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December 5, 2022

Avon Community School Corporation
Attn: Superintendent Scott Wyndham
Sent via electronic mail: smwyndham@avon-schools.org

Re: *Hendricks County Prosecutor's Office's Expectations and Notice of Finding of Giglio Violations by Former Avon Community School Corporation (ACSCPD) Police Chief Chase Lyday*

Dear Superintendent Wyndham,

Let me first start by extending my apologies in the lateness of this letter. My office, me especially, has been exceptionally busy these last few weeks and I have not been able to fully review the provided materials and review the appropriate case law until very recently. The purpose of this letter is twofold. First, considering all that has transpired, I thought it prudent to make sure that you were aware of my expectations regarding felony criminal investigations by ACSCPD which was stated numerous times to Mr. Lyday. Second, is to inform you of my finding regarding the investigation into the Mr. Lyday employment while a reserve at the Marion County Sheriff's office.

In 2019 Mr. Lyday came to my office to discuss the newly formed ACSCPD. While my predecessor I have been aware of its planned formation prior to 2019, I first became aware of it shortly after being elected. It is my understanding that Mr. Lyday came to me because of questioning he received from the Hendricks County Commissioners as to whether I was going to sign off/take charges from ACSCPD. This was the first time I discussed with Mr. Lyday my expectations as the chief law enforcement officer in Hendricks County for his newly formed agency. In that conversation, I made it clear to Mr. Lyday that all major cases occurring on school property and any case where there was a criminal allegation against a school employee was to be handled by the Avon Police Department (or the Hendricks County Sheriff's Department) so long as Avon Police Department agreed which they did. This condition was a prerequisite for my acquiescing to the further development of the agency. There were a variety of reasons for this but I explained to him it was mainly due to lack of experience by school police officers, the frequency of major incidents happening on school property and a conflict of interest. These types of cases are a matter of routine, sadly, for agencies with general jurisdiction. These expectations needed readdressed with Mr. Lyday over the succeeding years where I received multiple complaints by other agencies within the county that the initial steps taken ACSCPD officers negatively affected their investigations.

The purpose in me relaying this to you is given everything that has transpired, I do not have confidence that this information was relayed to you and wanted to make you aware these are my expectations, and they

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will remain so going forward. It also seemed a good time to reach out as there will be a transition in whomever you select as the new Chief of Police, and I look forward to working with that person in the future.

Secondly, I wanted to inform you of my findings after reviewing Mr. Lyday's pre-employment record. There are two instances I find relevant to my inquiry. First, as you know, in 2018 Mr. Lyday was found and disciplined for being dishonest to a superior officer. The second were his responses to an interview conducted by Chief Stoops in Mr. Lyday's background investigation conducted by Avon Police Department regarding the that same incident.

As you may or may not be aware, prosecutors in the State of Indiana, pursuant to *Giglio vs. United States*, 405 U.S. 150 (1972) which was adopted by the Indiana Supreme Court in *Newman vs. State*, 263 Ind. 569 (1975), have an affirmative duty to disclose to criminal defendants' information that could be used to exculpate the accused or impeach the testimony of a prosecution witness, including instances of dishonesty. This is important because very often cases rest on the word of officers or other witnesses in which cases a prosecution based on the word of a Brady/Giglio officer is near impossible. Additionally, even in those cases where Brady/Giglio officers have only a minor role the fact that they are involved at all can greatly affect the view of the case in the minds of jurors. Therefore, it is imperative that we have officers of the highest integrity. Prosecutors must take these instances very seriously. In the case of Mr. Lyday there is no doubt that these two instances qualify as Brady/Giglio violations. The 2018 incident he was found to have lied to a superior officer regarding sex offender registrants. Any instance of lying during the course of employment by a law enforcement officer is exculpatory and prosecutors are obligated to disclose the information to the defense. In the second instance I find that he was not fully candid during his pre-employment interview with Chief Stoops. Whether his dishonesty was by omission or by commission is not germane and must also be disclosed. The obligation to disclose this finding of dishonest conduct is not limited to those cases currently pending. It is a continuing obligation and would affect all future cases Mr. Lyday could be called as a witness. Our criminal justice system rests on the foundation that public servants are truthful, act with integrity and are beyond reproach. Juries expect as much from their law enforcement officers as does my office.

If you have any questions or comments, please do not hesitate to contact me at your convenience.

Sincerely,

Loren P. Delp
Hendricks County Prosecutor
55th Judicial Circuit