

The Council of the Lexington-Fayette Urban County Government, Kentucky, convened in special session on March 1, 2010 at 3:00 p.m. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Feigel, Gorton, Gray, James, Lane, Martin, McChord, Stinnett, Beard, Blues, Crosbie and Ellinger. Absent were Council Members Henson, Lawless and Myers.

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TRIAL OF POLICE OFFICER STEPHANNI ROADARMEL

(Charges)

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
STATEMENT OF FORMAL CHARGES PURSUANT TO KRS 95-450
(To be filed with the Clerk of the Lexington-Fayette Urban County Council)

Stephanni Roadarmel is hereby charged with misconduct in violation of KRS 95.450(1) and with the following in violation of the below-listed ordinances of the Lexington-Fayette Urban County Government and General Orders of the Division of Police of the Lexington-Fayette Urban County Government:

I.

Misconduct, Section 23-42(12) of the Code of Ordinances and General Order 73-2(H), Operational Rules Section 1.02 in that:

On Friday, July 17, 2009, at approximately 22:17 hours, Officer Stephanni Roadarmel and another officer were dispatched to a noise disturbance call at 3720 Camelot Drive. The other officer arrived and completed the call. Officer Roadarmel did not properly respond and cleared herself from the call before the officer gave a disposition and without contacting the officer.

On Friday, July 24, 2009, Officer Stephanni Roadarmel was assigned two different calls. One call, in which Officer Roadarmel was dispatched to 3813 Kittiwake Drive, began at approximately 18:36 hours and was cleared at approximately 20:22 hours. Officer Roadarmel indicated by MDC that she arrived approximately five minutes before she actually arrived. The second call, in which officers were dispatched to 4131 Tates Creek Centre Drive, began at approximately 20:21 hours and was cleared at approximately 23:15 hours. While en route to this call, Officer Roadarmel provided false information about her location when another officer requested the location of his backup. Officer Roadarmel changed her location during each call and did not advise Communications. General Order 77-1/E Police Radio Procedure, Section VI, Response to Incidents, Subsection F(5)(c) requires officers to notify communications when they change location or status when handling calls for service.

On Wednesday, July 29, 2009, at approximately 20:10 hours, Officer Stephanni Roadarmel was dispatched along with another officer to 3855 Belleau Wood Drive for a suspicious subject call. Officer Roadarmel was observed stopped and talking to someone before proceeding to the suspicious subject call. At approximately 20:12 hours, the other officer dispatched to the call arrived and exited his vehicle to engage a suspect. Officer Roadarmel, who was still expected to be responding to the suspicious subject call, was observed at

approximately 20:16 hours traveling a route which was not directly to the officer who was with the suspect. She was observed turning into the parking lot of East Sector Roll Call. At approximately 20:18 hours, the officer who was with the suspect advised Officer Roadarmel to disregard.

On Wednesday, July 29, 2009, at approximately 20:18 hours, Officer Stephanni Roadarmel was dispatched as the primary unit to a disorder with a weapon call at Buckhorn Drive/ Mirror Lake Drive. She was observed sitting in a parking lot on Centre Parkway for 3 minutes before responding to the call. She responded without activating her emergency equipment (non-signal nine) and arrived at the call at approximately 20:24 hours. The call was cleared at approximately 20:37 hours.

On Wednesday, July 29, 2009, Officer Stephanni Roadarmel was dispatched to a priority one call at 2358 Nicholasville Road at approximately 20:49 hours. She did not activate her emergency equipment while en route nor did she respond in a prudent manner. She never responded to the scene of the robbery. At approximately 20:59 hours, a unit was requested to clear the robbery and respond to another priority call. This call involved a disorder with a weapon at 3424 Windyknoll Drive. A male subject was attempting to stab the complainant. Officer Roadarmel cleared the robbery call and proceeded to the disorder along with another officer. The other officer responded with emergency equipment activated (signal nine) and Officer Roadarmel did not. Officer Roadarmel also provided false information about her location while en route to the call. Additionally, once arriving as a back up officer on this call, Officer Roadarmel failed to enter the residence with the primary officer at the point when arrest was imminent.

On Thursday, July 30, 2009, shortly after the East Section 2nd shift roll call, Officer Stephanni Roadarmel and another officer responded to a dispatch call in reference to a combative shoplifter at 2155 Paul Jones Way. The other officer responded with emergency equipment activated (signal nine) and Officer Roadarmel initially did not.

On Friday, July 31, 2009, at approximately 22:49 hours, Officer Stephanni Roadarmel and another officer were dispatched to a disorder at 1212 Reva Ridge Way involving several subjects. A third officer also advised he/she would respond. Officer Roadarmel was advised by dispatch to continue to the call due to the disorder involving several subjects. Officer Roadarmel did not respond signal nine.

Officer Roadarmel's conduct in failing to activate her emergency equipment in each situation violated General Order 77-1/E, Police Radio Procedure, Section III(C), Dispatching Requirements, Subsection (1)(a), which advises the officers' responsibility when responding to Priority 1 and Priority 2 calls for service.

Officer Roadarmel's failure to notify communications of changes in her location and/or status and to respond to calls prudently and expeditiously endangers not only her own safety but also the safety of her fellow officers and the citizens of Lexington-Fayette County.

Officer Roadarmel's conduct does not reflect favorably upon the Division of Police, brings disrepute to the Division, reflects discredit on her as a member of the Division and tends to impair the operation and efficiency of the Division.

Signed
Ronnie Bastin, Chief
Division of Police

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

The foregoing was subscribed, sworn to and acknowledged before me by
Ronnie Bastin, Chief, Division of Police, this the 5th day of January, 2010.

My commission expires: July 29, 2011

Signed
Renita M. Happy
Notary Public, Kentucky, State-at-Large

NOTICE

To: Police Officer Stephanni Roadarmel

YOU ARE HEREBY notified that the attached charges were filed on
January 6, 2010 with the Clerk of the Urban County Council and that the
Lexington-Fayette Urban County Council has set the aforementioned case for
hearing on the 11th day of January, 2010 at 3:00 P.M. in the Council Chamber at
200 East Main Street, Lexington, Ky. at which time and place you will be given an
opportunity to be heard.

DATE: January 6, 2010

Susan Lamb
Clerk of the Urban County Council

CERTIFICATE

The foregoing charges and notice were served by delivering a true copy of
same to Police Officer Stephanni Roadarmel on this 6th day of January, at 1:28
p.m.

John P. Gensheimer
Serving Official

WAIVER

In Re: Stephanni Roadarmel

Stephanni Roadarmel, by and through counsel, hereby waives her rights
pursuant to KRS 95.450 to a hearing within three days of formal charges being
filed with the Lexington-Fayette Urban County Council. It is further mutually
agreed that counsel for the parties will appear before the Lexington-Fayette
Urban County Council at the Work Session on January 12, 2010, at 3:00 p.m. to
obtain a hearing date.

Done this 8th day of January, 2010.

Thomas W. Miller, Esquire
Attorney for Stephanni Roadarmel

To be filed with the
Urban County Council Clerk,
Notice of Filing Waived:

Michael Keith Horn
Attorney for Lexington-Fayette
Urban County Government

Thomas W. Miller
Attorney for Stephanni Roadarmel

LEGAL NOTICE

NOTICE is hereby given that a SPECIAL MEETING of the Lexington-Fayette Urban County Council will be held on Monday, March 1, 2010 at 3:00 p.m. in the Council Chambers, 200 E. Main St., Lexington, Ky., for a police hearing.

BY ORDER OF THE URBAN COUNTY COUNCIL.
Susan Lamb,
Council Clerk

PUBLISHED: February 25, 2010
Lexington Herald-Leader
CLASSIFIEDS

* * *

The Mayor opened the hearing.

The defendant was present and represented by Attorney Thomas W. Miller.

The Mayor introduced Attorney David Enlow, and stated that Mr. Enlow was present to see to some preliminary procedural items, and to provide the Council with guidance on various motions and issues that may arise during the course of the hearing. The Mayor stated that Mr. Enlow had previously met with the counsel of record to determine the order of the proceedings.

The Mayor spoke with the defendant's counsel, and determined that the hearing was to be an open hearing.

All parties agreed that the hearing would last approximately six hours, with each side being allocated three hours.

The Mayor stated that the counsel could now enter their appearances of record. Mr. Thomas W. Miller represented the defendant and Mr. Keith Horn and Ms. Glenda George, Dept. of Law, represented the Urban County Government.

The Mayor directed the defendant's witnesses to wait in the Government Center Ballroom, the Government's witnesses to wait in the Council Clerk's Office, and that no television monitors be made available to the witnesses.

Counsel agreed that in the absence of three of the fifteen Council Members, they would prefer that the result be decided by a majority of those Council Members present at that time. Any late-arriving Council Members would be excluded from the vote.

Mr. Horn made his opening statement.

Mr. Miller made his opening statement.

The Mayor asked Mr. Horn to call his first witness.

The Council Clerk swore in Sergeant Dale Brown.

Evidence for the Government was given by Sergeant Brown.

Mr. Miller made an objection to Mr. Horn's question of Sergeant Brown regarding the events of a particular call.

The Mayor overruled the objection and stated that Sergeant Brown could continue his testimony.

Mr. Miller cross-examined the witness. He stated that he had a statement from Officer Clay Atchison which was inconsistent with the witness's statement regarding a call at Camelot Drive. He asked if he could question the witness about inconsistencies in that statement. The Mayor stated that he could proceed.

Mr. Miller continued his cross-examination.

Mr. Horn re-directed questions to Sergeant Brown.

The Council Clerk swore in Sergeant Chad Bacon.

Evidence for the Government was given by Sergeant Bacon.

The Mayor asked that witnesses for each side not return to the witness holding areas once they had been excused. He stated that it was okay to remain in the hearing room once they were excused.

Mr. Miller made an objection to the line of questioning.

Mr. Horn referred to a section of paragraph two of the Statement of Formal Charges, "Officer Roadarmel changed her location during each call and did not advise Communications." He offered to rephrase his question.

The Mayor asked Mr. Horn to rephrase his question so that it more closely tracked the language of the charges. Mr. Horn did so.

Mr. Horn filed the following exhibit: (A) Div. of Police General Order 77-1/E, Police Radio Procedure.

Mr. Miller cross-examined the witness.

Mr. Miller and his staff handed out Defense Exhibit Books to the Mayor, the Council, and to the witness. He stated that he would be referring to items in the Defense Exhibit Book, but did not enter the Defense Exhibit Book into record at that time.

Mr. Miller stated that he would refer to the statement of Officer Donnell Gordon, as Officer Gordon was not able to attend the hearing.

Mr. Miller continued to cross-examine the witness.

The Council recessed at 4:52 p.m.

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At 5:00 p.m., the Council returned with the same members present.

Mr. Horn re-directed questions to Sergeant Bacon. He referred to Tab 3 in the Defense Exhibit Book - Div. of Police General Order 73-2/H, Police Disciplinary Procedures.

The Mayor stated that Sergeant Bacon was excused, and Mr. Horn asked him to remain in the witness holding area.

Mr. Horn asked that if the Powerpoint Presentation at Tab 12 in the Defense Exhibit Book was used publically, that the names be redacted.

The Council Clerk swore in Sergeant James Eric Lowe.

Evidence for the Government was given by Sergeant Lowe.

Mr. Miller cross-examined the witness. He directed Sergeant Lowe to look at Tab 11 in the Defense Exhibit Book - Division of Police Incident Report, 09-09-2009, Buckhorn Drive, and referenced the statement of Officer Donnell Gordon, who was not able to attend the hearing.

Mr. Horn re-directed questions to Sergeant Lowe.

The Mayor directed Sergeant Lowe to return to the witness holding area, and not to discuss his testimony with anyone.

The Council Clerk swore in Officer Marcus Sell.

Evidence for the Government was given by Officer Sell.

Mr. Miller cross-examined the witness. He asked Officer Sell to turn to Tab 18 in the Defense Exhibit Book - Division of Police Incident Report.

The Mayor excused Officer Sell and asked him not to return to the witness holding area.

The Council Clerk swore in Lieutenant Christopher VanBrackel.

Evidence for the Government was given by Lieutenant VanBrackel.

Mr. Miller cross-examined the witness.

Mr. Horn re-directed questions to Lieutenant VanBrackel.

The Mayor excused Lieutenant VanBrackel and asked him not to return to the witness holding area.

The Council Clerk swore in Commander Robert Stack.

Evidence for the Government was given by Commander Stack.

Mr. Miller objected to the line of questioning. The Mayor stated that Mr. Miller would have an opportunity to cross-examine the witness, and asked Mr. Horn to proceed with questioning.

Mr. Horn presented Commander Stack with a document and asked him to identify it. Commander Stack stated that it was a Div. of Police Memorandum from Officer Stephanni Roadarmel to Lieutenant Blakely regarding the Windy Knoll Drive Complaint, issued 08-04-2009.

Mr. Horn filed the following additional exhibit: (B) Div. of Police Memorandum from Officer Stephanni Roadarmel to Lieutenant Blakely regarding the Windy Knoll Drive Complaint, issued 08-04-2009.

Mr. Horn filed the following additional exhibit: (C) Division of Police Formal Complaint, Form 111, File #: I.A. #09:F:014, and asked Commander Stack to confirm that it was the same 'Form 111' that he had been speaking about. Commander Stack confirmed that it was.

Mr. Horn filed the following additional exhibit: (D) Division of Police General Order 73-2/H, Disciplinary Procedures, and asked Commander Stack to please identify the document. Commander Stack stated that it was General Order 73-2/H, Disciplinary Procedures.

Mr. Miller cross-examined the witness.

Mr. Horn re-directed questions to Commander Stack.

The Mayor asked that Commander Stack return to the witness holding area and not discuss his testimony with anyone.

The Council recessed at 6:46 p.m.

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At 7:17 p.m., the Council returned with the same members present.

The Council Clerk swore in Officer Rebecca McAllister.

Evidence for the Government was given by Officer McAllister.

Mr. Miller cross-examined Officer McAllister.

The Mayor excused Officer McAllister and asked her not to return to the witness holding area.

The Council Clerk swore in Sergeant Roger Holland.

Evidence for the Government was given by Sergeant Holland.

Mr. Miller cross-examined the witness. He referenced a Division of Police Internal Affairs Case File Summary from October 6, 2009, I.A. #9-341 which had been prepared by Sergeant Holland. Sergeant Holland located a copy of this case file summary in his own personal materials which he had brought with him.

The Mayor asked Sergeant Holland to return to the witness holding area and not to discuss his testimony with anyone.

The Mayor asked Officer McAllister to return to the witness holding area, as the Council had expressed a desire to question some of the witnesses.

The Council Clerk swore in Chief Ronnie Bastin.

Evidence was given for the Government by Chief Bastin.

Mr. Miller cross-examined the witness.

Mr. Horn re-directed questions to Chief Bastin.

Mr. Horn stated that he had no further witnesses.

The Mayor directed Mr. Miller to call his first witness.

The Council Clerk swore in Officer David Todd Hart.

Evidence for the Defense was given by Officer Hart.

Mr. Horn cross-examined the witness.

The Mayor excused Officer Hart and asked him not to return to the witness holding area.

The Council Clerk swore in Officer William Bledsoe.

Evidence for the Defense was given by Officer Bledsoe.

Mr. Horn cross-examined the witness.

Mr. Miller re-directed questions to Officer Bledsoe. He directed Officer Bledsoe to look at Tab 15 in the Defense Exhibit Book - Division of Police Incident Report, 7-29-2009. He asked questions of Officer Bledsoe regarding the Incident Report.

Mr. Horn re-crossed Officer Bledsoe.

The Mayor excused Officer Bledsoe and asked that he not return to the witness holding area.

The Council Clerk swore in Sergeant Mark Brand.

Evidence for the Defense was given by Sergeant Brand.

Mr. Horn cross-examined the witness.

The Mayor excused Sergeant Brand and asked that he not return to the witness holding area.

The Council Clerk swore in Ms. Amy Ross.

Evidence for the Defense was given by Ms. Ross.

The Mayor excused Ms. Ross and asked that she not return to the witness holding area.

The Council Clerk swore in Officer Dean Hammond.

Evidence for the Defense was given by Officer Hammond.

Mr. Horn cross-examined the witness.

The Mayor excused Officer Hammond and asked that he not return to the witness holding area.

The Council Clerk swore in Sergeant Andrew Daugherty.

Evidence for the Defense was given by Sergeant Daugherty.

Mr. Miller asked Sergeant Daugherty to turn to Tab 1 in the Defense Exhibit Book, Officer Roadarmel Performance Development Form – Non-Exempt Personnel, 05-14-08. Sergeant Daugherty stated that he recognized the document, and that he had completed the original document. Mr. Miller specifically cited page three of the document, “She has a very positive attitude of cooperation and enthusiasm...” Sergeant Daugherty stated that he had used more or less the same comment across the board on the evaluations he had completed.

The Mayor excused Sergeant Daugherty.

The Council Clerk swore in Officer Stephanni Roadarmel.

Evidence for the Defense was given by Officer Roadarmel.

Mr. Miller asked Officer Roadarmel to turn to Tab 4 in the Defense Exhibit Book - Division of Police General Order 77-1/E, Police Radio Procedure. He asked that she look at item C on page 2, 'Dispatching Requirements.' She stated that she was looking at that item in the document. Mr. Miller asked questions about that portion of the General Order.

Mr. Miller directed Officer Roadarmel to Tab 2 of the Defense Exhibit Book - Officer Roadarmel Performance Development Form – Non-Exempt Personnel, 05-18-09. He asked questions of Officer Roadarmel about the document. He directed her to page six of the document, and to the section entitled "Development Needs."

Mr. Miller directed Officer Roadarmel to turn to Tab 28 of the Defense Exhibit Book - Data on Officer Roadarmel's Dispatches 07-14-2009 – 07-31-2009. He asked Officer Roadarmel to state her service number, 323-A, and badge number, for the Council. These numbers were relevant to the documents in Tab 28.

Mr. Miller filed the following exhibits, contained in the Defense Exhibit Book: (1) Officer Roadarmel Performance Development Form – Non-Exempt Personnel, 05-14-08; (2) Officer Roadarmel Performance Development Form – Non-Exempt Personnel, 05-18-09; (3) Division of Police General Order 73-2/H, Disciplinary Procedures; (4) Division of Police General Order 77-1/E, Police Radio Procedure; (5) Division of Police Incident Report, 08-28-2009, Camelot Drive; (6) No exhibit; (7) No exhibit; (8) Division of Police Incident Report, 09-09-2009, Belleau Wood Drive; (9) Division of Police Memorandum to Sergeant McCrickard from Officer Marcus Sell; (10) No exhibit; (11) Division of Police Incident Report, 09-09-2009, Buckhorn Drive; (12) Div. of Police Powerpoint Presentation of Subject History; (13) No exhibit; (14) Div. of Police Internal Affairs Unit Audio Tape Transcription Log & Record, Tape Log #2009-054; (15) Div. of Police Incident Maintenance, 08-25-2009, Nicholasville Road; (16) No exhibit;

(17) Div. of Police Internal Affairs Unit Audio Tape Transcription Log & Record, Tape Log #2009-052; (18) Div. of Police Incident Maintenance, 09-09-2009, Windyknoll Drive; (19) Div. of Police Internal Report/Case Report, Case #2009-00133532, 09-25-2009; (20) No exhibit; (21) Div. of Police Incident Maintenance, 08-25-2009, Reva Ridge Way; (22) No exhibit; (23) No exhibit; (24) No exhibit; (25) Div. of Police Incident Report, 09-09-2009, Paul Jones Way; (26) No exhibit; (27) No exhibit; and (28) Data on Officer Roadarmel's Dispatches 07-14-2009 – 07-31-2009.

The Council recessed at 9:23 p.m.

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At 9:30 p.m., the Council returned with the same members present.

Mr. Horn cross-examined the witness. He directed Officer Roadarmel to Tab 28 of the Defense Exhibit Book - Data on Officer Roadarmel's Dispatches 07-14-2009 – 07-31-2009. He asked questions about the documents.

Mr. Horn read an excerpt from an interview that was conducted by the Div. of Police Internal Affairs Unit with Officer Roadarmel, asked if she remembered the exchange, and she verified that she did.

Mr. Horn continued to cross-examine the witness.

Mr. Miller re-directed questions to the witness. He wished to file a Div. of Police Memorandum from Officer Roadarmel to Lieutenant Blakely regarding the Windy Knoll Drive Complaint, but was advised that the Memorandum had already been filed as Government Exhibit (B) by Mr. Horn.

Mr. Miller filed the following additional exhibit: (29) Div. of Police Incident Inquiry Reports from 7-14-2009 through 7-31-2009 to which Officer Roadarmel responded.

Mr. Miller stated that he had no more witnesses.

The Mayor asked that Officer McAllister be recalled in order to be questioned by the Council.

Mr. Horn advised that any additional witnesses who had been asked to remain could be excused.

Mr. Horn filed the following additional exhibits: (E) KRS 95.450 – Discipline of Members; and (F) Section 23-42 of the Lexington-Fayette Urban County Government Code of Ordinances.

The Mayor excused Officer Roadarmel.

Officer McAllister returned to the witness stand. The Mayor advised Officer McAllister that she was still under oath.

Mr. Ellinger asked questions of the witness.

The Mayor excused Officer McAllister.

The Mayor directed the attorneys to make their closing arguments, and that they would have ten minutes each in which to make their arguments.

Mr. Miller and Mr. Horn made their closing statements.

Mr. Ellinger asked a question of counsel about Lexington-Fayette Urban County Government Coaching and Counseling documentation that was referred to by both sides. Mr. Horn responded that he had referenced the documentation in order to refute an answer given by Officer Roadarmel. Mr. Miller responded that the documentation could not be used for any purpose under the terms of the Div. of Police Collective Bargaining Agreement, and that he had never seen the documentation.

Upon motion of Mr. Ellinger, seconded by Mr. McChord, and passed by unanimous vote, the Council went into Closed Session at 10:10 p.m. to deliberate.

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Upon motion of Mr. Gray, seconded by Ms. Crosbie, and passed by unanimous vote, the Council returned to Open Session at 11:15 p.m. with the same members present.

The Mayor stated that they were now ready to take action on the charges with regard to Officer Roadarmel.

Upon motion of Mr. Lane, seconded by Mr. Gray, and **passed** by a vote of 9-3 (James, Beard, and Feigel voted **no**), Officer Roadarmel was found guilty of the following charge: Charge #1, Officer Roadarmel's conduct in failing to activate her emergency equipment in each situation violated General Order 77-1/E Police Radio Procedures Section 3-C, Dispatching Requirement Section 1-A

which advises the Officer's responsibility when responding to Priority 1 and Priority 2 calls for service.

Upon motion of Ms. Gorton, seconded by Mr. Stinnett, and **passed** by a vote of 11-1 (James voted **no**), Officer Roadarmel was found guilty of the following charge: Charge #2, Officer Roadarmel's failure to notify Communications of changes in her location and/or status and respond to calls prudently and expeditiously endangers not only her own safety but also the safety of her fellow officers and the citizens of Lexington-Fayette County.

Upon motion of Mr. Stinnett, seconded by Mr. Gray, and **passed** by a vote of 9-3 (James, Beard, and Feigel voted **no**), Officer Roadarmel was found guilty of the following charge: Charge #3, Officer Roadarmel's conduct does not reflect favorably upon the Division of Police, brings disrepute to the Division, reflects discredit on her as a member of the Division, and tends to impair the operation and efficiency of the Division.

Mr. Stinnett made a motion, seconded by Mr. Lane, to set the penalty at Termination of Employment. The motion was approved by the following vote:

Aye: Gorton, Gray, Lane, Martin, McChord,
Stinnett, Blues, Crosbie, Ellinger-----9

Nay: James, Beard, Feigel-----3

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by unanimous vote, the Council adjourned at 11:30 p.m.

Clerk of the Urban County Council