



TARNISHED BADGE

**A SPECIAL
INVESTIGATIVE
REPORT BY THE
Bloomfield Free Press**

Copyright 2007
Bloomfield
Publishing, Inc.



HISTORY OF PROBLEMS

Bloomfield Police Department's issues are long-standing

By Michael Johnson
Free Press Editor

BLOOMFIELD - Last week, an attorney for the Indiana Law Enforcement Academy called the set-up of the Bloomfield Police Department "exotic" at best - going so far as to note that the position of Police Commissioner "does not statutorily exist in the case of a town." (See related story titled "Pick a Title, Any Title...")

And, a check of various Indiana state laws shows that former Town Marshal Bob Richardson - who was demoted a year ago to make room for the hiring of Tom Franklin - should still legally be the Town Marshal. (See related story titled "Improper Demotion")

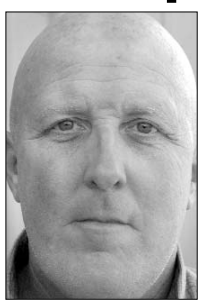
A number of questions have been swirling around town for the last year - since it was announced that on June 1, 2006, Franklin would assume the position of Police Commissioner, Richardson would be demoted to second-in-command and there would be no town marshal in Bloomfield.

Further, there have been numerous public doubts about Franklin's capability for leading a police force - since he has been out of law enforcement since leaving the office of sheriff at the end of his term in 1998, and is not capable of completing the rigorous demands of the Indiana Law Enforcement Academy considering his age and physical limitations.

Even more eyebrows started raising in recent months as Franklin - who agreed when he took the position not to take advantage of the town's health insurance in exchange for a higher starting salary than is customary - got on Bloomfield's insurance plan, and later demoted Richardson again.

The *Bloomfield Free Press* has spent more than 200 hours researching subjects related to the Bloomfield Police Department and the Bloomfield Town Council's actions, as they relate to the same.

This report is actually more than a half-dozen years in the making - as we have been watching the interactions of Bloomfield's Town Council and its police department for as many years.



Harrah

Our findings are contained in this special investigative report appropriately headlined *Tarnished Badge*.

We hope you find this report informative.

The newspaper's staff has poured over literally hundreds of pages of documents, researched numerous Indiana statutes, consulted with multiple legal minds throughout the state of Indiana and spoken to dozens of citizens close to the situations described above.

We hope you find this report informative.

THE BEGINNING - COUNCIL HAS HISTORY OF PROBLEMS WITH ITS MARSHALS

While it may be the most public and bitter fight between the Bloomfield Town Council and its Marshal in recent years, the multiple demotions of former



Basye

Town Marshal Bob Richardson is not the first time the local board has been at odds with its chief lawman.



Swinney

A couple of years after taking office in 2000, then-Councilmen Eric Harrah, the late Russell Basye and Gary Swinney started complaining publicly about Marshal William 'Butch' Brown - a retired Indiana State Police Trooper who took the job of Bloomfield Town Marshal

Please See **HISTORY**
Page 5 of this section

PICK A TITLE, ANY TITLE ...

'Police Commissioner' position does not exist

By Michael Johnson
Free Press Editor

INDIANAPOLIS - The main lawyer for the Indiana Law Enforcement Academy says the position of Police Commissioner in a town like Bloomfield simply does not exist, no matter how many ordinances its town council passes.

Charles N. Braun II, master instructor and staff attorney for ILEA - the state agency that trains and licenses all local lawmen and women in the state - also told the *Bloomfield Free Press* last week that a town such as Bloomfield must have a town marshal if it is to have a police department.

"If you want to have a police department, you have to have everything that goes with it," Braun said. "And that means if you have a marshal service, you must have a town marshal."

According to Braun, the town mar-



Braun

shal must be certified as completing the Law Enforcement Academy and has to have attended marshal classes at the academy.

The Indiana Law Enforcement Academy consists of a 16-week course and is considered extremely strenuous and challenging - even for those who are young and fit.

A study by the newspaper has found that currently, there are only seven people in Greene County who hold chief's or marshal's training certifications.

- They are:
- Bob Richardson, former Bloomfield Town Marshal
 - Keith McDonald, former Linton Police Chief
 - Ron Sparks, Lyons Town Marshal
 - Dennis Conaway, Worthington Town Marshal
 - Terry Wade, former Bloomfield

'If you want to have a police department, you have to have everything that goes with it. And, that means if you have a marshal service, you must have a town marshal.'

Charles N. Braun II
ILEA Staff Attorney and
Master Instructor

Town Marshal

- Troy Jerrell, Linton Chief of Police
- Rick VanHorn, Jasonville Chief of Police

Bloomfield Police Commissioner Tom Franklin - who 16 years ago was Bloomfield

Town Marshal - holds neither law enforcement nor town marshal certifications.

During his tenure as sheriff of Greene County for eight years, Franklin automatically had full police powers. However, when he left that office for the Clerk of Courts office, he should have taken a minimum of 16 hours of ILEA courses per year to keep his certifications.

According to the Academy, once a lawman is out of law enforcement for four years, that person loses all previous

Please See **TITLES**
Page 4 of this section

IMPROPER DEMOTION

Was Bob Richardson's demotion legal? Code says 'no'

By Michael Johnson
Free Press Editor

BLOOMFIELD - When the Bloomfield Town Council demoted then-Town Marshal Bob Richardson on May 1, 2006, it may have violated Title 36 of the Indiana Code - which could make the demotion null and void.

According to Title 36 of the Indiana Code, the Town Marshal "serves at the pleasure of the town legislative body."

However, Indiana Code 36-5-7-3 specifically states that a town board may not terminate or suspend a town marshal from his position without allowing him an opportunity to have an administrative hearing.

"However, before termi-

nating or suspending a marshal who has been employed by the town for more than six months ... the legislative body [town council] must conduct the disciplinary removal and appeals procedure prescribed [by Indiana Codes]," the code reads.

A call to an employment specialist with the Indiana Department of Workforce Development in Indianapolis found that while Richardson was not terminated from his position with the police department, he was, in fact, terminated from his job as town marshal.

During its notification of Richardson that he was being demoted in 2006, council allegedly did not mention to him that he had the right to

appeal their decision. Nor did they give him any reasons for the move.

The Indiana Code is also relatively specific as to what reasons a town marshal or police chief may be removed from his position.

In Indiana 36-8-3-4, the code gives a list of only eight specific reasons a town marshal may be removed. Those include neglect of duty, violations of rules, disobedience of orders, incapacity, being absent without leave, immoral conduct, conduct injurious to the public peace or welfare, conduct unbecoming an officer or another breach of discipline.

The council never gave a reason for his demotion. A public records request to

inspect Richardson's personnel file was answered Tuesday afternoon. It shows nothing to give clues as to the council's move.



Richardson

Another part of the code states that if Richardson was in an "upper level policy making position" he could have been terminated immediately and without cause.

However, a look at Indiana 36-8-1-12 shows that Richardson did not qualify for that kind of a dismissal since the Bloomfield Police Department has less than 10 members.

"Upper level policy mak-

ing position" refers to the position held by the police chief or fire chief ... if: (A) More than 10 but less than 51 members, in the case of a police department."

At the time of his demotion and removal from his job as town marshal, Richardson's department had four full-time officers and two reserve officers, so according to at least one local attorney specializing in litigation - Richardson should have been given the opportunity to have a hearing and plead his case.

In effect, his demotion could be considered invalid because of the town council's neglect of its duties in informing Richardson of his rights.

CUSTOM MADE UNIT

Council creates special Auxiliary Unit - consisting of one

By Michael Johnson
Free Press Editor

INDIANAPOLIS

According to the staff attorney for the Indiana Law Enforcement Academy, there is a world of difference between a "reserve" police officer and an "Auxiliary" police officer.

According to Charles N. Braun II, a master instructor and staff attorney for ILEA, the statutory requirements for a reserve police officer are much tighter than those for an auxiliary officer.

Braun noted that a reserve officer must complete a num-

ber of requirements - including completing 40 hours of pre-basic law enforcement training, showing proficiency in defensive tactics and qualifying with a firearm.

A reserve officer may not make over a certain amount of money in any given year as a police officer, or they will be considered a full-time law enforcer and must attend the Indiana Law Enforcement Academy or lose their powers of arrest.

Bloomfield currently has two reserve police officers - Chad Green and Jordan

Hasler. Worthington also uses reserve officers. Current Worthington Deputy Marshal Eric Floyd was originally a reserve officer until a full-time position became available.

Greene County Sheriff's Deputy Skyler Pittman was also a Bloomfield reserve before getting his appointment as a deputy.

An auxiliary officer, on the other hand, is appointed to the post and could literally be on the streets patrolling the same day, according to Braun.

He explained that in the

case of an auxiliary officer, a political entity - such a town council - can appoint someone, swear them in and immediately put them to work - with full arrest powers and the ability to carry a gun.

Braun said certain departments - especially in larger metropolitan areas - sometimes use auxiliary officers under special circumstances.

The example he gave was when river boat gambling first came to northern Indiana and the areas with the casinos appointed auxiliary officers in large groups to allow security

guards at the casinos to have full arrest powers.

But, Braun said, that Bloomfield's use of an auxiliary unit to sidestep the requirements of sending its Police Commissioner to the Indiana Law Enforcement Academy is "exotic."

The Bloomfield Police Department's Auxiliary Unit is - by ordinance - to have no more than two members. It currently has one.

Franklin has been the only member of the auxiliary unit since its inception on May 31, 2006.

BUDDIES, POLITICS AND A BADGE

Did Harrah's and Franklin's relationship lead to job?

By Michael Johnson
Free Press Editor

BLOOMFIELD - While questions swirled last year on exactly how and why former sheriff and clerk of courts Tom Franklin got the job as Bloomfield Police Commissioner, many point to the fact that he is a longtime friend and former neighbor of Council President Eric Harrah.

Franklin and his wife are frequent guests of the Harrahs on trips to exclusive property at Captiva Island in Florida.

Harrah and Franklin are also frequently together at Jeep events - in which Bloomfield Manufacturing and its employees oftentimes participate.

But the friendship goes back a number of years while Franklin was Harrah's neighbor on East South Street in Bloomfield.

Many political watchers in Bloomfield - including some inside the local Republican Party - have alleged that Franklin's appointment to the position of Police Commissioner is nothing more than cronyism.

"He needed a job since he was going out of the clerk's position," said a lifelong town resident from the west end of town who asked not to be identified for fear of retribution. "So, his good friend Eric took care of him."

Councilman Gary Swinney refutes that claim.

Earlier this year, Swinney said that hiring Franklin was the idea of he and the late Russell Basye.

"We had been trying to get Tom since Butch (Brown) left," Swinney said earlier this year.

As for the appointment a year ago, Swinney said, "We then told Eric what we were going to do," Swinney said. "Eric didn't have anything in it."

Unfortunately, if that were the case, the council again violated Indiana's Open Meetings Act in not discussing the matter at the proper time and place with the proper public notifications.

Whether Harrah had a hand in Franklin's hiring, he and Swinney do have a hand in helping ensure he

keeps his job.

Although at a recent town council meeting, Harrah said he was seeking a third term on town council to see that Bloomfield gets a "community center and the sewer project gets finished," Swinney earlier told a different story.

"That was part of the deal," he said in his garage last spring. "We told Tom that if he took the job, we would run for another term so he could have enough time to get his years in and retire." Franklin is currently in his late 50s and is just a couple of years short of having 30 years in the public sector.

TITLE - LOCAL POSITION DOES NOT EXIST

FROM PAGE 2

certifications and must attend the full 16-week academy again, should they want to be a full-time police officer or town marshal again.

An academy source - who spoke on the condition of anonymity - said last week that considering Franklin's age and his physical condition, that he probably would be incapable of completing the academy, should the state even let him attend.

"The academy has pretty strict physical requirements," the source said. "It's tough

both mentally and physically."

Academy standards on the physical fitness side include such requirements as being able to run 300 meters in 71 seconds, doing 29 sit-ups in one minute and being able to run 1.5 miles in 16 minutes, 28 seconds - all feats Franklin is admittedly physically incapable of performing.

Braun, who has been an attorney for 30 years and served in the Indiana Attorney General's office for nearly a decade, said that unless a city or town has a

specific police commission, the position of police commissioner "does not exist statutorily."

He said there are provisions in Title 36 of the Indiana Code which allow for a police commission, but those requirements are relatively strict and are generally "reserved for larger metropolitan areas."

Aside from his title as police commissioner - which Braun says does not exist, Franklin does have full police powers and is capable of making arrests and investigat-

ing crimes in Bloomfield.

With the creation of the Bloomfield Police Department's Auxiliary Unit in May of last year, Franklin got his police powers back - in a limited capacity. (See related story titled "Custom Made Unit")

Although an auxiliary officer does have full powers, they are only in force while the officer is officially on duty and is within his juris-

diction. An academy-trained and certified officer has powers most times and throughout the state of Indiana.

Although he does have limited police powers in Bloomfield, Franklin has not preferred any charges to the office of the Greene County Prosecutor since accepting his position.

Bloomfield Town-Wide Yard Sales

A little bit of this, a lot of that...

Bargains Galore All Over Town

• June 16 • Beginning at 8 a.m. •

Official Maps and Lists Available on the South Side of the Courthouse

It's That Time of Year Again!

SWITZ CITY

VOL. FIRE DEPT.

ANNUAL

COMMUNITY YARD SALE

Saturday • June 9

Fire Dept. Breakfast at 6 a.m. - Lunch at 10 A.M.

AirEvac Ride Raffle: \$1 per ticket or 6 for \$5

To appear on the map - call 659-2819 or 659-4466 before 6/8/07



HISTORY - COUNCIL AND ITS MARSHALS

FROM PAGE 2

after losing the 1998 election for Sheriff of Greene County to fellow retired Trooper Leon Allen.

During their struggles with Brown, the council at times made such demands of Brown that he fire certain members of the police force without cause, that he order officers not to look for speeding motorists in town and that his men concentrate the department's efforts more on enforcing the town's junk vehicle and tall grass ordinances than on fighting crime in town.

Brown's problems with the council came to a head when one of the Bloomfield Deputy Marshals stopped the Councilman Basye on suspicion of drunken driving. He, in fact, was not inebriated and tested completely sober when given a field breath test.

Immediately, the council called an executive session to meet with the police officers and unofficially reprimanded the entire department.

Reportedly, the meeting became rather tense, with council members handling matters in a vitriolic manner.

A few months later, Brown finally resigned his position as Marshal in frustration in July of 2002, after enduring at least six stressful months of badgering by the council. The officer who pulled Basye over later took a position with the Bloomington police department, where he currently has an outstanding performance record.

Brown's resignation came as council was preparing to fire him, according to two insiders at the time.

He has since accepted a position as head of security

for the Greene County Courthouse.

Terry L. Wade, who is now a Greene County Sheriff's Deputy, had a little easier road. Wade served as Marshal for a brief 13-month stint, until accepting his current position as a deputy in August of 2003..

Wade's relatively short-lived term as Marshal was uneventful.

RICHARDSON AS MARSHAL

Upon Wade's leaving the department, then Chief Deputy Marshal Bob Richardson was given the position of Marshal by the council.

According to Town Councilman Gary Swinney, Richardson's appointment was a "temporary to see how it goes" appointment. That was three years ago.

Last year, while Tom Franklin was still Clerk of Courts and was unsuccessfully seeking the office of Coroner, he resigned the Clerk's job just days before he faced and narrowly beat Dr. Tom Bailey in a Republican primary election. His reason for the late-in-the-game resignation was so he could come back to work for the Town of Bloomfield's Police Department - after an absence of nearly 16 years.

The move wreaked havoc in the Clerk's office, as heir-apparent Jackie Winstead suddenly faced a previously unforeseen fight in the November general election.

Franklin subsequently lost the general election to now-Coroner Brian Gainey, in what local political watchers said was a direct result of his resignation from the Clerk's office and the problems it

caused.

In placing Franklin - who is a longtime friend, former neighbor and often-times vacation-mate of Town Council President Eric Harrah (*See related story titled "Buddies, Politics and a Badge"*) - the Bloomfield Town Council rather uncereemoniously demoted then-Town Marshal Bob Richardson to the number two spot.

At the time of his demotion in May of last year, Richardson was on his standard days off and had no idea of what awaited him when Town Clerk Sondra Thompson called him on Monday, May 1, 2006, and informed him he needed to be at a specially-called meeting of the Town Council at 3 p.m. that day.

When the current trio of town council members - Harrah, Swinney and Janet Basye (who was appointed to serve out the remainder of her late husband's term in office) arrived at Town Hall, they immediately went into what is considered the Duty Room of the police department and spoke to Richardson and then-Chief Deputy Marshal Ken Tharp.

That meeting, in itself, could be considered questionable as a possible violation of the Indiana Open Meetings Act, since all three council members met without being officially in-session, and met in an unannounced place at an unannounced time.

To properly conduct such a meeting, council should have opened its regular session, adjourned into an executive session to discuss personnel matters, then met with Richardson and Tharp.

During the brief improper meeting, Harrah told both Richardson and Tharp that the council was pleased with the way the pair had been handling matters in the past, and that the council was "giving them some more support." That support came in the form of Franklin's appointment three minutes later.

As soon as the trio left the back-door meeting, they immediately went into the scheduled session. Basye moved that Franklin be hired as Police Commissioner, Swinney seconded the motion and by a unanimous vote, the matter passed. The meeting lasted a little under three minutes.

JUNE 1, 2006 TO PRESENT

Upon the announcement that Franklin was being hired as "Police Commissioner," the Bloomfield Town Council passed a number of measures - all related to their new hire and his "position" with the town.

Those measures ranged from "housekeeping" ordinances allowing them to hire Franklin officially to the purchase of a new Ford Explorer for Franklin to drive to and from his home in Worthington.

The first measure passed was the creation of an "Auxiliary Police Unit" within the Bloomfield Police Department (Ordinance 2006-04).

The ordinance states that the Auxiliary Unit shall have no more than two members, and its members must live no more than 15 miles from the town limits of Bloomfield.

It also appoints the Police Commissioner as commander

of the Auxiliary Unit - even though at the time of its passage, that position did not exist in the Town of Bloomfield.

After a year in existence, the Auxiliary Unit has a single member - the "Police Commissioner," himself. (*See related story titled "Custom Made Unit"*)

The next ordinance passed was the actual creation of the position of Police Commissioner in and for the Town of Bloomfield (Ordinance 2006-005).

In this ordinance, the position is not only created, but certain guidelines and stipulations are laid out.

The first is that the Police Commissioner "shall not be entitled to paid vacation leave, paid sick leave, paid personal leave or insurance benefits."

It states that the Police Commissioner is expected to work no less than 1,840 hours per year.

Although the ordinance disallows paid sick leave or paid vacation time, it clearly states that the Police Commissioner only has to work 46 out of 52 weeks per year - assuming he is working a 40-hour work week.

During the last year, when Franklin had time off for vacation or personal reasons, he still received his regular paycheck, according to town records.

After creating the position of Police Commissioner, the council was forced to revamp its annual salary ordinance to allow for the new salary.

The new salary ordinance (Ordinance 2006-06) amends the previous salary ordinance

HISTORY - COUNCIL AND ITS MARSHALS

FROM PAGE 5

to include a line item for \$35,800 for Police Commissioner. The salary is to be paid in 25 bi-weekly installments of \$1,376.92 each, with a 26th and final payment of the year being \$1,377.

The Police Commissioner's starting salary was a little more than \$4,000 more than that of the former Town Marshal.

The amended salary ordinance specifically states that the Police Commissioner is not allowed to receive the town's health insurance benefits, but is to participate in the State of Indiana's Public Employee's Retirement Fund.

A short time later, the town council voted to purchase a new Ford Explorer - completely equipped as a police vehicle for the town's use.

The Explorer - which arrived in September of 2006 - has almost exclusively been used by Franklin, and has been driven from his home to the police department nearly every day he has worked.

Although he was recently quoted in

another area publication as saying all officers at the Bloomfield Police Department are able to take their assigned vehicles home, that is not the case.

The only person related to the police department that has a take-home car is Franklin.

At the time of Franklin's hiring, it was explained that since he was not taking advantage of the town's health insurance plan, the council was starting him at a higher wage and giving him a take-home vehicle to drive - as he pleased.

However, in April, Franklin's wife retired from her position at the Greene County Clerk of Courts office - which left Franklin without insurance.

He has since applied for and is receiving health benefits through the town's provider - paid for by tax dollars.

When questioned about the matter in April, Franklin said "it's nobody's business."

He further stated that when he was approached to take the position of Police Commissioner, he was "not

going to take a cut in pay from what I was making at the Clerk's office."

In a move that shows the council knew Franklin's insurance request would be coming in 2007, its current salary ordinance specifically states that the Police Commissioner is eligible for all town benefits - a subtle change from the last salary ordinance. The new salary ordinance (Ordinance 2007-01) was passed without public reading at the Jan. 3 reorganization meeting of the council.

Since taking control of the police department, numerous officers inside and out of the local police department have complained about his performance - including his inability to deal with his officers face-to-face, preferring to write them e-mails.

The *Bloomfield Free Press* has requested all e-mails from Franklin to his department under the Indiana Open Records Law. However, that request has yet to be answered.

The most recent example of communication break-downs at the police department was the way Richardson's reassignment from the number two

spot on the department to third in the chain of command.

Although Franklin specifically stated that Richardson's move down the ladder is not a demotion, he also says that Richardson is no longer to be considered as second-in-command of the department. That position goes to Tharp.

In notifying Richardson of the move, Franklin sent out a department-wide e-mail. At the time of the move, Richardson was on vacation and only learned of his new assignment when he checked his computer.

Councilman Swinney was also not pleased with the way that matter was handled, since Franklin notified Basye and Harrah of his move - and apparently intentionally left Swinney out of the loop.

Since Richardson's "reassignment," Franklin has had numerous early-morning meetings with his friend Harrah. On Saturday morning, the two were seen traveling around Bloomfield together, engrossed in conversation - a conversation that again other council members were apparently unaware.

NONE OF OUR BUSINESS?

When we're talking about safety - it's everyone's business

On the preceding pages, we have given the citizens of Bloomfield and Greene County a lot of information to digest.

But, we felt the only way we could accurately and completely cover the debacle with the Bloomfield Town Council and the Bloomfield Police Department was to go in-depth and write nearly 5,000 words on the subject.

There were just a number of things that needed brought to light - and now is the time to do so.

We have spent the last six or seven years watching the inner workings of the Bloomfield Town Council, and have spent the last year watching the way the council and its 'Police Commissioner' conduct business.

So, about six months ago, we launched an investigation into that business.

It's been a long and exhausting six months.

But, we believe the product you hold in your hands was more than worth all the time, energy and money we spent in getting it for you.

Why did we do it?

That's relatively simple. There is an absolute difference between right and

wrong. Period.

And, what we were witnessing with the Bloomfield Town Council and the police department was just plain wrong.

We have officers driving police vehicles that at one time or another barely run - while the 'Police Commissioner' gets a brand new Ford Explorer to drive home every night.

Now, keep in mind that 'home' means a trip to and from Worthington each and every day - with gasoline skyrocketing.

There absolutely is a difference between right and wrong ethically, morally and legally.

We are not alleging that anyone has done anything criminal - that is for the State of Indiana to decide.

However, we are completely leveling accusations of unethical conduct on a number of levels, as well as what some would consider immoral behavior - if you consider telling lies a sin.

Are we picking on certain people, such as Eric Harrah and Tom Franklin?

off the RECORD

r. michael johnson
editor/publisher



Some people may say so. But, I can assure you we are not.

They are both public figures in public positions.

We have cast no stones at them on a personal level.

We simply laid

out the facts for our readers.

Is it any of our business?

You better believe it. What is contained in this section is everyone's business.

We are talking about the safety and security of your home, family and children.

We are also talking about your tax dollars.

We can think of no better reason to make something our business than to watch out for the public's business.

Although I am not a big Dan Rather fan, he did say something profound a couple of decades ago that sticks with me to this day:

"We should be neither lapdogs or attack dogs. We should be watchdogs."

And that is exactly what we are attempting to be for our readers - their watchdog.

Speaking of readers, I'm sure in the

coming days and weeks, the denials and defenses will begin.

The council and its 'Police Commissioner' will undoubtedly immediately start granting interviews to other media outlets in an attempt to do some damage control and keep their spin (and their collective thumb) on things in Bloomfield.

John Rowe will probably defend the town from a legal standpoint, presumably saying that we misinterpreted the statutes. (Even though we had our own sets of lawyers looking over our shoulder at every turn).

Eric Harrah will probably decline comment and Gary Swinney will probably deny saying what he did.

That's their right and that's OK.

I will simply say this, we have exhaustively researched each and every word in this special report and we stand behind all of it - without question. We are right. Period.

Now, it's up to all of you to decide what and who to believe.

(R. Michael Johnson is Editor and Publisher of the Bloomfield Free Press and normally writes Off the Record as a weekly Opinion Page feature. Above is a special edition of the column.)