



Subscriber Services



[HeraldLeader.com](#) [News](#) [Business](#) [Sports](#) [Entertainment](#) [Living](#) [Classifieds](#) [Jobs](#) [Cars](#) [Homes](#)

Lexington Herald-Leader (KY)

2003-02-28

Section: Main News

Edition: Final

Page: A1

EX-CHIEF ACCUSED OF FORCING SEX ON OFFICER STATEMENT INCLUDED IN 2ND WOMAN'S SUIT

Louise Taylor, Herald-Leader Staff Writer

In a sworn statement, a former Lexington police officer accuses retired Police Chief Larry Walsh of forcing her to have sex, a charge that could make him the target of a criminal investigation.

The accusation comes in a deposition filed to support another officer's sexual discrimination lawsuit, one of two suits pending against Walsh and the city. More than 50 depositions have been taken in the two cases, most from past and current police officers. His detractors paint a portrait of Walsh as an inflexible autocrat who demeaned blacks and women. The image is a far cry from Walsh's public persona as a straightforward, disciplined chief who turned a corruption-plagued department into a national model while driving the city's crime rate down to its lowest in 15 years.

A suit filed by retired Capt. Melinda Massarone was one of three filed as Walsh was leaving in 2001 after 11 years as chief. One case was dismissed late last year and the third, a racial discrimination suit filed by Detective Billy Richmond, who is half German and half African-American, is to be tried in May.

The most serious allegation in any of the depositions comes in the Massarone sexual discrimination lawsuit. In a deposition, former police officer Anna Rathke Phillips says Walsh assaulted her by putting his hands down her pants at his Henry County farm in early January 1991, when he was giving her shooting lessons. About a week later, Phillips testified, Walsh came to her Lexington apartment and forced her to have sex.

Walsh denies Phillips' allegations, but says they had a "romantic relationship."

"Chief Walsh is shocked by the allegation," said Keith Moorman, the attorney representing Walsh and the city. "He thought they had a consensual relationship that ended on good terms. She never said anything about it before."

However, the deposition has been forwarded to state and county prosecutors, who could make Walsh the target of a criminal investigation if Phillips wants to pursue charges.

A hearing is set for 1 p.m. today in Fayette Circuit Court on Massarone's suit, which is to be tried March 24.

The city is seeking to have the case thrown out because it says that Massarone has failed to prove claims that Walsh hounded her out of her job and that she failed to file administrative complaints before filing the suit. Walsh promoted her at every level for which she qualified, the city also argues.

The city also accuses Massarone of trying to introduce extraneous evidence about Walsh to prejudice jurors.

Among the evidence the city wants to exclude as irrelevant to Massarone's discrimination suit:

* A tape recording of Walsh surreptitiously made by Sgt. Phil Vogel on which the pair discussed a 1990 police shooting of a young black man. On the tape, Walsh extols the use of nightsticks, saying "You ought to be able to ... realize that if they had their sticks on they'd never have to kill that nigger."

* Testimony from former officer Jimmy Green and Sgt. Arty Greene and others who say that Walsh's racist and sexist propensities were common knowledge within the department. Green specifically recalls Walsh using derogatory terms for blacks, and describing women as "bitches" and "whores," while Greene recalls the chief being racist but careful in his choice of words in front of blacks.

Moorman, the attorney representing the city and Walsh against the suit, said the allegations amount to a few isolated incidents spread over many years.

"All of this is an attempt to prejudice the jury against Walsh through things that aren't relevant to her claims," said Moorman, who responded to the newspaper's questions on behalf of Walsh. "There are a few people who say they heard words like that over the last 15 years, not a legion, and many others deny Larry Walsh said these things," Moorman said.

"One racially offensive remark made 15 years ago in a secretly recorded conversation is just not part of Melinda Massarone's case."

The Phillips allegations, too, should be barred from trial, he said. "The undue prejudice that would result from the admission of evidence of Walsh's alleged forced relationship with Phillips in 1991 is obvious, especially in light of the apparent disagreement between Walsh and Phillips concerning whether the sexual nature of their relationship was consensual," Moorman argues in court documents.

But **Robert Abell**, Massarone's attorney, argues that it is a prime example of Walsh's attitude toward women. "Rape is perhaps the most extreme form of sexual harassment," he said. Phillips did not use the word "rape" in her deposition.

In her deposition, Phillips said Walsh intimidated her for several reasons: "One, my position at the police department and his physical stature. He's well over 6 feet; he's a very big man. He was being very aggressive. In conversations I had had with him prior to that, he did not sound like a rational person and I was afraid of him."

Because Phillips alleges Walsh committed a felony, Abell has sent the deposition to current police Chief Anthony Beatty, Commonwealth's Attorney Ray Larson, County Attorney Margaret Kannensohn and Attorney General Ben Chandler.

City spokesman Bruce Edwards said prosecutors were trying to contact Phillips to see whether she is willing to pursue her claim. Larson would say only that he had the Phillips deposition and had spoken with the other prosecutors. "We're working on it," Larson said.

Beatty deferred all comment to Larson and said no one in the department would comment on ongoing litigation.

Phillips left the police department in the spring of 1993 to continue her college education. She now works for a public school district in North Carolina. Phillips' deposition said she recently changed her phone number and e-mail address to avoid further contact about Walsh.

Phillips testified she never formally reported the sexual assault or told colleagues about it. Phillips said she did tell other officers, including current Sheriff Kathy Witt, about lesser assaults, such as Walsh pawing her.

Witt was not sheriff then but worked in the department's communications unit. Witt, through her attorney, declined to comment yesterday. Phillips describes Witt as a good friend to whom she turned in confidence.

Phillips said she did give a sworn, confidential statement to Ron Green, then the attorney for the Fraternal Order of Police, about the incident soon after it occurred.

"I was not intending to make a formal complaint," Phillips said in her deposition. "I was afraid for my physical safety. I was afraid of retribution. I did not want people to know about this.

"I went to (Green) because I wanted to document and tell someone what had happened. I did not want to pursue anything with that ... to have it in the event that I was harmed or something happened with my job."

At least four other women in the department, including Massarone, also allege Walsh made sexual overtures to them, but only Phillips accuses him of forced sex.

One 1990 recruit, Marcia Caldwell Davis, swears Officer Don Kelly passed along the message that Walsh thought she was attractive and gave her the chief's phone number. At least one other woman claims she had a similar experience going through the police academy, and Sgt. Joan Root has testified Walsh once touched or groped her buttocks.

In her suit, Massarone alleges that after she rejected a sexual advance by Walsh when she was a young recruit in the early 1980s, he bore a grudge against her for 20 years.

Although Walsh did promote her through the ranks until she became the department's second female captain, Massarone claims that he "buried her" as captain over the communications division, a job she disliked.

She says she was forced to take disability retirement in May 2000 because of mental anguish and emotional distress.

Reach Louise Taylor at (859) 231-3205, 1-800-950-6397, Ext. 3205, or ltaylor@herald-leader.com.

by JANET WORNE , STAFF FILE PHOTO - Walsh, Lexington's former police chief, is currently facing two lawsuits for discrimination.

Correction: CORRECTION: A front-page story in yesterday's Herald-Leader mistated the location of former Lexington police Chief Larry Walsh's farm. The farm is in Campbellsville.



- [News](#) |
- [Business](#) |
- [Sports](#) |
- [Entertainment](#) |