



**Memo to: City Manager Grady Varney**

**Memo From: Chief Minor Allen**

**Date: June 23, 2016**

**Re: Citizen Complaint by Ms. Parma Lee Mullins under KRS 15.520 against Officer Steve Everidge**

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Dear Mr. Varney:

I have attached our departmental memorandum reflecting our investigation of the citizen complaint by Ms. Parma Lee Mullins under KRS 15.520 against Officer Steve Everidge arising from the DUI arrest on December 21, 2015 at 9:27PM on Kentucky Highway 15 near the northern end of the Hazard's Johnny Cox Bypass. Based upon the investigation, it is my determination as Police Chief that no disciplinary action be undertaken against Officer Everidge. Under the Administrative Personnel Policy and Procedures Manual Section 7-3.1 Investigations, I am making this report to you of the incident as department head of the Police Department.

The investigation revealed that the stop, interview, deportment and subsequent arrest of Ms. Mullins were consistent with the specific policy requirements in the Hazard Police Department Policy and Procedures Manual. Officer Everidge was justified by observation of Ms. Mullins's erratic driving to make an investigatory stop. He then used techniques and methods of field sobriety testing which are established by DOCJT and substantiated by research conducted by NHTSA to determine whether "clues" existed to show that Ms. Mullins was driving while impaired. His duty was to make a determination of probable cause based upon his examination of all facts and circumstances within his knowledge at the time of the arrest. His investigation determined that sufficient "clues" of impairment existed under multiple sobriety tests which either viewed individually or collectively justified his decision to make the arrest. Field sobriety

testing is a tool to assist the police officer in seeing visible signs of impairment. The individual tests result in accurate assessment of intoxication in a majority of cases when considered independently, and the percentage of accuracy only increases when positive results in two or three of the tests are found. However, even if a police officer conducts each of the tests perfectly, there will still remain a statistical probability that some percentage of drivers will be determined to be impaired but later found not to have intoxicating influences based upon accepted testing methodologies. In other words, drivers will be arrested who are later determined to be "not guilty." Until testing becomes instantaneous and 100% accurate, the most a police officer can do is to rely upon his training, accepted standards of testing, and make good faith judgments based on the totality of the circumstances in determining whether probable cause exists for an arrest. Exoneration of a defendant, whether by dismissal or by a jury verdict following a trial, does not automatically mean that a police officer acting in good faith made a "false arrest."

I will forward a copy of our memorandum to Ms. Mullins and undertake to meet with her to explain the scope and outcome of our investigation.

Sincerely,

A handwritten signature in cursive script that reads "Minor B. Allen". The signature is written in black ink and is positioned above the typed name.

Police Chief Minor Allen