. What do I do?

4 Q. Yeah.

5 A. I protect this city. I answer calls. I
6 take complaints. I work accidents. I try to arrest
7 people and -- and put them in jail and prison and things
8 to that nature.

9 Q. So you -- you've seen your job description,
10 right? You know what that says?

11 A. Uh-huh.

12 Q. And you know you're supposed to be
13 patrolling, right?

14 A. I know, yes, ma'am, and I do patrol.

15 Q. But during the months of October and
16 November and December, which is what we know about --

17 A. Uh-huh.

18 Q. -- you weren't out on patrol that much,
19 were you?

20 A. I was out, yes, ma'am.

21 Q. Twenty-two percent of your time you were in
22 dispatch in those months, right?

23 A. I believe that was the percentage.

24 Q. Okay. You don't have any reason to doubt
25 that number, do you?

1 A. No, ma'am.

2 Q. Okay. We've looked at stacks of papers and
3 stacks of papers, and I'll give this to you if you want
4 to look, but this is a stack of your calls October
5 through December.

6 A. Okay.

7 Q. All right. That's not near what the other
8 folks have done, is it?

9 A. No, ma'am.

10 Q. All right. And you knew you weren't
11 supposed to be in dispatch, right? You said you knew.
12 You said everybody does it. It's been told over and
13 over.

14 Even when there was a chief a long time ago
15 it was a problem, right?

16 A. (No response.)

17 Q. You knew that?

18 A. I admitted that, yes, ma'am.

19 Q. Okay. So what good would a written
20 reprimand do, what good is an email going to do if
21 you've known you're not supposed to do it and you do it
22 over and over and over again?

23 A. Who's to say that that written reprimand is
24 not going to stop me? You're just -- you're making an
25 assumption that it wouldn't stop me. It may.

1 Q. I am -- I'm not making an assumption,
2 because you've said over the time of your career -- 15
3 years -- it's been an ongoing problem and you knew it
4 and you did it anyway, right?

5 A. But as soon as the emails were sent out
6 it's -- it -- it stopped.

7 Q. So why is an email going to change what
8 you've been doing for 15 years?

9 MR. MORGAN: Objection; that's not
10 what he said, that he's been doing this for 15 years.

11 Q. Why is an email going to change what you've
12 been doing for three months?

13 A. Because we were talked to by our
14 lieutenants.

15 Q. You've been talked to before.

16 A. Yeah.

17 Q. It didn't stop it, did it?

18 A. I -- like -- like I've testified, you know,
19 you get a talking to, it stops for a little bit and then
20 it comes right back.

21 Q. Okay. So all of the sudden a magic email
22 is going to make it go away?

23 A. It did.

24 Q. Until it doesn't, until you start slipping
25 back into that old habit, right?

1 A. But you can't say that I --

2 MR. MORGAN: Objection.

3 A. -- you're assuming I haven't. You're
4 making an assumption on my behalf.

5 Q. I'm making --

6 MR. MORGAN: No, I'm sorry; just a
7 second, please. This is just argument.

8 MS. JACOBS: I'm cross examining him
9 because he said --

10 MR. MORGAN: Okay.

11 MS. JACOBS: -- he's never going to do
12 it again, and I'm asking why we should believe he's
13 never going to do it again when he's done it his whole
14 career. He's testified about it.

15 MR. MORGAN: Okay. And this has been
16 asked and answered as well.

17 MR. JUETT: I think he's answered.

18 COURT REPORTER: I'm sorry; what was
19 your --

20 MR. JUETT: I think he's answered.

21 Q. Okay. You think you were treated unfairly
22 by the Facebook reprimand?

23 A. I think being --

24 MR. MORGAN: I think that's -- excuse
25 me a second -- I think that's outside the scope of this

1 hearing.

2 MS. JACOBS: I think he's testified
3 about it. I'm entitled to cross examine him about what
4 he --

5 MR. JUETT: I'm sorry; I didn't hear
6 the question.

7 MS. JACOBS: Does -- does he think he
8 was treated unfairly by his Facebook reprimand.

9 MR. JUETT: Oh, yeah, I think you all
10 have open the question on that.

11 MR. MORGAN: Okay.

12 Q. Is that a copy of the email -- or the
13 Facebook in question?

14 A. I don't know. Let me read it. What -- I'm
15 sorry; what's your question about it?

16 Q. Is that a copy of the Facebook post in
17 question that got you the written reprimand?

18 A. I -- I believe so.

19 Q. Would you read it for the Commission,
20 please?

21 A. Sure. It says --

22 MR. MORGAN: He's -- I'm sorry --
23 he's -- is this still at issue, Mr. Juett?

24 MR. JUETT: Well, I think you all
25 opened the door. You all talked about this pretty much

1 in-depth. I think she's entitled to cross examine him
2 about it.

3 MR. MORGAN: He's -- this is not a
4 cross. She's just asking him to read this Facebook
5 post. That's -- that's not really cross.

6 Q. Would you please read the Facebook in
7 question?

8 MS. JACOBS: Come on. Come on.

9 MR. MORGAN: What? Please.

10 MR. JUETT: I -- I think she should be
11 allowed to do this.

12 THE WITNESS: I'm sorry?

13 MR. JUETT: Go ahead, yes.

14 Q. Would you please read for the Commission
15 the Facebook post in question?

16 A. Yes, ma'am.

17 Q. Thank you.

18 A. It says, hey, FB -- which is Facebook --
19 friends. I just found out that I've got a rumor going
20 around about me at the PD, so whoo whoo. I guess it's
21 my turn on the rumor mill. Of course, it appears that
22 the person who started it is being a little bitch and
23 saying it behind my back and telling everyone but me,
24 but I'm sure whoever it is won't tell me in person.
25 Just wanted whoever to know and whoever knows or heard

1 it that I know about it. LOL. Also, you can come talk
2 to me in person and ask me about it instead of talking
3 about it to everyone else or behind my back. I really
4 don't care. And to whomever started it, I really don't
5 give a shit. Laugh -- LFMO -- LMFOA (sic). Hope
6 everyone is having a good night.

7 Q. Do you think you were unfairly disciplined
8 for that post?

9 A. I think, yes.

10 Q. Do you believe that's conduct becoming of a
11 public official?

12 MR. MORGAN: I don't think that was
13 the reprimand. I think the reprimand was for --

14 MAYOR THORNTON: You all need to just
15 calm down in the back.

16 MR. MORGAN: -- social media, right?

17 COURT REPORTER: I'm sorry; I didn't
18 hear -- I didn't hear what you said.

19 MS. JACOBS: The charge was for --

20 MR. MORGAN: The reprimand was
21 involving social media.

22 MS. JACOBS: And conduct unbecoming.

23 MR. MORGAN: That's the charge or the
24 reprimand?

25 MS. JACOBS: The reprimand is conduct

1 unbecoming in public statements or appearances.

2 COURT REPORTER: I'm sorry; conduct
3 unbecoming --

4 MS. JACOBS: In public statements and
5 appearances, and the social media policy.

6 THE WITNESS: I think it was me trying
7 to make a point to get out that whoever is starting a
8 rumor should come to me.

9 Q. Why are you coming to work early? Who's
10 telling you it's okay to clock in early?

11 MR. MORGAN: I don't think he
12 understands the question, because that wasn't in --

13 Q. Who told you it was okay to clock in early
14 for work?

15 MR. MORGAN: Is there a date or
16 something?

17 MS. JACOBS: He's testified that he
18 clocked in early for work on several occasions in
19 response to the specific charges.

20 Q. Who told you it was okay to clock in early
21 for work?

22 A. Well, I can tell you that I just came out
23 early to start my shift. I didn't put it down as
24 overtime. I didn't receive any compensation for it.

25 But I can tell you that when Chief Kendall

1 was chief it was a given order for us to come in early,
2 and Wage & Hour came in and had to back pay us all that
3 money, but I came out early just so I would be on duty.

4 Q. But you did get paid for those times,
5 right? You're clocking in?

6 A. No.

7 Q. You know it's a Wage & Hour violation to do
8 that, right?

9 A. No.

10 Q. Well, you just said the City --

11 A. If -- if --

12 Q. -- is not allowed to do that, right?

13 A. I -- I said I didn't put down any overtime
14 for it. I didn't receive any compensation for it. I
15 didn't receive the compensation from Chief Kendall until
16 someone else filed a complaint, and they went back and
17 reviewed the whole City.

18 MR. MORGAN: This is -- and we're
19 not -- we're talking about stuff that's not even on
20 these charges, so I object to questions about this.

21 MS. JACOBS: His testimony was that he
22 clocked in early.

23 MR. JUETT: He testified that he
24 clocked in a half hour early or 30-some minutes early
25 earlier.

1 MR. MORGAN: I think it was 26
2 minutes, and he was talking about it in terms, I
3 thought, of a -- of a potential error in dispatch.

4 MR. JUETT: Well, and he was talking
5 about it in connection with the charges and his
6 explanation of the charges --

7 MR. MORGAN: Okay. And --

8 MR. JUETT: -- and she should be able
9 to explore that on cross.

10 MR. MORGAN: All right. But we're
11 getting into allegations of Wage & Hour issues and his
12 knowledge of Wage & Hour law. I think that's far
13 afield --

14 MR. JUETT: It's --

15 MR. MORGAN: -- from any of these
16 charges.

17 MR. JUETT: -- not one of the charges,
18 I don't believe.

19 MR. MORGAN: No.

20 MR. JUETT: It's not specifically
21 listed as one of the charges.

22 MS. JACOBS: Clearly it's not one of
23 the charges. I was exploring on cross examination why
24 he chose to come to work early.

25 MR. JUETT: And that should be

1 allowed.

2 Q. Officer Primm, you've got the sheet of all
3 the times --

4 A. Somewhere, yes.

5 Q. -- that you're noted to be in dispatch,
6 right?

7 A. Yes, ma'am.

8 Q. Did you review any of the video prior to
9 Monday or today?

10 A. No, ma'am.

11 Q. So you're not in a position to dispute
12 these times, are you?

13 A. No, ma'am.

14 Q. If you'll look at December -- December
15 the 5th, 2015.

16 A. Uh-huh.

17 Q. Do you see how much time you're in dispatch
18 that day?

19 A. For four times I was in dispatch seven
20 hours and thirty-one minutes.

21 Q. Of a ten-hour shift?

22 A. Yes, ma'am.

23 Q. On November the 11th, do you see how long
24 you were noted to be in dispatch?

25 A. I'm sorry; November 11?

1 Q. November the 11th, yes.

2 A. Two hours and forty-seven minutes.

3 Q. Over -- on one visit, correct?

4 A. Yes, ma'am.

5 Q. October the 16th?

6 MR. MORGAN: Mr. Juett, he doesn't --
7 he isn't disputing -- he's not disputing these things.
8 I mean, he's admitted that he hung out in dispatch too
9 long.

10 MS. JACOBS: I'm entitled to ask these
11 questions.

12 MR. JUETT: I -- I think she's
13 entitled to ask him specific questions.

14 Q. On October the 16th, do you see how long
15 you were noted to be in dispatch?

16 A. Yes, ma'am.

17 Q. And that's one visit for two hours and
18 thirty-five minutes, right?

19 A. Yes, ma'am.

20 Q. Did you go to the academy?

21 A. I testified that I did, yes, ma'am.

22 Q. Okay. Did you take an oath when you were
23 there?

24 A. Not at the academy, no, ma'am, I did not.

25 Q. Did you take an oath when you came here?

1 A. I did take an oath when I came here.

2 Q. To serve --

3 A. I took two.

4 Q. -- faithfully, serve and protect?

5 A. I'm not exactly sure of the wording of it,
6 but if you have a paper to that effect that I signed,
7 I'd be happy to look at it. It was so long ago I can't
8 remember what the actual wording was.

9 Q. Well, what's the gist of it? What do you
10 remember your oath to be?

11 A. If you just -- if you have a copy of it,
12 show it.

13 Q. Do you believe you've served the people of
14 Paris faithfully when you're sitting in dispatch for
15 seven hours?

16 A. I'm sorry; say that again, ma'am.

17 Q. Do you believe that on December the 5th,
18 you've served the people of Paris faithfully when you
19 were in dispatch for over seven hours of your ten-hour
20 shift?

21 A. No, ma'am.

22 MS. JACOBS: Thank you. I don't have
23 any other questions.

24 MR. MORGAN: No redirect. Thank you.

25 MAYOR THORNTON: Excuse the witness

1 and call your next witness.

2 THE WITNESS: Thank you.

3 MR. MORGAN: Jon Luke Humphries.

4 **JON LUCAS HUMPHRIES**

5 having been first duly placed under oath, was examined
6 and testified as follows:

7 **EXAMINATION**

8 **BY MR. MORGAN:**

9 Q. Okay. Sir, please state your name for the
10 record.

11 A. Jon Lucas Humphries.

12 Q. Where were you born?

13 A. Lexington, Kentucky.

14 Q. Where were you raised?

15 A. Paris, Kentucky.

16 Q. What high school did you attend?

17 A. Bourbon County High School.

18 Q. Graduate?

19 A. Yes, sir.

20 Q. What year?

21 A. 2001.

22 Q. What did you do after high school?

23 A. I went to work at Toyota Tsusho in
24 Georgetown, Kentucky.

25 Q. For how long?

1 A. Till I was 22, and then I started for the
2 City of Paris.

3 Q. Doing what?

4 A. Patrolman.

5 Q. As a peace officer?

6 A. Yes, sir.

7 Q. What year was that?

8 A. 2006.

9 Q. Did you go to the academy in DOCJT for
10 that?

11 A. Yes, sir.

12 Q. Was it you graduated from the academy in
13 '06?

14 A. September of '06, yes, sir.

15 Q. And then you came here --

16 A. Yes, sir.

17 Q. -- to be a peace officer?

18 A. Yes, sir.

19 Q. Have you worked anywhere else as a police
20 officer?

21 A. No, sir.

22 Q. Tell the Commission members, please, about
23 the duties that you've had as a police officer here
24 in -- in Paris.

25 A. For the first approximately nine years I

1 was a patrolman. I was promoted to lieutenant in April
2 of 2015 and then resigned back to patrolman in January
3 of this year.

4 Between patrol and lieutenant I have had
5 duties such as investigation, traffic enforcement,
6 business checks, testifying in court, and then as a
7 lieutenant the extra responsibilities of supervision,
8 case reviews, clerical work.

9 Q. Okay. Well, let -- let's get right to it
10 here, Luke.

11 When -- in regards to dispatch, you know
12 the allegation here is that you were in the dispatch
13 area too long.

14 A. Correct.

15 Q. Were you?

16 A. Yes, sir.

17 Q. Why?

18 A. As everyone else has testified, it's been
19 an ongoing thing since I've worked here. It will come
20 and go, you're in dispatch too much, we're out of
21 dispatch for a while, you're in dispatch too much, we're
22 out of dispatch for a while.

23 There are a few legit reasons we would be
24 in dispatch. One is, as other officers have stated, you
25 know, if we have to enter a missing person, dispatch has

1 to do that.

2 If we have to file a protective order,
3 they're kept in dispatch in the -- in the filing
4 cabinets.

5 If we need to call someone that's work
6 related, sometimes we don't like to use our personal
7 cell phones, so we go to use the dispatch phones.

8 Meals, breaks, and, you know, sometimes
9 those -- those breaks are -- aren't legit and take
10 longer than they should.

11 Q. Okay. Well, you know the kind of questions
12 you're going to be asked here.

13 Why -- why -- why should the Commission
14 think that if this is just an ongoing, chronic problem
15 that some magic email is going to fix it? Why -- you
16 know, how is -- how is firing going to fix this?

17 A. I think we went from zero to a hundred, so
18 to speak. Other than what I just stated of how it's
19 been word of mouth that you're in dispatch too much and
20 it stops for a while and starts for a while, but it's --
21 it's word of mouth to this point.

22 There's been no -- no disciplinary actions,
23 no write-ups, no reprimands. It went straight from zero
24 to one hundred, with the exception of the email that was
25 sent on December 8.

1 After that time I think most everyone has
2 stayed out of dispatch. I myself, since that email,
3 have been in dispatch one time for twenty-two minutes.

4 We can't predict what the future will hold,
5 but as of right now, that email has worked.

6 Q. Have you ever known anybody in the Paris
7 Police Department to ever be reprimanded for hanging out
8 in dispatch too much?

9 A. To my knowledge, no.

10 Q. Have you ever -- and -- and that's in the
11 how many years you've been a Paris police officer?

12 A. Ten.

13 Q. Have you ever -- in the ten years have you
14 ever heard of a Paris police officer being verbally
15 reprimanded for hanging out too much in -- in dispatch?

16 A. It's been passed along in roll call a few
17 nights, but other than that, no, sir.

18 Q. So what other things are discussed at roll
19 call that seem to be just kind of chronic, ongoing,
20 ever-present things that are just -- it would be nice if
21 people stopped doing it or fixed it, but you hear about
22 it frequently?

23 A. (No response.)

24 Q. Are there other items, like operating
25 vehicles, about radios?

1 A. Yes. As far as from lieutenant to
2 patrolmen at roll call it's things such as paperwork,
3 you guys aren't -- aren't leaving your paperwork, you're
4 not getting it in by the end of your shift, you haven't
5 done your monthly vehicle inspection list that we do
6 that tells what's -- what's working on our vehicle, what
7 needs repair, when our oil change is due.

8 Things that aren't done on time, stuff like
9 that, is brought up at roll call periodically.

10 Q. Okay. Do those problems get -- are those
11 continuing issues?

12 A. Yes.

13 Q. Let's talk a little bit about the radio log
14 discrepancies here. You've been cited for a couple -- a
15 few incidents in October.

16 On October 11, it says that you claimed ten
17 hours of work, but were only on the radio -- you were on
18 the radio for half an hour -- point five.

19 Can you explain that, sir?

20 A. The -- the time I was on the radio log was
21 two -- I had two different business security checks.
22 I'd come back to work that day after being off duty for
23 a couple of days.

24 I'm almost certain that some part of that
25 shift was spent completing my duties as a lieutenant in

1 my office. Those duties would include reviewing case
2 reports of officers, doing scheduling, officer requests.

3 Also around that time myself and Officer
4 Breslin had been working on putting together a new PTO
5 program for the Paris Police Department as Chief
6 Williams had requested us to do.

7 For those that aren't familiar with that,
8 that's a training program for people -- it's -- it's a
9 step from when you get out of the academy to being on
10 your own.

11 It -- it assists the officer in -- in going
12 from the academy to solo patrol. He's with a training
13 officer for quite some time -- usually 12 weeks. During
14 those 12 weeks he's riding with a training officer.

15 I was one of the senior training officers,
16 and Chief Williams had said our -- our training program
17 was outdated and asked -- had asked me to put together a
18 new one.

19 Most of that time was in my office, and it
20 was a binder this thick of week by week mapped out,
21 every street in the city named, maps, tests, guidelines,
22 and that took hours upon end to complete. That could be
23 a reason why. The question was --

24 Q. Ten hours of work --

25 A. -- inactivity?

1 Q. Yeah.

2 A. That -- those -- things like that are not
3 going to be radio logged. I mean, we -- we don't get on
4 the radio and tell them we're doing paperwork, you know,
5 so --

6 Q. Okay. Can explain what happened on
7 October 17? You claimed ten hours of work, but the
8 radio says you were in service for eight and a half.

9 A. Correct. There's two questions there
10 involving my time card. I can answer them both
11 together, if you'd like.

12 Q. Please.

13 A. On 10/17 of '15, you marked ten hours on
14 your time card, radio log shows you in service for eight
15 and a half, and then the next question is, on 10/19, you
16 marked ten hours on your time card, radio log shows in
17 service for eight hours. Please explain on both of
18 those.

19 October 17 and October 19 were two days
20 apart. The total between those two days I'm asked to --
21 to justify three and a half hours of discrepancy between
22 my radio log and my time card.

23 Within a week of those two days we had a
24 staff meeting -- supervisor meeting -- that we were not
25 allowed to put down overtime for. If you refer to my

1 time card, you can see it's not as overtime, and that's
2 why I was off duty. That was approximately two to three
3 hours.

4 Also within a week of that time frame we
5 had a department firing qualification -- firing range
6 qualification -- which lasted approximately one to two
7 hours; therefore, I have anywhere from two to five hours
8 comp -- well, schedule adjust time that would explain
9 that three-and-a-half-hour discrepancy.

10 Since I've worked here if you have schedule
11 adjust time you leave it as ten hours on your time card,
12 and if you have two hours, you go home two hours early.

13 It's -- it's done nearly every -- I won't
14 say nearly every -- it's done several times a week at
15 this police department.

16 Q. What do you mean schedule adjust time?

17 A. Schedule adjust where if you came in and --
18 and you weren't required to be here for your shift but
19 had something, such as a supervisor meeting or a firing
20 range qualification, you weren't scheduled to be here
21 for your shift and they weren't going to pay you
22 overtime for it, so you schedule adjusted it on the ten
23 hours you were working.

24 Q. So that's to avoid going over the 40 hours
25 in a workweek?

1 A. Correct, because there are certain things
2 that we don't get overtime for.

3 Q. Okay. The chief asked to you explain what
4 happened on October 24, because you had no radio
5 activity.

6 What's your response to that?

7 A. I have no recollection. I do know that at
8 that -- at that time -- sometimes I would have hours of
9 case reviews to do and scheduling adjustments.

10 I also know that, like I -- like I said
11 earlier, during October and November myself and Officer
12 Breslin were at headquarters for hours upon end working
13 on -- legitimately working on a new training program for
14 the department, I -- I think.

15 It was -- it was brought to our attention
16 earlier and I was asked on one shift why I didn't have
17 much radio activity, but I only had two case reviews --
18 reviews from that night.

19 We wouldn't necessarily -- you know, if --
20 if I have three officers working for me and they take
21 reports tonight, I wouldn't necessarily do those reviews
22 tonight. I might do them tomorrow. So, you know, it --
23 do you see what I'm saying?

24 Q. Uh-huh.

25 A. It's just --

1 Q. Okay. Can you explain what happened about
2 the week -- or I'm sorry; on December 1, the log shows
3 that you radioed in service at 18:01, but you didn't
4 arrive at headquarters until 19:00?

5 A. Correct. That was while I was on what we
6 call at the police department a swing shift, which is
7 18:00 hours to 04:00 hours.

8 Swing shift -- there was only me and maybe
9 sometimes one other swing shifter that came in. Second
10 shift would have already been out for a few hours, and
11 third shift didn't come on duty for a few more hours.

12 We would always have roll call at 9:00 --
13 21:00 hours. I came out at 18:00 hours that day because
14 of my swing shift.

15 No activity prior to 19:00? I feel as if
16 that's being questioned if I was late to work because I
17 wasn't at headquarters at 18:00. There was no
18 requirement -- we never had a roll call at 18:00.

19 Q. Okay. Well, let's talk about the -- the
20 roll call, because you were cited for October 11 and 13,
21 saying that you failed to report to roll call.

22 To start off, were you counseled or -- or
23 talked to about missing these roll calls before you got
24 this document in February?

25 A. I'm sorry; what were the dates?

1 Q. October 11 and 13.

2 A. Okay. No, I've never been counseled for
3 not attending roll call. As a lieutenant, as I think
4 any lieutenant in this department would testify to the
5 fact that most nights we have roll call; however, if
6 there was nothing to pass along or if everybody was tied
7 up on a call or most officers were tied up on a call,
8 some nights we wouldn't have roll call.

9 And as lieutenants we would tell the guys
10 that -- you know, either in person, by passing or by
11 phone, by radio -- hey, there's no roll call tonight,
12 you all can signal 8, which means disregard on roll
13 call, there's nothing to pass along.

14 I can't say specifically for October 11
15 and 13 that's what happened, but that would be my only
16 assumption.

17 Q. Now, Lieutenant, you've received awards
18 while you've served here with the Paris Police
19 Department, right?

20 A. Yes, sir.

21 Q. And you've given me a copy of things.

22 MR. MORGAN: I'd like to give a copy
23 to the Commission. This will be --

24 COURT REPORTER: 15.

25 MR. MORGAN: -- Exhibit 15.

1 (Defendants' Exhibit No. 15 was marked
2 for identification.)

3 Q. The first one on here deals with an
4 incident back in January of 2015. You responded to an
5 anonymous complaint.

6 What time of day --

7 MR. WHITLEY: One more.

8 MR. MORGAN: You need one more?

9 COMMISSIONER GALBRAITH: We're fine.

10 MR. MORGAN: I'm sorry; do we need one
11 more?

12 COMMISSIONER PERRAUT: We're good.

13 Thank you.

14 COMMISSIONER GALBRAITH: Yeah, if you
15 have one more, bring it up.

16 Q. It says that you responded to an anonymous
17 complaint.

18 Do you remember the details about that,
19 sir?

20 A. I'm sorry; what was the date?

21 Q. January 22, 2015.

22 A. Not specifically. If you tell me what it
23 was, I would probably know.

24 Q. It was involving a meth lab.

25 A. Okay. Yes, sir.

1 Q. Please tell the Commissioners about that.

2 A. I responded to High Street -- the 1400
3 block -- in reference to an anonymous complaint of a
4 suspected one-step meth lab.

5 Upon contact with the occupants of the
6 apartment, officers recognized two subjects as having
7 bench warrants.

8 Upon detaining the subjects, officers were
9 given consent to search the residence for the suspected
10 lab. Search of the residence produced a one-step meth
11 lab, along with an HCL generator in the upstairs portion
12 of the apartment.

13 Officers exited the residence, secured the
14 perimeter of the residence and waited for a clean-up
15 team.

16 During the interview all three subjects
17 admitted to cooking methamphetamine and were placed
18 under arrest for manufacturing methamphetamine first --
19 first degree.

20 Officer Humphries' actions in this case
21 reflect his professionalism and teamwork with fellow
22 officers resulting in a successful outcome. Thank you
23 for your dedication and service to the department and to
24 the citizens of Paris slash Bourbon County.

25 Q. Did you receive this commendation on the --

1 at the Christmas banquet here in December of 2015?

2 A. Yes, sir.

3 Q. Briefly tell the Commission about other
4 awards that you have received, sir.

5 A. December 2009 I was awarded the Governor's
6 Award for Impaired Driving Enforcement for most DUI
7 arrests in the department for the year.

8 November 2011 I received a Chief's
9 Commendation regarding two armed business robberies at
10 Shell Food Mart and Little Caesars Pizza two nights
11 apart.

12 Leads were developed in reference to the
13 suspect, who was then located, and after a two-hour
14 interview confessed to both robberies, and I charged him
15 with two counts of robbery first degree.

16 November 2011, Chief's Commendation.
17 During the month of November 2011 I and -- I and several
18 other officers worked an undercover assignment in plain
19 clothes to address drug complaints received by the Paris
20 Police Department.

21 Throughout the assignment three drug
22 arrests and seizures were made in separate incidents.
23 Totals for the seizures were 28 grams of cocaine, 82
24 prescription narcotics and \$1,300 cash.

25 February 2012, a letter of -- a letter of

1 appreciation from the Commonwealth Attorney's Office in
2 reference to a circuit court hearing in which I provided
3 testimony.

4 The Commonwealth Attorney observed that my
5 testimony was exceptionally professional and precise and
6 it was obvious that I had prepared my case work and
7 myself for the hearing, which was instrumental in
8 ensuring that evidence -- in ensuring the evidence in
9 the case was not suppressed.

10 July 2012, Chief's Commendation in
11 reference to a burglary at the State Farm Insurance
12 building on Main Street. Upon arrival the suspect was
13 still inside the building and barricaded himself,
14 refusing to come out.

15 Myself and other officers entered the
16 building, located -- and located the suspect, placing
17 him under arrest for burglary.

18 October 2013, Chief's Commendation in
19 reference to being dispatched to a loud music complaint
20 coming from a vehicle on Lylesville Street. Having
21 previous knowledge of narcotics at this address, the
22 officers parked one street away and walked in on foot.

23 As the -- as the suspects who were sitting
24 in the vehicle observed the officers, they threw a
25 firearm under the hood of the vehicle and shut it.

1 During the investigation myself and other
2 officers located cocaine, marijuana and prescription
3 narcotics and cash. When the hood was opened the loaded
4 nine millimeter handgun was located.

5 All three suspects were arrested and
6 charged with trafficking in controlled substances, and
7 the vehicle was seized by the Paris Police Department.

8 December 2015, Chief's Commendation in
9 reference to an armed robbery at Shoe Show on Letton
10 Drive. I think that's already been discussed.

11 December 2015, Chief's Commendation in
12 reference to an armed robbery at Shell Food Mart.
13 That's already been discussed.

14 December of '15 -- December of 2015, a
15 Chief's Commendation in reference to a shooting at
16 Rucker Village Apartments. Officers received the call
17 of shots fired in the parking lot of the apartments.

18 Upon our -- upon arrival officers located
19 one victim who had a gunshot wound to the side of the
20 head. As medics were treating the victim, officers
21 spoke with witnesses and secured the scene.

22 Officers were led to a residence on Brooks
23 Street where the suspect was located inside the
24 residence, hiding in a bathroom. After a brief standoff
25 officers talked the suspect out without resistance.

1 The firearm used in the shooting was
2 located in the kitchen sink, disassembled and soaking in
3 bleach.

4 Q. Luke, all of that was in -- before 2016.
5 You -- you said that you were made a lieutenant in April
6 of 2016, but then in January -- I'm sorry; you were made
7 a lieutenant in April of 2015; however, in January of
8 this year you resigned your lieutenant position and --
9 and went back to a patrolman?

10 A. Correct.

11 Q. Why?

12 A. There was an investigation -- a prior
13 investigation -- that myself and Lieutenant Dempsey were
14 involved in in reference to 12-hour schedules and
15 possible pressuring patrolmen.

16 I was questioned, called on the phone by
17 Chief Best -- after my interrogation called on the phone
18 by Chief Best while I was at home and was told that
19 effective immediately I was being demoted back to
20 patrol.

21 I asked if he would let me resign. The
22 five of us, to be honest with you -- and this situation
23 has made it especially tough -- the five of us together
24 could come up with enough money to get legal
25 representation for ourselves.

1 In that instance I didn't have the money to
2 get legal representation. They were going to let me
3 resign my lieutenant's position and keep my file clean.
4 I was told there would be nothing -- I specifically
5 asked both chiefs if there would be anything -- any
6 disciplinary action or anything in my file. They said
7 no.

8 I wrote them the resignation letter that I
9 believe you have a copy of, and that was the end of it.

10 Q. And this had to do with the shift change
11 from ten to twelve hours?

12 A. Correct.

13 MS. JACOBS: Objection. We've been
14 down this road many times.

15 MR. JUETT: We have.

16 MR. MORGAN: Not very far down the
17 road.

18 COURT REPORTER: I'm sorry; what did
19 you say?

20 MR. JUETT: We have been down this
21 road.

22 MR. MORGAN: That road is short.

23 Q. Lieutenant, you have something that you
24 want to say to the Commission members, sir?

25 A. I have a few things to say to the

1 Commission members. I know it's getting late and
2 everybody is tired.

3 Q. I'm sorry to interrupt. Before you get
4 into that, when -- in this demotion from lieutenant to
5 patrol did the chief say anything to you about his
6 investigation that we're dealing with right now?

7 A. No, sir.

8 Q. Okay. Go ahead. You were -- I'm sorry to
9 interrupt.

10 A. I know it's getting late and everyone is
11 tired; however, I've given ten years to this city, and I
12 would like a few minutes to speak to you all --
13 especially with my job on the line.

14 I've gotten numerous awards that I just
15 went over. Also, on the summary -- summary chart
16 provided by Chief Williams it states that I was at
17 headquarters for 30 percent of the time from October to
18 December.

19 I've added up how much of that time at
20 headquarters was actually spent in dispatch, and for me,
21 it was nine and a half percent.

22 I don't understand how an officer who had
23 dedicated their ten-year career to the City of Paris is
24 being terminated for spending nine and a half percent of
25 his time in dispatch when it seems as if no other

1 attention has been given to the other ninety percent of
2 the time he was working for the City -- furthermore,
3 with no prior reprimand or discipline.

4 Also, an email was sent out to the
5 department on 12/8, after which I was in dispatch for 22
6 minutes.

7 I think I've advised you all that -- and
8 ask any of the guys I work with -- when I -- when I was
9 at headquarters I wasn't -- I wasn't -- I won't -- I
10 won't say for dispatch, but when I was in headquarters I
11 was doing my job.

12 I was given a lieutenant's office. If --
13 if I'm going to get in trouble for being in that office,
14 then why was I given that office? I was up there doing
15 things for this department.

16 The entire month of November Puckett was
17 off duty. I was taking on lieutenant duties for two
18 shifts instead of one -- case reviews, scheduling,
19 emails, end-of-shift reports, putting together a
20 training officer (sic) that Chief Williams himself had
21 asked me to put together for this department.

22 As it's been said, I was responsible -- and
23 it was mentioned earlier that I guess this is until
24 February -- I was responsible myself for 173 incidents.

25 I don't know if it's been made clear, those

1 are not all just dispatch calls. Those are security
2 checks, traffic stops. Those are things we initiate.
3 Those are not just things we have -- have to do because
4 we're sitting in dispatch and they give us a call.
5 Those are because we want to do them.

6 I have the second most arrests in the Paris
7 Police Department since the 1990s when -- when the
8 department got Spillman, which is a database that logs
9 all activity for the department.

10 I live in this city. I care about the
11 citizens, and I do my part to make sure this is a safe
12 community. The time cards I've justified.

13 Another indication of how I'm not one that
14 just sits around, several times as a lieutenant I would
15 coordinate what was called Interdiction.

16 Interdiction is where I would schedule
17 adjust officers to get them to come in without --
18 without charging the City any overtime. I would do it
19 on heavy days, which has been explained, where both
20 sides of the shift are working, so I could take five or
21 eight officers, take them out of the call rotation and
22 still have enough officers to take calls.

23 We would do Interdiction in high drug
24 traffic areas of this town. I was told by -- by chief
25 it was appreciated. I sent him an activity log of every

1 day we did it. We did -- we'd do it in spring, summer
2 and fall -- the warm months.

3 We did it once October 22 -- this time I'm
4 being accused of -- of siting in dispatch for nine
5 percent of my time.

6 It -- it always resulted in drug seizures,
7 citations, activity, contacts. I was told by chief he
8 appreciated it. I was told by chief it was forwarded on
9 to the City management, and they appreciated it. I'm
10 not one to just sit around. I coordinated stuff for --
11 activity for this department.

12 All these guys here -- I could speak for
13 all of them -- the question has been raised if we come
14 back to work.

15 I've worked with these guys for years.
16 They've learned from this. This has put us and our
17 families through so much stress. We've learned from
18 this, and these are good guys.

19 We will come back, we will do our job, and
20 I can guarantee you this will be a better department if
21 we have our job back than if you let us go and try to
22 find someone else. That all I have to say.

23 MAYOR THORNTON: Okay. Let's calm
24 down.

25 MR. MORGAN: No other questions.

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EXAMINATION

BY MS. JACOBS:

Q. You -- you've testified and you agree that you spent too much time in dispatch, correct?

A. Nine percent, correct.

Q. Is nine percent too much?

A. Yes, ma'am.

Q. And you said you're not one to sit around, right?

A. No, ma'am.

Q. But you did sit around in dispatch?

A. Nine percent.

Q. Well, nine percent is too much. That's too much, right?

A. I did.

Q. And October the 24th, one of the dates we talked about and one of the videos we've seen, you -- you sat in dispatch for two hours and fifty-eight minutes, right?

A. If that's what's on your log, I'm sure, yes, ma'am.

Q. And you weren't doing reports then, were you?

A. No, ma'am.

1 Q. And you weren't working on a manual or
2 Interdictions or anything else at that time?

3 A. Not in dispatch, no, ma'am.

4 Q. So all the time in dispatch you weren't
5 working for the City, were you?

6 A. I was working for the City. I was sitting
7 in dispatch.

8 Q. Okay. But you weren't performing duties on
9 behalf of the City during that time, were you?

10 A. If I was sitting in a chair, no, ma'am.

11 Q. How do you know that the people under your
12 supervision -- your patrolmen -- are fit for duty if you
13 don't do roll call?

14 A. I -- fit for duty? Can you -- can you
15 explain fit for duty? Can you clarify that?

16 Q. In uniform, not under the influence, not
17 too tired, ready to go.

18 How do you know if you're not doing roll
19 call?

20 A. I see them throughout the shift. Just
21 because we don't have roll call doesn't mean I don't see
22 them.

23 Q. You've seen your job responsibilities, the
24 job description for a lieutenant, right?

25 A. Yes, ma'am.

1 Q. Which I seem to have lost. Here it is.
2 Do you want to look at a copy of it while
3 we're talking about it?
4 A. No, ma'am.
5 Q. Well, the essential duties, the first one
6 says, serves as a shift supervisor when there are no
7 sergeants working while patrolling a designated area on
8 foot or in a radio-equipped vehicle.
9 Do you agree with that?
10 A. Yes, ma'am.
11 Q. So if you're in dispatch, you're not
12 supervision while on patrol, correct?
13 A. No, ma'am.
14 Q. The second one says, supervises personnel
15 assigned to shift, including enforcement of department
16 rules and regulations.
17 Do you agree with that?
18 A. Yes, ma'am.
19 Q. And some of the charges are that you
20 allowed others to sit in dispatch and didn't correct
21 their actions, right?
22 A. Correct.
23 Q. And you agree that you did that?
24 A. Until December 8, yes, ma'am.
25 Q. And then number three says, inspects

1 uniforms and equipment of sworn personnel at the
2 beginning of shift and then interprets and explains
3 general and special orders.

4 So if you don't have roll call you can't do
5 that third thing, can you?

6 A. Inspect equipment?

7 Q. Inspect uniforms and equipment of sworn
8 personnel at the beginning of shift.

9 A. I can't -- I don't know that we've ever
10 inspected equipment at roll call.

11 Q. Well, that's eyeballing it, right? That's
12 making sure they're ready to go and they've got their
13 uniform on, they've got their stuff, right?

14 A. Correct.

15 Q. And -- and you testified this has been a
16 problem a long time, right?

17 A. (No response.)

18 Q. People hang out in dispatch too much?

19 A. It's never been magnified like this, but
20 there's been talk of it since I've been at the
21 department, yes, ma'am.

22 Q. You stated that you do your part for the
23 City of Paris.

24 When you were sitting in dispatch for 22
25 hours in the month of October, were you doing your part

1 on behalf of the --

2 A. What I --

3 Q. -- City of Paris?

4 A. -- what I was saying is the nine percent of
5 the time I was sitting in dispatch is what's being
6 looked at.

7 The other 90 percent I'm doing my part, and
8 I don't feel like that's being looked at. That's not
9 being taken into account. I'm sorry.

10 Q. Okay. Do you think you were doing your
11 part on behalf of the City for 21.95 hours in October?

12 A. Was that in dispatch?

13 Q. Yes.

14 A. I was available for calls. Was I out -- I
15 think several guys have said here that 2:00 -- sometimes
16 11:00, 12:00, but especially 1:00, 2:00, 3:00 or 4:00 in
17 the morning -- you can ride around for an hour and not
18 see anything but -- except another police cruiser
19 driving around.

20 Q. Well, your own expert agreed that presence
21 is deterrence of crime, right?

22 You -- you would agree with that, and
23 that's part of your training in the academy and things,
24 right?

25 A. Correct, but if -- if -- if you're driving

1 around at 2:00 in the morning and there's no one to make
2 a presence to, then you're not deterring crime.

3 Q. Well, how do you know there's nobody to --
4 if -- if -- I mean, how -- how do you know that there's
5 not someone there that sees you and says, I'm changing
6 my plans tonight? How do you know that somebody is not
7 driving through town drunk as a skunk if you're sitting
8 in dispatch?

9 A. I'm sure there's someone driving through
10 town drunk as a skunk right now, ma'am.

11 MS. JACOBS: I don't have any other
12 questions.

13 THE WITNESS: Thank you.

14 MR. MORGAN: No other questions.

15 MAYOR THORNTON: Mr. Morgan, would you
16 like to call your next witness?

17 MR. MORGAN: No other witnesses, sir.

18 MAYOR THORNTON: Mr. Morgan, if you
19 wish, you can make a brief closing argument at this
20 time.

21 MR. MORGAN: Yes, thank you. May it
22 please the Mayor, Commissioners, give me just a minute.
23 I made some notes here.

24 One of the things that I think is
25 really important about this is the email that says

1 effective immediately, that one that's dated on -- on --
2 well, both of them are dated December the 8th -- and
3 what you have seen -- and by the chief's own
4 measurements -- you've seen immediate results.

5 Now, what's being said here to you all
6 is that, well, this is just a flash in the pan, why
7 should we expect anything, this is something that's
8 chronic, something that's been going on and on and on,
9 nothing new, the only thing that's really going to fix
10 it is firing. We don't know that, though.

11 I mean, what is being played with here
12 are the careers of five men and their families. That's
13 why the City discipline policy says you take these
14 steps, you go progressively from zero to written
15 reprimand -- to verbal reprimand to written to
16 suspension, and the very last thing, the thing that
17 requires investigation -- a lengthy investigation -- is
18 firing.

19 The City of Paris has invested
20 thousands of dollars in every single one of these men by
21 sending them to the academy. You have put your trust in
22 them to protect and serve.

23 Each one of these men has admitted
24 that they have hung out too long in dispatch, that they
25 may not have keyed in on the radio, but the Chief of

1 Police said he is not here because they didn't do their
2 job. He said he has -- he's not saying that they didn't
3 do their job.

4 To -- to hear the questions of these
5 guys about the not working for the City by being in
6 the -- in the dispatch room, that -- that's easy to say
7 from somebody who's not ready to leave that dispatch
8 room and to go face God knows what.

9 That's easy to say by somebody who's
10 not had someone attack them, who's not had to look at
11 that child, who's not had to tell their loved ones, I'll
12 be safe, don't worry. That's what these guys have had
13 to do every day, and they're not paid a lot.

14 I don't think I need to tell you all,
15 but these guys put their -- this is a calling -- they
16 put their lives on the line because they're ready,
17 willing and able, and to say that they should be fired
18 without giving them any courtesy of notice, of
19 opportunity to fix their behavior, that's disrespect.

20 That is -- that's not leadership.
21 That's somebody who's trying to find a quick fix for a
22 problem that they acknowledge has been going on a long
23 time.

24 A leader fixes problems. A leader
25 makes tough decisions. I've had to fire people myself.

1 It has -- it happens after a long and lengthy process of
2 trying to get this person to work.

3 What we've got here, though, is a
4 policy that says how you're supposed to do it, and we
5 have a total disregard. We have throughout this policy
6 time and again admissions that no consultation was made
7 with the Mayor, no approval was received from the
8 Commission.

9 Do you think you would have asked
10 those kinds of questions in advance of, well, what have
11 you said to him before, are they on notice that this is
12 wrong, have you punished them for this previously?

13 Those are fair questions, and we know
14 the answer to all of those questions is no. No, they
15 were never previously punished. No one has been
16 previously punished for these offenses, for this
17 misconduct in the City of Paris Police Department.

18 We're not just setting a bright line,
19 a new -- a new sheriff being in town here. You're --
20 you're breaking precedents.

21 Members of the Commission, every one
22 of these persons is -- has expressed their remorse.
23 Now, I would not be surprised if we're going to hear,
24 well, now they're remorseful; now that they're caught,
25 of course they're going to come here and say they're

1 sorry.

2 You know, they were not shown that
3 type of -- they were not given this opportunity. You
4 heard Primm talk about asking for the video and being
5 told no, you're going to have to deal with it at the
6 hearing.

7 The chief said he never told any of
8 these people anything about this investigation until he
9 gave them these charges. These -- these guys are being
10 criticized for not answering these questions, but they
11 weren't given information.

12 I think it's going to be -- you're
13 going to have some difficult discussions here in a few
14 minutes, and I expect one of the questions is going to
15 be, do we want to let these guys go back to work there,
16 what's the environment going to be like at the police
17 department.

18 It's going to be difficult. It's
19 going to be hard. It's going to -- there's going to be
20 a lot of hard feelings. Is that any reason, though,
21 to -- to let -- to make two wrongs go by?

22 If what is being done here is wrong by
23 firing these guys, the question shouldn't be, well, we
24 can't undue that because it's going to make for a bad
25 workplace.

1 What you do by not firing these
2 officers and returning them to work, you know, that
3 helps the chief, because that establishes for him the
4 type of leadership that you require and that this city
5 needs.

6 To just say, oh, Chief, this is your
7 call. To just wipe this away, to throw it under the
8 rug, that allows someone who has told you that he's
9 known about this problem for a long time but has done
10 nothing about until he fires six people, five who have
11 appealed.

12 That's a heck of a risk. That is a
13 heck of a liability. My advice to you all is that you
14 allow these men to come back to work.

15 You -- everybody knows this -- you can
16 give them a written reprimand, you can put them on
17 terms, you can do whatever. I don't think any new --
18 any more notoriety is going to make any difference to
19 these guys.

20 But you have -- you not only arm them,
21 but you arm the others at this police department with
22 the knowledge that the Commission is going to make this
23 chief follow the policies of this department.

24 Letting these terminations stand, what
25 do you think that's going to do for morale at the police

1 department? What would it do for you if you were a
2 police officer thinking, what is behind me now?

3 Members of the Commission, I ask you
4 to do the fair thing here, to do the right thing, to do
5 the thing that is in the policy, and that is to restore
6 these men back to their careers and allow them to go
7 about their work and to show -- if -- if they don't
8 follow through on this, you know, then -- then so be it.

9 But -- and I'm not here trying to
10 suggest that hanging out in dispatch is an okay thing.
11 This isn't -- I'm not here as an advocate for missing --
12 calling in 10-8, calling out 10-7. I'm here to advocate
13 for the rule of law.

14 We've got laws here -- KRS 15.520, the
15 peace officer Bill of Rights. We've also got laws,
16 though, in these policies.

17 This is the notice that is given to
18 these guys, to the dispatchers that are down below in
19 the basement, to the people who work upstairs, to the
20 officers out on the street. These are the laws that
21 they've got to follow. I'm advocating for following
22 this and holding from the top on down to this rule of
23 law.

24 Two wrongs don't make a right. It was
25 wrong to hang out in dispatch. Forgetting about these

1 things and just throwing that away, that's wrong too.
2 Those two wrongs do not make it right to fire these
3 guys. Make the chief follow the rules. Restore these
4 men back to their office.

5 Thank you for your attention.

6 MAYOR THORNTON: Ms. Jacobs, you may
7 make a brief closing statement.

8 MS. JACOBS: The rules are the rule of
9 law. KRS 15.520 is the rule of law which gives these
10 officers an opportunity to be heard and to make their
11 case. They've had their opportunity, they've had their
12 day, but now it's time to make the decision.

13 None of the policies were violated --
14 none of them were -- and when you read that you know it,
15 because 15.520 rules and that's the way it is.

16 In the policy it says the Paris Police
17 Department does provide employees with lists of
18 specifically prohibited behavior. This behavior appears
19 in policy, but no list can be inclusive. Employees are
20 expected to have reasonable -- a reasonable
21 perception of what constitutes proper behavior based on
22 academy training and the observance of the proper
23 behavior of officers in general.

24 Is it in writing, don't hang out in
25 dispatch? There can't be an inclusive list . Here's

1 your list. Your list is what you do. You go out on
2 patrol. You deter crime. That's what you do. Here's
3 your list.

4 You don't neglect your duty. You
5 don't waste the taxpayer's money by being inefficient.
6 That's the list.

7 They knew not to do it. They've done
8 it for years. It's been done over and over and over,
9 and it wasn't until December the 5th that -- or whenever
10 he was noticed -- notified that on the 5th there was a
11 big problem and he started looking and saying, oh, my
12 gosh, this is bigger than I thought, this is bigger than
13 I thought.

14 Sometimes we lawyers kind of relish
15 the battle we get into, but nobody relishes the task
16 here. Nobody is happy about this situation -- most of
17 all Chief Williams -- most of all Chief Williams.
18 Nobody is happy about it.

19 I don't care how often the audience
20 giggles and claps and they think it's funny when the
21 dogs is in dispatch. It's not funny. It's not okay.
22 It's not okay for them to spend 46 percent of their
23 time, 30 percent of their time, 22 percent of their time
24 not on the streets.

25 Their oath, their job, was to keep

1 Paris safe. And they say, oh, we didn't miss a call.
2 What did you miss? We don't know what they missed. The
3 stack is this. What should it have been? Take that 46
4 percent of time, take that 30 percent of time, add it on
5 there. What did they miss? We don't know.

6 They're not supposed to be in dispatch
7 because it's distracting and you might miss something,
8 and it doesn't matter if the dispatchers think it's all
9 fine. It's not their call. It's not their call to
10 make.

11 This is not because of isolated
12 incidents. It is because of the accumulation over the
13 period of time for each and every one of them. It is
14 not because they sat in there on the 3rd of December and
15 had a dog in there. That's not it.

16 It's not because on the 24th that sat
17 in there with their feet up. It's because they did it
18 over and over and over again, and they knew better.
19 They'd been told not to do it and they did it, and
20 there's no reason for anybody to think that an email is
21 going to stop the behavior on a permanent basis -- not
22 one reason.

23 They all testified, we knew about it
24 and then just over time we'd trickle back in to doing it
25 again. Even their own expert said that's what happens,

1 and it's not okay. It's not okay for these citizens.

2 Chief Williams was criticized for
3 taking too much time for the investigation, not
4 notifying them. It took time to review the video. He
5 reviewed three months of video personally. He's the
6 only one in this room who's looked at all of the video.
7 They haven't. There didn't even look at it till Monday
8 because they know what it -- they know what it showed.

9 Did he check with the Mayor and the
10 Commission first? Absolutely not, because you all are
11 the fact finders. It would have been improper for him
12 to come to you and reveal things to you beforehand.

13 He did go to the manager. That's the
14 proper course. That's what he did. No policy was
15 violated -- not one. It was a careful process, grave
16 deliberation, grave action, following 15.520.

17 He talked about leadership. The
18 leadership that Chief Williams relied upon on second and
19 third shift -- the night shift -- when we should all be
20 asleep, we should all be comforted knowing that the
21 police department has got our back, his leadership was
22 sitting in dispatch with their feet up.

23 His leadership had the car out there
24 running for the entire shift and never leaving the
25 headquarters -- not once. That's the leadership that

1 needs to be corrected. That's the leadership we're
2 talking about.

3 The purpose of patrol is to deter
4 crime. The purpose of patrol is to have a presence.
5 The purpose of patrol is to stop the people running
6 through town who are drunk, to stop the people who are
7 speeding in the neighborhoods.

8 It's to let those people who decided
9 to burglarize or to rob, no, this city has got it
10 covered, we're going to find you, we're going to see,
11 and they're going to think, I'm going to go someplace
12 else, this is not the place for me, but if you're here,
13 it's not going to happen.

14 Is it a liability for the City to fire
15 five officers? It is a liability for the City to keep
16 officers on who have admitted policy violations, they've
17 admitted they've done wrong.

18 Did they apologize? Now, what did
19 they get on that Friday packet? They got the whole
20 charts of all the days, of the hours. Did any one of
21 them say on Monday, wow, that's too many hours, I
22 shouldn't have done that? Not one of them apologized at
23 that point -- not one. Not one of them came to the
24 chief and said, wow, I had no idea.

25 It's a liability not to fire them.

1 It's a liability to give the people of Paris the
2 impression that it's okay to not do your job, that it's
3 okay to sit around and not do what you're supposed to
4 do.

5 Mr. Morgan said the chief had total
6 disregard for the policies. That's your total
7 disregard. That's your total disregard of policies,
8 standing orders, known activity.

9 They take an oath of honor. They take
10 an oath of faithfulness. They take an oath to protect
11 and to serve. They have it written in policies. They
12 have it written in their job descriptions. That's total
13 disregard for duty.

14 Is it right to terminate them? This
15 is nonfeasance of duty. They didn't do it. This is
16 malfeasance of duty. They failed to do their jobs. Is
17 it gross malfeasance, gross nonfeasance? Absolutely,
18 and you know it is. Absolutely it is.

19 The depth and the breadth of these
20 charges against these five require termination and
21 nothing else. This is serious. I don't care how much
22 they laugh about it, it's serious.

23 The people of Paris trained these
24 guys. They're hometown guys, and they invested in them.
25 They trained them. They paid them. They trusted them,

1 and their trust was violated.

2 And make no mistake, it is because of
3 their own actions and nobody else's that they're here
4 tonight.

5 We thank you for your attention. It's
6 been long and arduous. Thank you.

7 MR. BEAUMAN: Mr. Morgan, the
8 Commission is going to have to make written findings.
9 Do you have any proposed written findings that you want
10 to submit?

11 MR. MORGAN: Let me see what you're
12 providing them.

13 MR. BEAUMAN: What I was going to
14 suggest is, as you all deliberate you've got these --
15 because you have to -- under the -- under 15.520 you
16 have to make written findings, so we have these that
17 we've submitted for -- for Chief Williams.

18 Obviously you're free to accept,
19 reject, edit, revise, however you see fit. There --
20 there are nine pages, so it's going to take a while.
21 I'll leave that with you all and --

22 MAYOR THORNTON: The other thing we
23 wanted to ask too out of both counselors is, as you
24 know, we've got to go to deliberate this in executive
25 session, and with the amount of people that are in here,

1 we don't care as a group if we need to go over to one of
2 the other offices in this building to where you all can
3 have -- still have seats, if that's all right, or if you
4 want us to stay here, we'll stay here, but that's going
5 to put everybody out of -- out of a seat.

6 So you all don't care that we move?

7 MR. MORGAN: No.

8 MR. BEAUMAN: We don't.

9 MAYOR THORNTON: All right. And then
10 we've got findings of fact?

11 MR. MORGAN: Yeah, findings --
12 findings of fact. Obviously I've just been handed --
13 handed them, have not had an opportunity to review
14 these. I think that -- well, I -- I just need to see
15 what these are.

16 And I -- I want to make sure who -- so
17 who is going back to deliberate? It's just you and the
18 Commissioners?

19 MAYOR THORNTON: It would be the five
20 of us, and if we need Temple from time to time to ask a
21 question we'll have that ability to do that, but he
22 cannot stay in there with us the entire time is my
23 understanding.

24 MR. JUETT: Correct.

25 MR. MORGAN: These are going to be on

1 what, questions of law or something?

2 MR. BEAUMAN: Under KRS 15.528 -- I
3 think it is -- they have to make written -- that's part
4 of the new -- part of the revisions to the statute is
5 they have to make written findings.

6 MR. MORGAN: Right. I understand
7 that. I'm sorry; I'm talking about if you have
8 questions and you -- that's when you're going to be
9 talking with Mr. Juett?

10 MAYOR THORNTON: Yes, sir.

11 MR. MORGAN: Okay.

12 MR. BEAUMAN: I would suggest maybe,
13 sort of like we would do it in a jury trial -- sorry to
14 put Lieutenant Thomas on the spot again -- but if you
15 guys are retiring back to the office you use, he can sit
16 at the end of the hallway by the glass doors, make sure
17 there's no traffic coming back there with you all.

18 MAYOR THORNTON: That would be fine.

19 We --

20 MR. BEAUMAN: Mr. Juett can keep him
21 company.

22 MAYOR THORNTON: Or we can leave him
23 in the conference room there too.

24 MR. BEAUMAN: There we go.

25 MAYOR THORNTON: That way Myron can --

1 MR. MORGAN: Well, in -- in that vein
2 about jury trial, if you have questions, I'd be happy to
3 and request that both the City and the police have an
4 opportunity to see what the question is and provide any
5 response, and then it would be left to Mr. Juett as to
6 whatever he's going to say.

7 MR. BEAUMAN: I was not inferring that
8 this invoked all the rights of a jury trial. I was
9 saying similar to sequestering a jury I had suggested
10 Lieutenant Thomas stay out there.

11 I think under open meetings and 15.520
12 it's pretty clear how you all deliberate, but certainly
13 if you have questions -- or anyone else -- I think you
14 can come out and ask them.

15 MR. MORGAN: Right.

16 MR. BEAUMAN: I'm not inferring that
17 you cannot.

18 MR. MORGAN: And 15.520 and the
19 similar provision in 95.420 -- or whatever it is --
20 talks about the legislative body doing these
21 deliberations, not the legislative body with --

22 MR. WHITLEY: Mr. Morgan, there is it.

23 MR. MORGAN: -- thanks -- with the aid
24 of --

25 MR. BEAUMAN: I'm sure --

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MR. MORGAN: -- somebody else.

MR. BEAUMAN: I'm sure Mr. Juett will make sure he's not in there while they're deliberating.

MR. MORGAN: We'll look at these and we'll get with Mr. Juett if we have any questions or anything we want to tell you guys. Is that all right?

MAYOR THORNTON: Yes, sir.

MR. JUETT: Yes.

MR. MORGAN: Because I know you all want to get right on it.

COMMISSIONER GALBRAITH: If you have questions, he'll relay those back to us?

MR. MORGAN: That's the plan.

MR. JUETT: Yes. About these instructions?

MR. MORGAN: Correct.

COMMISSIONER GALBRAITH: You're going to go down and give us our instructions?

MR. JUETT: Yeah, I'll be down there with you, and if Mr. Morgan has questions, he'll come to me --

COMMISSIONER GALBRAITH: Right.

MR. JUETT: -- with them, and I can present them to you all or we can decide how to do that.

MAYOR THORNTON: Any other questions?

1 Anything else, Counselors?

2 MR. MORGAN: No, thank you.

3 MAYOR THORNTON: All right. Well,
4 that concludes the disciplinary hearing. I will now
5 entertain a motion to enter into executive session
6 pursuant to KRS 61.810(1)(f) and KRS 61.810(1)(j) for
7 deliberations of this board regarding individual
8 adjudications and appointments and which might lead to
9 the discipline or dismissal of an individual employee.

10 Is there a second?

11 COMMISSIONER PERRAUT: Second.

12 MAYOR THORNTON: Any discussion?

13 COURT REPORTER: Who made the motion?

14 I'm sorry; I missed that.

15 MAYOR THORNTON: (Indicating.)

16 COURT REPORTER: Okay.

17 MR. BEAUMAN: Did you need that whole
18 thing?

19 MAYOR THORNTON: I read what I had.

20 MR. BEAUMAN: No, I was talking about
21 on the agenda.

22 MAYOR THORNTON: Do you want me to
23 read this whole --

24 MR. BEAUMAN: Yes, that would be our
25 suggestion --

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MAYOR THORNTON: All right.

MR. BEAUMAN: -- on behalf of the chief.

MAYOR THORNTON: All right. Deliberations in executive session pursuant to KRS 61.810(1)(f) and KRS 61.810(1)(j): Discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee's, member's or student's right to a public hearing if requested.

Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions or boards of adjustment.

That's my motion. Is there a second?

COMMISSIONER PERRAUT: Second.

MAYOR THORNTON: Is there any discussion?

Mr. Plummer, if I'll bother you to have roll call on that, please.

MR. PLUMMER: Mr. Perraut?

COMMISSIONER PERRAUT: Here.

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MAYOR THORNTON: No. I'm sorry.

MR. PLUMMER: Vote?

COMMISSIONER PERRAUT: I'll vote yes,
aye.

MR. PLUMMER: Commissioner Gray?

COMMISSIONER GRAY: Yes.

COMMISSIONER PERRAUT: You said roll
call.

MR. PLUMMER: Commissioner Brooks?

COMMISSIONER BROOKS: Yes.

MR. PLUMMER: Commissioner Galbraith?

COMMISSIONER GALBRAITH: Yes, sir.

MR. PLUMMER: And Mayor Thornton?

MAYOR THORNTON: Yes.

MR. MORGAN: Mr. Mayor, before you go,
I -- I do see one thing I think that does need some
immediate attention.

These are in the tendered findings
that have been presented to you and the other
Commissioners, and you'll see that there are findings of
facts which track the chief's report for each of the
individual officers.

I think it's important and -- and I
request right now -- and we may have others later -- but
right now I request that for each of these officers

1 there also be a finding of fact that no prior discipline
2 had been entered against these officers related to any
3 of these offenses, and I think we can all agree to that.

4 MR. BEAUMAN: I'm sorry; that's --
5 they can make any addition to the proposed findings they
6 wish where it's based on their findings from the
7 evidence.

8 MR. MORGAN: Well, will the City
9 attorneys agree to that, to adding that on to this
10 laundry list that you put in here?

11 MR. BEAUMAN: Will you agree on behalf
12 of the officers that they've committed the infractions
13 and violations of policy and the only deliberation they
14 need to make is discipline?

15 MR. MORGAN: No, because I think
16 the -- all right.

17 MR. BEAUMAN: I mean, I was just
18 trying to help speed it up.

19 MR. MORGAN: No, it -- it really
20 doesn't. I had a simple question there, and then now
21 we've got horse trading going on.

22 I think, Temple, you got down what I
23 requested being added, and then we'll get more to you
24 all as needed.

25 MR. JUETT: Request a finding of fact

1 of no discipline has been made with regard to these
2 charges for any of these officers?

3 COURT REPORTER: I'm sorry; could
4 you -- I'm having a hard time hearing you.

5 MR. JUETT: You requested that a
6 finding of fact that no prior discipline for these
7 charges has been assessed against any of these
8 officers --

9 MR. MORGAN: Well, that --

10 MR. JUETT: -- is that correct?

11 MR. MORGAN: Right. And -- and so,
12 Commissioners, Mr. Mayor, for example, here I'm looking
13 on this first one dealing with Robert Puckett. There's
14 this list of 26 items, and I -- what I'm having here is
15 a -- is a request that item number 27, a new one be put
16 in here that says, Lieutenant Puckett has never been
17 disciplined for any of these types of offenses before --
18 previously, before, however you want to phrase it. I
19 think it's pretty straightforward.

20 MAYOR THORNTON: We're going to use
21 Bryan's findings --

22 COURT REPORTER: I'm sorry; you're
23 going to have to speak up.

24 MAYOR THORNTON: We're going to use
25 your findings -- findings of fact and add Mr. Morgan's

1 to it?

2 MR. BEAUMAN: You all have to decide.
3 We proposed these on behalf of the chief. You all can
4 make your own decision on that.

5 MAYOR THORNTON: Okay.

6 MR. MORGAN: And -- and then -- again,
7 I'm sorry; this is -- this is all preliminary stuff.
8 It's probably better to deal with this now. Like I say,
9 we hadn't been -- this is the first we've seen this too.

10 For each one of these officers
11 you're -- the proposal from the City is you make -- it's
12 an all-or-nothing deal, either you're approving the
13 firing of these guys or you're disapproving the firing
14 of these guys. You're not doing anything in between.

15 MR. BEAUMAN: No, they -- they have
16 the absolute range of discipline.

17 MR. MORGAN: Okay, but this doesn't
18 say that.

19 MR. BEAUMAN: Well, they are free to
20 revise this however they see fit.

21 MR. MORGAN: Well, I understand that,
22 but what's written here in front of -- in front of
23 you -- I just want to make sure you're clear, because I
24 was asked to clarify other things here -- to be real
25 clear, the way this is written right now is an

1 all-or-nothing thing.

2 It's either firing or letting --
3 letting them back in. There's nothing in here about
4 reprimanding or anything else.

5 MR. BEAUMAN: And you could have
6 submitted your own proposed written findings like the
7 statute calls for.

8 COMMISSIONER GALBRAITH: But
9 personally, I understand.

10 MR. MORGAN: Okay.

11 COMMISSIONER GALBRAITH: I understand.

12 COMMISSIONER PERRAUT: We get it,
13 guys.

14 (Recess taken.)

15 MR. MORGAN: By agreement, the parties
16 have given the legislative body a copy of KRS 95.450 and
17 requested Temple Juett to direct the legislative body's
18 attention to Subsection 7 of this statute that lays out
19 the sentencing range that they have to consider for
20 these officers.

21 MR. BEAUMAN: That's right.
22 Mr. Morgan came to me, and I -- I agreed to make sure a
23 copy of that went back in there to make it clear that
24 they had any range of discipline as permitted by the
25 statute.

1 (Recess taken.)

2 MAYOR THORNTON: All right. I move to
3 come out of executive session, if I could get a second.

4 COMMISSIONER PERRAUT: Second.

5 MR. PLUMMER: Take a vote. All in
6 favor, say aye.

7 COMMISSIONER PERRAUT: Aye.

8 COMMISSIONER GRAY: Aye.

9 COMMISSIONER BROOKS: Aye.

10 COMMISSIONER GALBRAITH: Aye.

11 MAYOR THORNTON: Aye.

12 MR. PLUMMER: Any opposed, nay.

13 (No response.)

14 MR. PLUMMER: Motion carries.

15 MAYOR THORNTON: All right. I have a
16 question. Do we read this entire docket -- or not we --
17 I guess I'm charged with that, but --

18 MR. BEAUMAN: As I had prepared --
19 Mr. Morgan, as I had prepared this, I had said the
20 entire contents were read in open meeting.

21 Obviously you're going to make copies
22 for everybody at some point. Do you all want to waive
23 the full reading or just get to the holding? I'll leave
24 that up to you guys.

25 MR. MORGAN: Well, I don't think we

1 need the findings of facts. Why don't we just do the
2 holdings.

3 MR. JUETT: That will cut a lot out.
4 Is that agreeable with you?

5 MR. BEAUMAN: That's fine with us.

6 UNIDENTIFIED SPEAKER: We can't hear.

7 MR. BEAUMAN: Oh, I'm sorry. That's
8 fine with us. I'm sorry.

9 MAYOR THORNTON: Are we in here where
10 everybody can hear?

11 This matter comes before the Board of
12 Commissioners of the City of Paris for a hearing
13 conducted on February 22 and 24, 2016, on charges filed
14 by Paris Chief of Police Rob Williams against Lieutenant
15 Robert Puckett, Officers Jon Humphries, Kevin Anderson,
16 J.P. Primm and Abdullah Bholat.

17 Each have been charged with violations
18 of Paris Police policy 100.060, 11.04, conduct
19 unbecoming; 11.16, failure to conform to rules and
20 regulations; 11.17, insubordination; 11.18,
21 inefficiencies; 11.26, dereliction of duty; 11.27,
22 honesty.

23 Lieutenant Puckett and Officers
24 Humphries and Anderson have also been charged with
25 violation of Paris Police policy 100.60, Section 11.47,

1 the failure to properly enforce the rules of conduct as
2 a ranking officer.

3 Lieutenant Puckett has further been
4 charged with violations of the City of Paris personnel
5 policies and procedures for inefficiencies, horseplay on
6 City premises at any time, discourtesy to the public or
7 fellow employee, on-duty or off-duty activities that
8 discredit the City or the individual as a City employee
9 or cause inefficiencies in performing assigned duties.

10 Based upon the testimony, documents
11 and other evidence presented at the hearing, the Board
12 of Commissioners hereby finds and holds as follows.

13 And we're going to skip the findings
14 of fact, correct?

15 MR. MORGAN: Yes, unless you guys
16 want --

17 MAYOR THORNTON: All right. On the
18 holdings, based upon the foregoing findings of fact, it
19 is the decision of the Board of Commissioners of the
20 City of Paris to approve the suspension without pay of
21 Lieutenant Robert Puckett for a period of six months
22 beginning February 9, 2016, in addition to one year of
23 probation beginning the first day he returns from
24 suspension and being stripped of his rank of lieutenant
25 and remain ineligible for promotion or advancement for a

1 period of two years following his return from suspension
2 based upon substantial evidence proving violations of
3 the Paris Police policy 100.060 for conduct unbecoming,
4 failure to conform to rules and regulations,
5 insubordination, efficiencies, dereliction of duty and
6 for the failure to properly enforce the rules of conduct
7 as a ranking officer.

8 Officer Puckett shall also be charged
9 ten hours of annual leave for the charge of claiming ten
10 hours of time worked but the radio log showing no
11 activity, and he did not appear at headquarters at any
12 time on the shift of October 6, 2015.

13 The entire contents of this document
14 were read in open meetings of the Board of Commissioners
15 following the deliberation of the board.

16 This document and its contents were
17 presented for a motion and a vote of the Board of
18 Commissioners and which by majority vote as will be
19 reflected in the transcript of this hearing and the
20 minutes by the City Clerk.

21 And we would have to do these with
22 individual motions, correct?

23 MR. BEAUMAN: Yes, that's what we had
24 talked about.

25 COMMISSIONER GALBRAITH: Move to

1 approve.

2 COMMISSIONER BROOKS: Second.

3 COURT REPORTER: I'm sorry; could

4 you --

5 COMMISSIONER GALBRAITH: Move to

6 approve.

7 COMMISSIONER BROOKS: Second.

8 MR. PLUMMER: Do you want me to take

9 them individually?

10 MAYOR THORNTON: That'd be fine.

11 MR. PLUMMER: Okay. Commissioner

12 Perraut?

13 COMMISSIONER PERRAUT: Yes.

14 MR. PLUMMER: Commissioner Gray?

15 COMMISSIONER GRAY: Yes.

16 MR. PLUMMER: Commissioner Brooks?

17 COMMISSIONER BROOKS: Yes.

18 MR. PLUMMER: Commissioner Galbraith?

19 COMMISSIONER GALBRAITH: Yes.

20 MR. PLUMMER: Mayor Thornton?

21 MAYOR THORNTON: Yes.

22 MR. PLUMMER: Motion carries.

23 MAYOR THORNTON: Regarding Officer Jon

24 Humphries -- once again, we'll skip the findings of

25 fact -- based upon the foregoing findings of fact, it is

1 the decision of the Board of Commissioners of the City
2 of Paris to approve the suspension without pay of
3 Officer Jon Humphries for a period of six months
4 beginning February 9, 2016, in addition to one year of
5 probation beginning the first day he returns from
6 suspension and remain ineligible for promotion or
7 advancement for a period of two years following his
8 return from suspension based upon substantial evidence
9 proving violations of the Paris Police policy 100.060
10 for conduct unbecoming, failure to conform to rules and
11 regulations, insubordination, inefficiencies,
12 dereliction of duty and for the failure to properly
13 enforce the rules of conduct as a ranking officer.

14 Officer Humphries shall also be
15 charged ten hours of annual leave for October 24, 2015,
16 no radio activity.

17 The entire contents of this document
18 were read in open meeting of the Board of Commissioners
19 following the deliberation of the board, and this
20 document and its contents were presented for a motion
21 and a vote of the Board of Commissioners and which by
22 majority vote as will be reflected in the transcript --
23 transcript, I apologize -- of this hearing and by the
24 minutes of the City Clerk.

25 I need a motion and a second.

1 COMMISSIONER PERRAUT: So moved.
2 COMMISSIONER BROOKS: Second.
3 MR. PLUMMER: We'll take a vote.
4 Commissioner Perraut?
5 COMMISSIONER PERRAUT: Aye.
6 MR. PLUMMER: Commissioner Gray?
7 COMMISSIONER GRAY: Yes.
8 MR. PLUMMER: Commissioner Brooks?
9 COMMISSIONER BROOKS: Yes.
10 MR. PLUMMER: Commissioner Galbraith?
11 COMMISSIONER GALBRAITH: Yes.
12 MR. PLUMMER: Mayor Thornton?
13 MAYOR THORNTON: Yes.
14 MR. PLUMMER: Motion carries.
15 MAYOR THORNTON: Regarding Officer
16 Kevin Anderson -- we'll, once again, skip the findings
17 of fact -- based upon the foregoing findings of fact, it
18 is the decision of the Board of Commissioners of the
19 City of Paris to approve the suspension without pay of
20 Officer Kevin Anderson for a period of 90 days beginning
21 February 9, 2016, in addition to one year of probation
22 beginning the first day he returns from suspension and
23 remaining ineligible for promotion or advancement for a
24 period of two years following his return from suspension
25 based upon substantial evidence proving violations of

1 Paris Police policy 100.060 for conduct unbecoming,
2 failure to conform to rules and regulations,
3 insubordination, inefficiencies, dereliction of duty and
4 for the failure to properly enforce the rules of conduct
5 as a ranking officer.

6 The entire contents of this document
7 were read in an open meeting of the Board of
8 Commissioners following the deliberation of the board,
9 and this document and its contents were presented for a
10 motion and a vote of the Board of Commissioners and
11 which by majority vote as will be reflected in the
12 transcript of this hearing and minutes by the City
13 Clerk.

14 I need a motion and a second.

15 COMMISSIONER GRAY: So moved.

16 COMMISSIONER PERRAUT: Second.

17 MR. PLUMMER: We have a motion and a
18 second. We'll have a vote on it. Commissioner Perraut?

19 COMMISSIONER PERRAUT: Yes.

20 MR. PLUMMER: Commissioner Gray?

21 COMMISSIONER GRAY: Yes.

22 MR. PLUMMER: Commissioner Brooks?

23 COMMISSIONER BROOKS: Yes.

24 MR. PLUMMER: Commissioner Galbraith?

25 COMMISSIONER GALBRAITH: Yes.

1 MR. PLUMMER: And Mayor Thornton?
2 MAYOR THORNTON: Yes.
3 MR. PLUMMER: Motion carries.
4 MAYOR THORNTON: Regarding Officer
5 J.P. Primm -- we'll, once again, waive the findings of
6 fact -- based on the foregoing findings of fact, it is
7 the decision of the Board of Commissioners of the City
8 of Paris to approve the suspension without pay of
9 Officer J.P. Primm for a period of 90 days beginning
10 February 9, 2016, in addition to one year of probation
11 beginning the first day he returns from suspension and
12 to require that Officer Primm retire at the time he
13 becomes eligible -- can't talk -- eligible under CERS,
14 based upon substantial evidence proving violations of
15 Paris Police policy 100.060 for conduct unbecoming,
16 failure to conform to rules and regulations,
17 insubordination, inefficiencies, dereliction of duty.
18 Officer Primm shall also be charged
19 7.5 hours of annual leave for the trip to Barren River.
20 The entire contents of this document
21 were read in an open meeting of the Board of
22 Commissioners following the deliberation of the board,
23 and this document and its contents were presented for a
24 motion and a vote of the Board of Commissioners and
25 which by majority vote as will be reflected in the

1 transcript of this hearing and the minutes of the City
2 Clerk.

3 I need a motion and a second.

4 COMMISSIONER GRAY: So moved.

5 COMMISSIONER PERRAUT: Second.

6 MR. PLUMMER: We'll take a vote.

7 Commissioner Perraut?

8 COMMISSIONER PERRAUT: Yes.

9 MR. PLUMMER: Commissioner Gray?

10 COMMISSIONER GRAY: Yes.

11 MR. PLUMMER: Commissioner Brooks?

12 COMMISSIONER BROOKS: Yes.

13 MR. PLUMMER: Commissioner Galbraith?

14 COMMISSIONER GALBRAITH: Yes.

15 MR. PLUMMER: Mayor Thornton?

16 MAYOR THORNTON: Yes, sir.

17 MR. PLUMMER: Motion --

18 MAYOR THORNTON: Regarding -- I'm

19 sorry.

20 MR. PLUMMER: Motion carried.

21 MAYOR THORNTON: Regarding Officer
22 Abdullah Bholat, based -- we're going to, once again,
23 skip the findings of fact -- based upon the foregoing
24 findings of fact, it is the decision of the Board of
25 Commissioners of the City of Paris to approve the

1 suspension without pay of Officer Abdullah Bholat for a
2 period of 120 days beginning February 9, 2016, in
3 addition to one year of probation beginning the first
4 day he returns from suspension and remaining ineligible
5 for promotion or advancement for a period of two years
6 following his return from suspension based upon the
7 substantial evidence proving violations of Paris Police
8 policy 100.060 for conduct unbecoming, failure to
9 conform to rules and regulations, insubordination,
10 inefficiencies, dereliction of duty and honesty.

11 The entire contents of this document
12 were read in an open meeting of the Board of
13 Commissioners following the deliberation of the board,
14 and this document and its contents were presented for a
15 motion and a vote of the Board of Commissioners and
16 which by majority vote as will be reflected in the
17 transcript of this hearing and the minutes of the City
18 Clerk.

19 The City Clerk is directed to file
20 this document with the open meetings, and the City's
21 human resource director is directed to file these
22 documents in the employees' personnel files.

23 I need a motion and a second.

24 COMMISSIONER BROOKS: So moved.

25 COMMISSIONER GRAY: Second.

1 MR. PLUMMER: We have a motion and a
2 second. We'll take a vote. Commissioner Perraut?
3 COMMISSIONER PERRAUT: Yes.
4 MR. PLUMMER: Commissioner Gray?
5 COMMISSIONER GRAY: Yes.
6 MR. PLUMMER: Commissioner Brooks?
7 COMMISSIONER BROOKS: Yes.
8 MR. PLUMMER: Commissioner Galbraith?
9 COMMISSIONER GALBRAITH: Yes, sir.
10 MR. PLUMMER: And Mayor Thornton?
11 MAYOR THORNTON: Yes, sir.
12 MR. PLUMMER: Motion carries.
13 MAYOR THORNTON: I need a motion to
14 adjourn.
15 MR. BEAUMAN: Before you do, if you
16 would, you might want to reflect at the beginning that
17 we're now into February 25.
18 MR. MORGAN: Yes.
19 MR. BEAUMAN: Because the hearing was
20 the 22 and 24, so that should really say 22 and 24 dash
21 25 --
22 MAYOR THORNTON: Okay.
23 MR. BEAUMAN: -- if you all will make
24 a motion to approve that change.
25 COMMISSIONER PERRAUT: Motion to make

1 changes there on the schedule.

2 COMMISSIONER BROOKS: Second.

3 MR. PLUMMER: We'll take a vote. All
4 in favor, say aye.

5 COMMISSIONER PERRAUT: Aye.

6 COMMISSIONER GRAY: Aye.

7 COMMISSIONER BROOKS: Aye.

8 COMMISSIONER GALBRAITH: Aye.

9 MAYOR THORNTON: Aye.

10 MR. PLUMMER: All opposed, nay.

11 (No response.)

12 MR. PLUMMER: Motion carries.

13 MAYOR THORNTON: And a motion to
14 adjourn.

15 COMMISSIONER GALBRAITH: So moved.

16 COMMISSIONER PERRAUT: Second.

17 MR. PLUMMER: We'll take a vote. All
18 in favor, say aye.

19 COMMISSIONER PERRAUT: Aye.

20 COMMISSIONER GRAY: Aye.

21 COMMISSIONER BROOKS: Aye.

22 COMMISSIONER GALBRAITH: Aye.

23 MAYOR THORNTON: Aye.

24 MR. PLUMMER: All opposed, nay.

25 (No response.)

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MR. PLUMMER: Motion carries.

(PROCEEDINGS CONCLUDED AT 2:29 A.M. ON
FEBRUARY 25, 2016.)

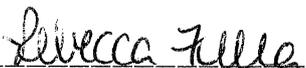
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STATE OF KENTUCKY)
COUNTY OF FAYETTE)

I, REBECCA FELLA, Registered Professional Reporter and Notary Public, State of Kentucky at Large, whose commission as such will expire March 26, 2018, do hereby certify that the foregoing proceedings were taken by me at the time, place, for the purpose and with the appearances set forth herein; that the same was taken down by me in stenotype in the presence of the parties and thereafter correctly transcribed by me upon computer; and that the witnesses were duly placed under oath by me prior to giving testimony.

I further certify that I am not related to nor employed by any of the parties to this action or their respective counsel and have no interest in this litigation.

Given under my hand, this 9th day of March, 2016.



REBECCA FELLA, RPR
Registered Professional Reporter
Notary Public, State-at-Large