

**Minutes of the Yorktown Town Council/ Safety Board
Special Meeting/Disciplinary Hearing
Tuesday, March 29, 2022, at 8:00 a.m.
Yorktown Town Hall**

Call to Order, Pledge of Allegiance, Roll Call:

Rich Lee	Rick Glaub	Nanci Sears Perry	Lon Fox	Daniel Flanagan	Robert Ratchford	Marta Guinn
Present	Present	Present	Present	Present	Absent	Present

Disciplinary Hearing for Officer Blake Barnard-On March 1, Marshal Ginnan issued charges against Blake Barnard alleging neglect of duty, violations of department rules, and conduct unbecoming of an officer. The Marshal recommended termination of employment from the Town of Yorktown. Mr. Barnard requested a hearing on the charges. The Town Council acted as the Safety Board to hear matters of public safety discipline.

The Town Council would listen to the evidence and render a verdict during the public hearing. Blake Barnard was represented by Don McClellan. The Town Marshal was represented by Paul Mullin. Attorney Maura Hoff advised the council of procedural matters and a court reporter created a transcript of the proceedings. Both attorneys presented opening statements, questioned witness, presented evidence, and made closing statements. Witnesses were sequestered and gave testimony under oath. After both sides presented their cases, the council determined whether the officer was guilty or not guilty of the charges and then determined the appropriate discipline.

Corey Tompkins and Kathleen Mowrey testified via videotaped trial deposition. Jonathan Mowrey, YPD Officer Larry Harless, Delaware County Prosecutor Eric Hoffman, YPD Officer Ryan Jaromin, Yorktown Marshal Shane Ginnan, YPD Officer Chris Greene, and YPD Officer Blake Barnard testified. In reference to the legal documentation of the findings of fact and by a preponderance of evidence (greater than a 50% chance or more likely than not), the Safety Board found that Officer Barnard responded to a burglary in progress call on 11/7/2021 stating that the suspect could be his brother. The first victim was told by Officer Barnard that it was just a big misunderstanding. Officer Rodriguez had responded to a second call and encountered the suspect, who was Officer Barnard's brother, Brayden Barnard.

Rather than take the highly intoxicated suspect into custody or detain the suspect for investigation, the officer took the suspect to his apartment and dropped him off. The victims were told that the suspect was his brother. The officer failed to conduct proper interviews or complete any paperwork and filed no charges against the suspect with any violations of law. The incident was discovered when witnesses and other involved parties contacted the Yorktown Police Department to follow up on the case. The State Police investigated the incident and found reasonable cause to forward two charges of Residential Entry on Brayden Barnard to the County Prosecutor.

By a vote of 5-1, the Safety Board determined that Blake Barnard was guilty of Neglect of Duty as stated in the Standard Operating Procedures that govern the Yorktown Police

Department by failing to take police action to investigate and charge Brayden Barnard for the incidents that occurred 11/7/2021. By a vote of 4-2, the Safety Board determined that Blake Barnard was guilty of a Violation of Rules that requires every officer to refrain from allowing personal feelings, prejudices, animosities, or friendship to influence decisions. By a vote of 4-2, the Safety Board found that Blake Barnard was guilty of a Violation of Rules that required an officer to act when observing a violation of law. By a vote of 5-1, the Safety Board determine that Blake Barnard was guilty of a Violation of Rules that imposed a duty to be alert and to use reasonable diligence in detecting criminal violations and apprehend a suspect when reasonable cause existed. By a 4-2 vote, the Safety Board determined that Blake Barnard was not guilty of a Violation of Rules in placing a subordinate in an unethical situation, failing to treat another with courtesy and respect, and failing to provide proper guidance.

By a vote of 5-1, the Safety Board found Blake Barnard guilty of Conduct Unbecoming an Officer by not handling the situation on 11/7/2021 properly and degrading the reputation of the Yorktown Police Department in the eyes of the citizens impacted by the criminal activity. By a vote of 6-0, the Safety Board determined that Blake Barnard was not guilty of Conduct Unbecoming an Officer based upon discourteous treatment of a junior officer. By a 4-2 vote, the Safety Board found that Blake Barnard was guilty of Conduct Unbecoming an Officer in that his conduct revealed a lack of character that fell below the standard to which a police officer was held. By a 5-1 vote, the Safety Board determined that Blake Barnard was guilty of Conduct Unbecoming for failing to discharge his duties by showing favoritism to a family member and attempting to keep him from being charged for his alleged crimes.

Marta Guinn motioned for a suspension and training and clarified a 1-month suspension without pay and 6 months of training with pay and a reevaluation. The motion did not receive a second and failed. Rick Glaub motioned for a 6-month unpaid suspension. Rich Lee seconded and a roll call vote was taken:

Marta Guinn	Robert Ratchford	Daniel Flanagan	Lon Fox	Nanci Sears Perry	Rick Glaub	Rich Lee
Yeah	Absent	Yeah	Nay	Yeah	Yeah	Yeah

By a 5-1 vote, Blake Barnard was suspended without pay for 6 months.

Adjournment: 6:33 p.m.

President

**Prepared by/Attest
Clerk Treasurer-Lance Turner**