May 3, 2011

The Common Council of the City of Glasgow, KY met in a Special Called Meeting on Tuesday, the 3rd day of May, 2011 at 6:00 p.m. in the Council Chambers at City Hall, 126 East Public Square, Glasgow, Kentucky, for the purpose of conducting a police officer disciplinary hearing pursuant to KRS 95.450.

The following persons were present:

HONORABLE MAYOR: Rhonda Trautman

COUNCIL MEMBERS: Harold Armstrong
Jimmy Ferrell
Brad Groce
Stacy Hammer
Wendell Honeycutt
Doug Isenberg
Jim Marion
James Neal
Freddie Norris – absent
William Webb
Linda Wells
Marlin Witcher

Council Member Freddie Norris recused himself from the hearing.

Mayor Trautman called the meeting to order.

Mayor Trautman entertained a motion to go into closed session pursuant to KRS 61.810 (1)(f).

MOTION was made by Council Member Marion for closed session
SECOND was by Council Member Armstrong
VOTE unanimous approval of the Council present

Motion was made for Council to return to open session

MOTION was made by Council Member Marion to return to open session
SECOND was by Council Member Witcher
VOTE unanimous approval of the Council present

ACTION TAKEN:

FINDINGS OF FACT

The Glasgow City Council determined the facts have been proven in an administrative hearing on a disciplinary complaint filed by the Complainant, Guy Turcotte, Chief of Police, against the Respondent, Larry Dale Martin, which took place on February 24, 2011.

The Glasgow City Council verified complaints alleges violations under Count I and Count II.

A. COUNT I – UNBECOMING CONDUCT

The foregoing statement of facts constitutes Unbecoming Conduct in violation of Section 201.00 of the Glasgow Police Department Policy and General Order Manual, which states as follows:
Any breach of peace, neglect of duty or any conduct on the part of any member, either within or without of the boundaries of Glasgow, which tends to undermine the good order, efficiency or discipline, or which reflects discredit upon the department of any member thereof, even though these offenses may not be specifically outlined, shall be prohibitive conduct.

B. COUNT II – FAILURE TO PROMOTE PROPER PUBLIC RELATIONS

The foregoing statement of facts constitutes a Failure to Promote Proper Public Relations in violation of Section 204.00 of the Glasgow Police Department Policy and General Order Manual which states as follows:

- It shall be the duty of every member to promote good public relations by providing a high level of professional service in every contact by respecting the Constitutional Rights of all citizens and through unbiased enforcement of the law.

On Count I- Unbecoming Conduct, and Count II-Failure to Promote Proper Public Relations, of the Charges, the Respondent, Larry Dale Martin was found guilty by Roll Call Vote of the Council on No. 5 of the Finding of Fact which states the following:

5. During the escort, Respondent made an inappropriate comment to the arrestee. According to witnesses, Respondent indicated to the arrestee that he would hug the arrestee’s wife and take care of her while the arrestee was in jail.

C. COUNT III – EXCESSIVE FORCE

The foregoing statement of facts constitutes Excessive Force in violation of Section 204.00 of the Glasgow Police Department Policy and General Order Manual which states as follows:

- It shall be the policy of the Glasgow Police Department that the value of human life is immeasurable. Officers shall use only that force necessary to protect life and affect lawful objectives. It is recognized that officers are expected to make split-second decisions and that the amount of an officer’s time available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law.

D. COUNT IV – IMPROPER PRISONER CONTACT

The foregoing statement of facts constitutes Improper Prisoner Contact in of Section 204.00 of the Glasgow Police Department Policy and General Order Manual which states as follows:

- Prisoners shall be treated in a fair and humane manner at all times as provided by law. They shall not be subjected to physical force other than as may be required in subduing violence or affecting an arrest. No member shall strike or knowingly permit another to strike a prisoner or suspect except when necessary in the prevention of an escape, in self defense or in the prevention of violence to another person. If force is necessary, an Administrative Incident Report form shall be submitted to the Chief of
Police by the end of the tour of duty in which the incident occurred or as soon as practical if the officer is injured.

On Count I- Unbecoming Conduct, Count II- Failure to Promote Proper Public Relations, Count III- Excessive Force, and Count IV-Improper Prisoner Contact, of the Charges, the Respondent, Larry Dale Martin, was found guilty by Roll Call vote of the Council on No. 6 and No. 7 of the Finding of Fact which states the following:

6. Thereafter, the arrestee was escorted by Officer Michael Burton, Officer Sidney Bailey, Officer Joseph Ford, Officer Justin Kirkpatrick and Respondent. Upon entering the elevator, Respondent removed his ASP baton and struck the arrestee in the groin area, in the shoulder area, and on the forearm. At that point, Officer Bailey told Respondent to stop. Nevertheless, Respondent continued to kick and strike the arrestee. Therefore, the arrestee was escorted to Officer Bailey’s police cruiser and transported to the Barren County Correctional Center.

7. Despite the fact that the Glasgow Policies require an officer who has used force against a prisoner to complete and submit an Administrative Incident Report to the Chief of Police, Respondent failed to do so.

ROLL CALL VOTE AS TO A GUILTY VERDICT ON COUNT I, COUNT II, COUNT III AND COUNT IV

Armstrong – yes Marion – yes Honeycutt – yes
Ferrell – yes Neal – yes Isenberg – yes
Groce – yes Webb – yes Witcher – yes
Hammer – yes Wells – yes

Pursuant to KRS 95.450 (3) the legislative body by Roll Call Vote fixed the punishment of Respondent as dismissal from service effective immediately.

ROLL CALL VOTE AS TO THE PUNISHMENT OF THE RESPONDENT AS DISMISSAL

Armstrong – yes Marion – yes Honeycutt – yes
Ferrell – yes Neal – yes Isenberg – yes
Groce – yes Webb – yes Witcher – yes
Hammer – yes Wells – yes

The votes in this transcript of findings are hereby recorded and certified by Tommie S. Birge, City Clerk for the City of Glasgow, Kentucky.

There being no further business to come before Council, Council Member Ferrell made motion for adjournment, Armstrong seconded.

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RHONDA RIHERD TRAUTMAN, MAYOR

ATTEST:

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TOMMIE S. BIRGE, CITY CLERK