

# BEFORE THE EVANSVILLE FIRE MERIT COMMISSION

IN RE: CAPTAIN ALFRED LINDSEY

## REQUEST FOR HEARING BEFORE THE EVANSVILLE FIRE MERIT COMMISSION AND REQUEST THAT THE HEARING BE OPEN TO THE PUBLIC

### CAPTAIN ALFRED LINDSEY

1. Capt. Lindsey is a twenty-six (26) year Veteran of the Evansville Fire Department.
2. Capt. Lindsey, with the exception of one (1) minor violation approximately twenty (20) years ago, has maintained an exemplary record while serving on the Evansville Fire Department.
3. Of Capt. Lindsey's twenty-six (26) years on the Department, he has served twenty-three (23) years as an officer.
4. Capt. Lindsey has obtained eight (8) Masters Certificates and has been an EMT since 1985. Moreover, Capt. Lindsey has served on the Haz-mat special teams.
5. Additionally, Capt. Lindsey served thirty-one (31) years in the United States Army and Air National Guard with an exemplary record.
6. Capt. Lindsey served in Iraq in 2005.
7. Capt. Lindsey was honorably discharged in 2006 as a Master Sergeant.
8. That Capt. Lindsey is a married man with children and grandchildren.
9. That Capt. Lindsey has absolutely no history of alcohol abuse or any other alcohol related concerns.

10. In November 2011, Capt. Lindsey was elected to the Evansville City Council.

#### CITY COUNCIL MEETING OF JANUARY 23, 2012

11. On Monday, January 23, 2012, Capt. Lindsey took an approved leave from his regularly scheduled shift to perform certain responsibilities relating to his position as a City Councilman.

12. Following the council meeting, Capt. Lindsey was invited to join other council members at the Main Gate Sports Bar and Restaurant.

13. This was Capt. Lindsey's second council meeting and he agreed to meet with the other members of the Council to become better familiar with his fellow council members, the workings of the City Council and to possibly mend fences with a couple of Council Members that had opposed him in last year's election which he believed could lead to a better functioning City Council.

14. Other council members that went to the Main Gate were Missy Mosby, Connie Robinson, John Friend, Stephanie Brinkerhoff Riley and Jonathan Weaver.

15. Also present were Krista Lockyear, Ted Miller, Louise Williams and Josh Smith.

16. At some point, while at the Main Gate, Mosby verbally attacked Capt. Lindsey at which time he left the Main Gate and returned to his duties.

#### CITIZEN'S COMPLAINT

17. Approximately four (4) days later, on January 27, 2012, Mosby filed a complaint with the Evansville Mayor's Office and the Evansville Fire Department with numerous allegations against Capt. Lindsey.

18. Mosby alleged that Capt. Lindsey had consumed three (3) Jim Beam and Sprite cocktails exclusively and was "slightly impaired," that Capt. Lindsey was

bragging that he was drinking on the "tax payer dime," that Capt. Lindsey made threats to Mosby and other patrons of the Main Gate and that Capt. Lindsey had to be removed from the bar by a larger male friend of Mosby's.

### INVESTIGATION

19. Based upon said complaint, Evansville Police Chief, Mike Connelly, ordered an investigation of the incident.
20. Chief Connelly assigned arson investigator, Richard C. Howard, to the investigation.
21. Inspector Howard interviewed witnesses provided by Mosby.
22. Jonathan Weaver stated that Capt. Lindsey "was drinking Curt John specials" exclusively and that he had three (3) or four (4) of these drinks.
23. Mr. Ted Miller reported to Investigator Howard that Capt. Lindsey "was definitely drinking alcohol." He also described Capt. Lindsey's drinking as that of drinking straight Jim Beam from a whiskey glass exclusively with at least four (4) ounces at a time. He also stated that he believed Capt. Lindsey had multiple glasses of this drink but was only sure of one (1).
24. Shawn Anosky was the acting bartender on the night in question. Anosky told Howard that Capt. Lindsey had personally ordered Jim Beam and Sprite on four (4) occasions and on each of these occasions Anosky personally delivered the drink to Capt. Lindsey and observed him consume it. Anosky also reported that he heard Capt. Lindsey threaten another patron.



25. Krista Lockyear was interviewed. Lockyear stated that she was not sitting close enough to Capt. Lindsey to know what he was drinking but said “it appeared that he was drinking what her husband drinks, Beam and Sprite.”
26. Lockyear observed Mosby slam a glass down in front of Capt. Lindsey, stare at Capt. Lindsey and state “stop talking about the Mosby’s.”
27. It was also Lockyear’s opinion that Capt. Lindsey had been drinking because he became agitated towards Mosby.
28. Inspector Howard further obtained a security video.
29. Inspector Howard stated that the video shows a drink with ice, soda and a bottle from the bar being made and taken to Capt. Lindsey on four (4) occasions.
30. Finally, Inspector Howard obtained a copy of the receipt for the food and beverages purchased that evening. The receipt showed that forty-six (46) alcoholic beverages had been purchased. Howard noted that the receipt did not show any non-alcoholic beverages being purchased.

**RESULTING CHARGES AGAINST CAPTAIN LINDSEY**

31. As a result of the Complaint made by Mosby and subsequent investigation, Capt. Lindsey was charged with violating seven (7) Departmental General Orders specifically:
- a) G.O. 100.004, Sec. IV, subsection (a)(iv): Neglect of Duty;
  - b) G.O. 100.004, Sec. IV, Subsection (b)(ix): Violation of Rules/Incapacity;
  - c) G.O. 100.004, Section IV, Subsection (c)(i): Absent (late) without leave;
  - d) G.O. 100.004, Section IV, Subsection (e)(i): Conduct injurious to public peace or welfare;
  - e) G.O. 100.004, Section IV, Subsection (f)(i), (iii) and (vi): Conduct unbecoming an officer/incapacity;
  - f) G.O. 100.004, Section IV, Subsection (g)(i): Breach of Discipline/Neglect of Disobedience of Orders;

g) G.O. 100.004, Section IV, Subsection (j)(i) and III): Failing to cooperate or be truthful.

**MEETING AT CHIEF'S OFFICE TO ANSWER CHARGES**

32. On February 3, 2012, Capt. Lindsey received a letter ordering him to appear in the Fire Chief's office on February 6, 2012 at 10:00 a.m. to answer the civilian complaint that had been made by Mosby.
33. Said meeting was continued to February 8, 2012 at 10:00 a.m.
34. On the same date, Capt. Lindsey retained Attorney Scott A. Danks to represent him.
35. Attorney Danks received a copy of the investigatory file but not a copy of the charges levied against Capt. Lindsey.
36. Due to prior Court commitments, Attorney Danks was not able to review the investigatory file prior to the 10:00 a.m. meeting.
37. The meeting took place and was attended by Chief Mike Connelly, Assistant Fire Chief, Paul Anslinger, City Attorney, Keith Vonderhabe, Capt. Lindsey, Firefighters Local 157 Union President, Shawn Oglesby, and Attorney Scott Danks.
38. Chief Connelly afforded Capt. Lindsey, Attorney Danks and Oglesby an opportunity to answer the allegations that had been made against Capt. Lindsey.
39. Because Attorney Danks did not have sufficient time to discuss the allegations with Capt. Lindsey, review the investigatory file and had not seen the charges levied, he was not in a position to dispute the allegations with Chief Connelly.

40. Therefore, Chief Connelly had no choice but to make his findings and recommended discipline solely on the information contained within the investigatory file.

**FINDINGS AND DISCIPLINARY RECOMMENDATIONS BY CHIEF CONNELLY**

41. Following lengthy deliberations, Chief Connelly summarily “exonerated” Capt. Lindsey of all violations with the exception of the following:

- a) Violation of Departmental General Order 100.004 IV, Infractions (e) CONDUCT INJURIOUS TO PUBLIC PEACE OR WELFARE, (i) which reads, “A firefighter shall not participate, support or encourage any conduct that is injurious to public peace or welfare.
- b) Violation of Departmental General Order 100.004 IV, Infractions, (f) CONDUCT UNBECOMING AN OFFICER/INCAPACITY, which reads, “Firefighters shall not report for duty when under the influence of any alcoholic beverages, or with alcohol on their breath.”

42. That these alleged violations related to the allegations that Capt. Lindsey had consumed alcohol inappropriately prior to returning to duty.

43. As a result of these findings, Capt. Lindsey was suspended for a period of five (5) days, without pay, to thereafter be placed on administrative leave, with pay, with recommendation for termination pending further findings and decisions of the Evansville Fire Merit Commission.

44. Chief Connelly’s findings and recommended discipline were stated orally to Capt. Lindsey and were duly recorded by audible means.

45. Some confusion may arise because Chief Connelly’s findings and recommendations are inconsistent with the written “NOTICE OF DISCIPLINARY ACTION AND RIGHT TO A HEARING” that was supplied to Capt. Lindsey and apparently released to the news media.