

Subject:

Internal Investigation Completed In Response To Resistance
At McCracken County Fair

Date:

7/6/18

The McCracken County fair is held yearly at Carson Park. As Carson Park is owned by McCracken County, the McCracken County Sheriff's Office provides deputies to attend the fair at all hours it is open to the public in order to maintain a positive law enforcement presence, to maintain order, and to protect public property and private persons from any potential danger or harm that may arise.

In the course of performing these duties on the night of June 29, 2018, a deputy attempted to resolve a situation wherein certain juveniles were witnessed removing soft drinks from a golf cart being used for fair business that was left briefly unattended by fair personnel. This situation escalated to the degree that a deputy had to use physical force to try to control the actions of a juvenile that was involved. Upon learning of this use of physical force, the mother of the juvenile involved later informed McCracken County Sheriff's Office personnel of her belief that her son had been assaulted by this deputy and that she intended to have this deputy criminally charged.

Upon learning of her concern, the MCSO immediately initiated an internal administrative investigation into facts and circumstances of the incident in order to determine whether the deputy's response to resistance was in compliance with office policies and appropriate in the particular situation. The mother of the juvenile was both informed and encouraged by McCracken County Sheriff Matt Carter to contact the Kentucky State Police to investigate her allegations of assault to ensure transparency from an unbiased and independent law enforcement entity following a meeting with him on Monday July 2.

While this internal investigation was being conducted, the mother of the juvenile went to the office of County Attorney, Sam Clymer, seeking to immediately initiate criminal charges against the deputy. She was told at that point that it is the policy of the County Attorney's Office that prior to the evaluation of any criminal charge against any individual, an investigation must be completed by a law enforcement agency so that the County Attorney can be fully informed of all facts and circumstances involved. In response to her concerns, and in light of the fact that criminal charges are being sought against a McCracken County official, County Attorney Clymer personally reached out to the Kentucky State Police to formally request that an independent special investigation be conducted into the allegations. It is Clymer's policy that upon the completion of such an investigation, the investigative file be delivered to a specially appointed prosecutor from an outside jurisdiction to render a neutral and independent decision on the propriety of criminal charges. The County Attorney's request to the Kentucky State Police is included below.

In the meantime, the MCSO's internal investigation proceeded. This investigation consisted of

the review by an internal affairs investigator of any and all documentary and audio/video recorded materials pertaining to the event. Additionally, this investigator conducted subsequent independent interviews with seven (7) individuals that witnessed the encounter. These individuals included: the deputy involved; the deputies that assisted; fair personnel; and juveniles that were present at the time.

This internal investigation has been completed. Taken collectively, all evidence reviewed by the investigator, as well as his personally conducted interviews with witnesses, paint the following picture of the events of the evening of June 29, 2018:

Prior to the incident at hand, a fight had broken out on the fair midway between individuals completely uninvolved with the present matter. These individuals left the fairgrounds and continued their altercation outside of the property. A member of the fair personnel was on his way to a concession stand in a golf cart loaded with soft drinks for delivery when he saw the disruptive parties exiting a fairgrounds gate. The driver of the golf cart elected at this time to walk to the gate and close it to ensure that the parties to the altercation did not reenter the fairgrounds. This left the golf cart loaded with soft drinks briefly unattended.

An unidentified female took a case of soft drinks from the cart and left the area but deputies did not learn her activity until well after the fact. A juvenile associated with the juvenile presently involved saw this theft of the soft drinks and proceeded to take a case for himself. This action was observed by the deputy involved. In response, the deputy approached the juvenile and told him to put the drinks back. This juvenile did so without incident.

It was at this time that an approximate 5'8" 150lb individual that was later determined to be the juvenile involved spoke up and stated that if another person took a case of drinks, then it should be fine for him and his friend to do so as well. The deputy informed him that the drinks were not his to take. The juvenile involved became argumentative and began cursing at the deputy while stating his belief that he should be entitled to take soft drinks. At this time, the juvenile involved proceeded to pick up a case of drinks in an effort to take them for himself. The deputy told him again that the drinks were not his and he would be stealing if he were to take them.

The juvenile involved became much more agitated at this point and began loudly cursing at the deputy and protesting against his perception that the deputy had accused him of being a thief. The juveniles loud cursing and related actions drew the attention of those in the area and a crowd of onlookers began to form. The deputy told him to calm down but the juvenile continued to escalate.

Due to the disorderly conduct of the juvenile involved and public disturbance it was causing to ensue, the deputy involved told the juvenile he would have to leave the fairgrounds. The juvenile refused to do so and sat down in a chair while continuing to loudly curse at the deputy. It was at this time that the deputy reached down and put his hand on the juvenile's arm to initiate him to stand and be escorted out of the fairgrounds.

Witnesses stated that upon the deputy touching the juvenile, the juvenile abruptly stood and swung his right arm and elbow area toward the deputy's head in a perceived attempt to strike

him. In response, the deputy placed both hands on the juvenile's person in order to bring him under control. The momentum of juvenile and deputy in the course of the struggle caused both to propel forward, losing their balance, and end up colliding with a golf cart then ultimately falling to the ground.

At this time, the deputy involved, with the assistance of other deputies in proximity, was eventually able to gain control of the juvenile and place him in handcuffs in order to prevent the juvenile from any further similar actions. The juvenile was then escorted into the floral hall area of the fairgrounds and toward the exit. Ultimately, an adult family member of the juvenile was able to calm him down to the point that the deputy removed his restraints and this family member escorted him from the premises.

In light of the facts and circumstances learned in the course of the internal administrative investigation of this incident as summarized above, it is the decision of MCSO that the response to resistance by the deputy involved was consistent with office policy and was necessary and proper in response to situation. As such, no administrative sanctions or disciplinary action will be taken against this deputy.

Despite the findings of this internal administrative investigation, there remains the fact that a citizen has sought to avail herself of the criminal justice system by seeking charges against the deputy involved. It is the policy of the McCracken County Sheriff's Office, as well as the McCracken County Attorney's Office, that all citizens be given the opportunity to access the criminal justice system on an equal basis regardless of whom the alleged wrongdoer is or what particular affiliations he may have.

In furtherance of this policy, McCracken County Sheriff Matt Carter and McCracken County Attorney, Sam Clymer, has requested the Kentucky State Police to conduct its own independent special investigation into this matter in order to remove any suspicion of a conflict of interest or appearance of impropriety that may possibly be argued. Upon completion of this investigation, Clymer will have a county attorney from an outside jurisdiction be appointed as special prosecutor by the Attorney General's Office for the purpose of evaluating the investigative file and rendering a charging decision. This matter, as it is with every matter presented to these public offices, will be addressed in a manner that ensures that all citizens are provided the equal opportunity to redress any alleged wrong through the courts and to maintain the integrity and public confidence in the McCracken County Sheriff's Department and the criminal justice system.

As sheriff, when any deputy with our department is found to be in the wrong they will be held fully accountable by me in accordance with the department policy and or the Kentucky Revised Statue. However, when they are clearly in the right I will stand behind them 100%. I would also ask that this release be published in its entirety to enable the public to review our account and findings of this investigation. We are unable to commit due to juvenile confidential laws as to what if any charges were brought about against any juvenile/s involved in this incident.

End Of Release

Sheriff Matt Carter

Thank you,

Sheriff Matt Carter
McCracken County Sheriff's
Department