

NEW-HARMONY, (IND.) October 2022

**THE PROSECUTION OF JAIL GUARD
DANIEL LONG!
By: Dan Barton
October 2022**

In the last edition of The New Harmony Gazette the difficulty of acquiring information from the Posey County Sheriff's Office regarding the Daniel Long firing, and arrest, was presented.

After some delay, and after appealing to the Posey County Prosecutor; Sheriff Tom Latham released the Probable Cause Affidavit on Sgt. Daniel Long's firing and arrest to the Gazette. Some of the other attending questions that were posed to Sheriff Latham were not answered until August 30th. In this issue The New Harmony Gazette is releasing the entire Probable Cause Affidavit to the public.

It's unusual, to say the least, for a law enforcement officer to be fired and arrested on a felony charge by the Posey County Sheriff's Office. In that regard, the reasons for Sgt. Daniel Long's prosecution take on more than the usual interest for this publication.

It came as a surprise when Sheriff Latham balked at releasing the Affidavit to The New Harmony Gazette in August, referring the inquiry instead to the Posey County Clerk. That refusal caused this publication to immediately send an email request for the Affidavit to the County Clerk and also to Posey County Prosecutor Thomas Clowers.

Part of the reason for going to the Prosecutor was that the Probable Cause Affidavit had already been previously released to another news source and circulated to the public. The Gazette's letter to Prosecutor Clowers pointed out that the Affidavit that had been released to the public, "seemed to entirely favor the position of the Posey County Prosecution,

the Sheriff's Office and the Indiana State Police." There appeared to an attempt to put Sgt. Daniel Long on trial in public by only publishing what the court would describe as "aggravating" evidence, and by the Sheriff refusing to release the full Affidavit, or not answer Gazette questions, not allowing anyone in the public to see if there were "mitigating" circumstances involved in the case. That is why it was essential that the County Prosecutor had to have a chance to address these issues. The Prosecutor's Office immediately sent the full Affidavit to The New Harmony Gazette.

The original portion of the publicized Affidavit did not see to contain strong evidence favorable to the accused Jail Officer, Sgt. Daniel Long. The Gazette's concern was that Latham's non-responses to the requested information could be interpreted as a suppression of any evidence that may be favorable to the accused, Sgt. Daniel Long.

The full Affidavit had to be studied by the Gazette in order to determine the factual relevancy of the State Police Investigator's comments about the incident that took place between Sgt. Daniel Long and inmate James Thole before it could be printed in our monthly periodical.

Had, Sgt. Long suddenly gone out of control after two years on the job? Did he indeed batter inmate Thole, as has been alleged? If so, was inmate Thole injured, and did he receive medical care, and to what extent? Did, Sgt. Long, in fact, commit Official Misconduct, a felony, as he has been charged with, or was he following unclear guidelines set out by the Posey County Sheriff's Office, designed to quell aberrant behavior relevant to inmate Thole's conduct in the Jail environment?

These and many more questions went through my mind as I considered the

seriousness of the accusations and actions being leveled at this jail guard, and why the information request to Sheriff Latham was being inadvertently delayed.

There is never just one side to any story that is told, and all sides need to be aired if one side is presented, especially when questions for the other side of the story is requested. This right to mitigating evidence was preserved by the U.S. Supreme Court in 1963, when the court said that it is a Prosecutor's duty to provide evidence favorable to the accused upon request, where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution. This decision keeps Prosecutors, Sheriffs and newspapers, from putting defendants on a public trial, beneficial to the accusers.

So, here are some of the relevant facts that have been uncovered in regard to the Long/Thole, Posey County Jail incident.

Sheriff Tom Latham was asked by the Gazette on August 25th:

New Harmony Gazette: Were you aware that inmate Thole, reportedly, had numerous mental and emotional disorders that caused aberrant behavior, such as using bodily waste in the commission of batteries to other Correction Officers in many of Thole's prior incarcerations around the state of Indiana?

Sheriff Latham's Answer: NO

Gazette comment: In the Probable Cause Affidavit received by the New Harmony Gazette on August 30th, Indiana State Police Detective Ryan Wilson states that he spoke to Russell Thole, the father of inmate James Thole, who said to him that his son James, "Has numerous mental and emotional disorders that effect his behavior. He also stated that due to this,

Vanderburgh County was attempting to have have him (James) placed in a mental health facility and not just the jail...”

James Thole’s public criminal record goes back to 2008 and shows that he has twenty-four (24) criminal cases and arrests - twenty-one (21) of those cases are felony charges - Three (3) of which were for Battery by Bodily Wastes against a Public Officer.

Also, on July 14, 2022, the Vanderburgh County Superior Court recognized that James Thole may be suffering from a mental health disorder and referred his case to the Mental Health Court. Thole appeared before the Vanderburgh Superior Court on July 14th and advised the court that he wished to participate in the Mental Health Court Program. The Mental Health Program turned down his request.

James Thole has been ordered by the Vanderburgh Court to stay off the property of Willard Library, the Federal Building, Raben Tire, FH5 Properties, WEVV Chanel 44, and Schneider Paint and Body. None of this information was known, according to Sheriff Tom Latham’s answer to the Gazette, by Latham or anyone on the Posey County Jail Staff, including Sgt. Daniel Long.

The question arises, that if the Vanderburgh County Superior Court suspected that Thole was suffering from a mental disorder, why was it not recognized at the Posey County Jail?

Did James Thole belong in the Posey County Jail, locked in a padded cell and destined for a restraint chair, without Jail Guard Sgt. Daniel Long and all of the Jail staff being advised of Thole’s criminal history and his possible mental condition? Could Long and the Jail Staff have been better prepared to deal with Thole if they had known those facts?

Sheriff Latham, responding to the Gazette, says that Jail Officer Sgt. Long only received 40 hours of Virtual (online) training through the Indiana Law Enforcement Academy; the Jail Officer’s

Course. Latham further states that training for the Sgt. promotion is done “In-House.” He also states that there is no Training Manual.

The New Harmony Gazette Question to Latham on 8/25/22: How long has Thole been incarcerated in the Posey County Jail?

Sheriff Latham answers that James Thole was an inmate at the Posey County Jail from July 6 to July 11, 2022. (The incident between Long and Thole took place on July 9, 2022)

New Harmony Gazette Comment: Sgt. Daniel Long does not have any criminal record prior to his arrest on August 19, 2022, with no prior conflicts reported between other inmates and himself. He was hired by the Posey County Sheriff’s Office as a Jail Officer, according to Sheriff Tom Latham, on July 16, 2020 and was promoted to Sgt. grade on December 15, 2021.

Sheriff Latham also states that Sgt. Daniel Long knew, “absolutely,” that he was being filmed in the Jail Cell at the time of the alleged incident.

Gazette Comment: Can Jail Officers be properly prepared to handle inmates like James Thole, who may have possible mental conditions and with prior incidents of abusing other jail staff in past incarcerations, without their having any knowledge of what they are dealing with? Can Jail Officers be properly prepared to handle violent and emotionally disturbed inmates with only 40 hours of online training?

The cause and effect of what we are dealing with extends far beyond one Jail Sgt. and goes to the very heart of how our Jail Officers are trained, tested, and evaluated throughout their careers. Does that appear to be getting done by Sheriff Latham or his office?

Violent confrontations between inmates and guards are apparently not uncommon. In fact Sheriff Tom Latham even stated in a WFIE TV interview in January 19, 2019,

while explaining the new Posey County Jail doors to interviewer Chelsea Parker, the following: “If we’re fighting with them (inmates), as we’re fighting with them (inmates), we can push the door open and get them (inmates) through here instead of pulling it (the door) out.”

THE AFFIDAVIT:

The Probable Cause Affidavit is the document at the very basis of the firing, arrest and prosecution of Jail Sgt. Daniel Long. This document was prepared by Indiana State Police Detective Ryan Wilson.

As I reviewed the Affidavit it seemed like there were several discrepancies contained in the document. While the Affidavit was used to prove that a battery had taken place, to fire and prosecute Sgt. Long, the statements in the Affidavit supporting the alleged battery were unclear.

ISP Detective Ryan states, and uses the term “appears” several times in his description of the reported incident.

For instance, he says, “Thole “appears” to be in a padded cell with his hands cuffed in front of him and shackles on his feet.” Later in the Affidavit, while actually questioning James Thole, Thole refutes part of the Detective’s statement; Detective Wilson says, “Thole stated that he was not handcuffed until after he spit on Long.” Wilson then simply attributes this discrepancy to Thole having a bad memory.

Detective Wilson states in the Affidavit that, “He (Thole) “appears” to be banging on the padded cell door with his handcuffs.”

Wilson describes Sgt. Long, after being spat upon by Thole, raising his right arm with a closed right, and “appears” to strike Thole... Detective Wilson goes on to explain that the cell camera did not record if Long actually struck Thole. Wilson says that Long’s body camera did not record if Long was able to actually strike Thole. Wilson also indicates in the Affidavit that Jail Guard Elliott’s body camera did not record Sgt. Long actually striking Thole.

When Detective Wilson contact Sgt. Long for a statement, Sgt. Long advised Wilson that he would not be doing an interview and would let the video of the incident speak for itself.

When I.S.P. Detective Wilson contacted Jail Guard Elliott, the witness, Elliott stated that he did not feel he had anything to add that was not recorded on the provided videos.

In an interview with inmate Thole on August 11, 2022, Thole stated that he did spit on Sgt. Long. He stated that he meant to spit on Long’s face, but missed and spit on Long’s shirt. Thole further stated, that he did not remember what led him up to spitting on Long.

This is the primary evidence that Sheriff Tom Latham used to prosecute and fire Sgt. Daniel Long, a Jail Guard at the Posey County Jail. Long was arrested and levied a \$1,500 cash bail by Circuit Court Judge Craig Goedde. The full Affidavit follows.

**STATE OF INDIANA
POSEY COUNTY/SUPERIOR
COUNTY OF POSEY
2022 ANNUAL TERM
STATE OF INDIANA
UTT/CASE#-22ISPC009550
VS
DANIEL LEE LONG**

PROBABLE CAUSE AFFIDAVIT

Comes now Detective Ryan Wilson, who swears or affirms that he believes and has good cause to believe that Daniel Lee Long (Defendant) committed the offenses of Battery, a Class B Misdemeanor I.C. 35-42-2-1 (C)(1), and Official Misconduct, a Level 6 Felony, I.C. 35-44.1-1-1, without stamp for the following reason(s) to-wit:

- 1. That your affiant is an officer with the Indiana State Police.
- 2. On or about July 9th, 2022 in Posey County, IN

On 7/14/2022, I received information on a possible incident of battery that had occurred at the Posey County Sheriff’s

Office (PCSO) involving an inmate and a member of the correctional staff. The incident occurred between Sgt. Daniel Lee Long, a Correctional Officer for the PCSO, and James Paul Thole, who had been arrested on a Vanderburgh County warrant in Posey County and was awaiting transport back to Vanderburgh. Logan Lee Elliott, a Correctional Officer for the PCSO, was also present and witnessed the incident. Body camera video from the padded cell itself and a typed incident report by Long describing the incident was provided.

The following is a summary of the combined three videos. Thole appears to be in a padded cell with his hands cuffed in front of him and shackles on his feet. He appears to be banging on the padded cell door with his handcuffs. As the Long and Elliot are going to the cell, Long states to Elliott that he (Long) will do all the talking, that he (Long) is going to be aggressive with Thole and that pressure points to the torso could be used. Elliott goes to the glass window of Thole’s cell and, as he walks by, Long states something to the effect of “hey fresh meat,” which appears to be directed towards Thole, and causes Elliott to say “Long”. As the door is opened, Long gives Thole a verbal command to back up to the back wall of the cell. Thole, who is still cuffed and shackled, stumbles and falls into the left back corner of the cell in a semi-squatting position. As Long approaches, Thole, who is still in the corner, spits on Long. Long immediately dives towards Thole with his right arm raised with a closed right and appears to strike Thole while yelling something to the effect of “you think I’m playing”. Elliott can be heard saying “Long” again as he begins assisting Long to prone Thole out on his stomach on the cell floor. Long does appear to use a pressure point technique to obtain Thole’s compliance from this point on. Again, Elliott can be heard saying “Long” when a pressure point technique appears to be effective on Thole. At this point, Long and Elliott then proceed to prepare Thole to be put in a restraint chair. At one point, Elliott exits the cell. While Elliott is absent, Long leans on top of Thole and says “How’d you like that for breakfast?”

Due to the angle of the cell camera, it was not clear if Long was able to actually strike Thole or not. Long’s body camera shows Thole with his hands covering his face as Long dives in towards him, however, it is still not clear if Long was able to actually strike Thole. Due to him being behind Long, Elliott’s body camera only shows Long diving towards Thole and Elliott rushing in to possibly defuse the situation and assist Long.

On 7/19/22, I sent a text to Thole asking him to contact me and a brief explanation as to why.

On 7/20/22, I spoke with Long again. On 7/18/22, Long had called into the Post requesting that I contact him about this incident. We spoke briefly, but during our conversation Long stated that he might not be willing to do an actual interview and instead just defer to the video. I advised that once I was ready to proceed with this investigation, I would contact him back to make sure that was what he was wanting to do. When I contacted Long back, he advised that he would not be doing the interview and would let the video of the incident speak for itself.

I then sent a text to Elliott asking him to contact me and a brief explanation as to why. Later, Elliott responded and stated that he was currently out of state on vacation. He advised that once he returned home, he would contact me.

On 7/21/2022, I spoke with Russell Thole, who is the father of Thole. The phone number was listed for Thole, which is the one that I texted, belongs to Russell. He stated that Thole was currently being held at the Vanderburgh County Sheriff’s Office (VCSO) on new charges and asked if I could explain why I was needing to speak with Thole. I briefly explained the reason and Russell stated to me that Thole has numerous mental and emotional disorders that effect his behavior. He also stated that due to this, Vanderburgh County was attempting to have him placed in a mental health facility and not just the jail in reference to all of Thole’s legal issues in the county.

On 7/25/22, I spoke with Elliott about this incident. Elliott stated that he did not feel that he had anything to add that was not recorded on the provided videos. He did state that Long was fairly new to the Sheriff's Office and he was not sure if Long even knew that he was not allowed to put his hands on a cuffed inmate. Elliott stated that he was aware that Long had some basic training, but did not know as to what extent. He stated that he could not clearly see if Long actually struck Thole due to him being directly behind Long as the incident happened. In reference to Thole being in the padded cell, Elliott explained that due to Thole's behavior, he was placed there for his and other's safety.

On 7/28/22, I spoke with jail staff at the VCSO about Thole. I was advised that at this Thole was on suicide watch with special precautions due to his behavior at the jail. Due to Thole's behavior at the VCSO, his behavior at the PSCO, the information that Russell provided and the fact there are three separate video of this incident there will be no interview of Thole at this time. Also, Thole has apparently not reported this incident to any law enforcement agency himself. If, at a later time, an interview is needed I can attempt to make contact with Thole then.

On 8/10/22, I sent Long a text asking him to contact me when he could. I then contacted the VCSO and scheduled a meeting with Thole on 8/11/22 at approximately 8 am. The meeting with Thole is contingent upon him wanting to speak with me about this incident.

THE
NEW-HARMONY GAZETTE.

Dan Barton
Publisher

New Harmony Gazette
P.O. Box 551
New Harmony, IN 47631

Contributing Writers
Dan Barton
Denise Rapp

On 8/11/2022, I was able to speak with Thole and the following is a summary of that interview. The interview was brief due to Thole's apparent agitation during the interview. When I asked Thole about this incident, he stated that he had not been feeling right and had asked to speak with Long's supervisor because Long was not doing his job properly. Thole stated that due not to feeling right and being agitated, he spit on Long. He stated that he meant to spit on Long's face, but missed and spit on Long's shirt. Thole did not remember what led up to him spitting on Long, but remembered Long stating the general phrase about how did Thole like that for breakfast. Thole stated that he was not handcuffed until after he had spit on Long. He appeared to not remember what had happened or the timeline of those events in relation to what the video showed. Thole remembered spitting on Long and the phrase that Long said to him, but stated that he could not recall anything else.

As of 8/15/22, I have not heard back from Long regarding this incident.

I DETECTIVE RYAN WILSON affirm under the penalties of perjury that the foregoing representations are true.

Detective RYAN WILSON PE# 7038
INDIANA STATE POLICE.

October Gazette Recipe 2022
Pumpkin Twists

It's Fall Ya'll! We are so ready for this, right?

We'll this month I'm going to satisfy your craving for anything pumpkin. These easy pumpkin twists are going to blow your mind. So easy...so good...and the perfect fall snack.

Whip up some fresh whipped cream (or bust out that Cool Whip) and get to snackin.

Ingredients:

1 can of crescent rolls
1/2 pumpkin purée
1/4 c. brown sugar
1 tbs. maple syrup

1 tsp. pumpkin spice
2 tbs. melted butter
1 tbs. sugar
1/2 tsp. cinnamon
Whipped cream (cool whip, ready whip or fresh whipped cream)
Fresh whipped: 1 c heavy cream, 1tsp vanilla, 2tbs powdered sugar, beat on high until set

Directions:

Preheat oven to 375
In small bowl mix purée, brown sugar, syrup & spices
Unroll crescent rolls and divide in 1/2 (2 sections for the bottom & 2 for the top)
Spread purée on both bottom sections
Place the second set of dough on the top
Use a pizza cutter to cut into 1" strips (I like to cut them on the short side instead of long strips, but there's no wrong way)
Twist carefully, this can be messy if dough gets to warm
Place on a parchment lined baking tray
Brush with melted butter
Sprinkle with cinnamon sugar
Bake 8-11 minutes, golden brown
Cool for a few minutes
Serve with whipped cream

Enjoy!



ANTIQUE EMPORIUM

PAULA ALLREDGE
OWNER

525 CHURCH ST. P.O. BOX 186
NEW HARMONY, IN. 47631
812-682-3407

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