

# **EXHIBIT B**

FORM NO. 17-WVSP.

Report # 81000709

**WEST VIRGINIA STATE POLICE**

<b>DETACHMENT FILE NUMBER</b> <b>81000713</b>	<b>REPORT OF INVESTIGATION</b>	<b>Approval</b>	
<b>DATE OF REPORT</b> <b>December 10, 2020</b>	<b>STATION</b> <b>BCI Morgantown</b>	<b>COUNTY</b> <b>Monongalia</b>	
<b>INITIAL OR SUPPLEMENTARY</b> <b>Initial</b>	<b>REPORT MADE BY</b> <b>Cpl John W. Smith Jr</b>	<b>STATUS OF INVESTIGATION</b> <b>Pending</b>	
<b>SUBJECT OF INVESTIGATION</b> <b>Destruction of Property 61-3-30</b>			

**ACCUSED #1:****NAME:** Aaron William Dalton**ADDRESS:** [REDACTED]**Phone #:** [REDACTED]**RACE:** white**SEX:** male**DOB:** [REDACTED]**SSN:** [REDACTED]**HEIGHT:** 6'1"**WEIGHT:** 230**HAIR:** brown**EYES:** brown**DISPOSITION:** Not arrested.**VICTIM:**

United States of America, State of West Virginia, William Cox.

**PLACE OF CRIME:**

In the Northern District of West Virginia, Monongalia County, 500 Dupont Road, Westover, WV. (Police Department)

**LIST OF EXHIBITS:**

1. One Compact Disk (Video surveillance –Doug's Towing)
2. Memo to File – Richard Panico interview
3. Memo to File – Justice Carver interview
4. Memo to File – John Morgan interview
5. Memo to File – Shaun Hilling interview
6. Memo to File – Eric Mankins interview
7. Memo to File – Winston Wilcott interview
8. Memo to File – Zachary Fecsko interview
9. Memo to File – Christine Riley interview
10. Anonymous letter from Councilman Mullins
11. Directive dated 7/13/20 from Panico
12. Screenshots from Eric Mankins

13. Police Department letter ref Lt. Dalton dated 8/30/20
14. Memo to File – Andrew Cather interview
15. Memo to File – Aaron Dalton interview
16. Memo to File – Dave Johnson interview
17. Memo to File – John Stewart interview
18. Memo to File – Travis Layton interview

**ACTION TAKEN:**

On Tuesday, September 15, 2020, Special Agent Kristen Thigpen and Cpl J.W. Smith met with Monongalia County Prosecutor Perri-Jo Decristopher who shared a letter that her office received from officers from the Westover Police Department that included a number of allegations towards Lieutenant Aaron Dalton. Perri-Jo Decristopher also learned that during the arrest of William Cox on August 25, 2019, a cellular phone existed that had evidence contained within that never made it to the evidence room. Perri-Jo Decristopher requested an investigation be conducted.

On Friday, September 18, 2020, Special Agent Kristen Thigpen and Cpl J.W. Smith met with Richard Panico, Former Chief of Police for Westover PD. PANICO believed that Lt. Aaron Dalton has violated subject's fourth amendment rights by conducting illegal searches as well as destroying personal property and evidence that contained evidence of a crime from the arrest of William Cox on August 25, 2019. A memorandum of interview was prepared containing the information provided by PANICO and is attached to the file copy of this report.

On Friday, September 25, 2020, Special Agent Kristen Thigpen and Cpl J.W. Smith met with Justice Carver, Officer with Westover Police Department to discuss allegations of criminal activity by Lt. Aaron Dalton. CARVER talked about the incident involving William Cox on August 25, 2019, that resulted in the arrest of William Cox and the securing of personal property that William Cox had in his possession which included a cellular phone that would have contained the recorded events of the arrest of COX. CARVER advised that he was ordered by Lt. Aaron Dalton not to place the cellular phone into evidence and that Lt. Dalton was going to take care of the phone. A memorandum of interview was prepared containing the information provided by CARVER and is attached to the file copy of this report.

On Friday, September 25, 2020, Special Agent Kristen Thigpen and Cpl J.W. Smith met with John Morgan, acting Interim Chief of Police for the Westover Police Department. A memorandum of interview was prepared containing the information provided by

MORGAN and is attached to the file copy of this report.

On Thursday, October 1, 2020, Cpl J.W. Smith met with Interim Chief John Morgan at the Westover Police Department. MORGAN provided Cpl J.W. Smith with the following:

1. July 13, 2020 Directive in reference to investigating Lt. Dalton for destruction of evidence.
2. June 17, 2020 Development Counseling Form in reference to an incident involving Lt. Dalton.
3. August 31, 2020 letter placing Lt. Dalton on Administrative Leave.
4. Evidence Room Control policy, listing effective date of **April 1, 2020**. (Panico advised the policy was primarily the same prior to that date with only a couple minor changes)
5. Three printed pages of screenshots depicting text messages from Sgt. E. Mankins in reference to Allyson Fairbanks.

On Wednesday, October 14, 2020, Cpl J.W. Smith met with Ralph Mullins, city councilman at Westover, WV. Ralph Mullins provided Cpl J.W. Smith with a letter that he received at his residence located at [REDACTED], dated August 27, 2020. The letter was addressed to Mr. Mullins as a councilman for the area. The letter informed MULLINS about Lt. Dalton stalking a friend of the drafter of the letter explaining that the two had sex while he was on-duty and stated that the female is “still very worried about officer Dalton”. Additionally that “Sometimes he follows her, she is afraid of him as he comes to her place of work”. (Letter attached to the file copy of this report)

\*Investigator believes this letter to refers to Ally Fairbanks

On Wednesday, October 14, 2020, Cpl J.W. Smith met with Westover Police Department Officer Winston Walcott. WALCOTT observed the cellular phone that was seized from William Cox lying on the filing cabinet within the Sergeant’s Office and that the phone was broken in half. A memorandum of interview was prepared and attached to the file copy of this report.

On Wednesday, October 14, 2020, Cpl J.W. Smith met with Westover Police Department Officer Shaun Hilling. HILLING observed the cellular phone that was seized from William Cox from the arrest that occurred on August 25, 2019, and was involved in the conversation with Lt. Dalton and Justice Carver concerning if a forensic download of the cellular phone should or should not be done during which time Lt. Dalton said that was “fucking stupid” in reference to dumping the phone. A

memorandum of interview was prepared and attached to the file copy of this report.

On Wednesday, October 14, 2020, Cpl J.W. Smith met with Westover Police Department Sgt Eric MANKINS, at Westover Police Department. MANKINS recalled observing a cellular phone within the Sergeants office when it started ringing at which time he learned from Officer CARVER that it was the phone that belonged to William COX and that it had pepper spray on the phone. MANKINS could not recall the reason provided on why the phone was lying within the Sergeant's office. A memorandum of interview was prepared and attached to the file copy of this report.

On Thursday, October 15, 2020, Cpl J.W. Smith met with Officer Zachary FECSKO. FECSKO advised that he was involved with the preparation of the letter that was provided to the Monongalia County Prosecutor concerning Lt. Aaron Dalton. FECSKO advised that no evidence was entered in reference to the William COX arrest and that he noticed that the report reflected that COX was recording with his cellular phone. FECSKO advised that he questioned CARVER about this and was told by CARVER that Lt. DALTON had instructed him not to talk about the incident. FECSKO obtained the surveillance footage from Doug's Towing within a week of the incident. FECSKO advised that he informed Lt. John Morgan and Chief PANICO about the discrepancy that no cell phone had been entered into evidence from the William COX arrest sometime in September-October 2019 time frame. A memorandum of interview was prepared and attached to the file copy of this report.

On October 15, 2020, Cpl J.W. Smith met with Christine Riley, Secretary of the Westover Police Department and also responsible for submitting items into the evidence room. RILEY advised that she never saw the cellular phone in question that was taken from William Cox. A memorandum of interview was prepared and is attached to the file copy of this report.

On Thursday, October 15, 2020, Cpl J.W. Smith contacted Ally Fairbanks ([REDACTED]) explaining to her that I was responsible for investigating allegations that have been made involving Westover Police Department Lt. Aaron Dalton. Cpl J.W. Smith asked Ally Fairbanks if she felt safe or was in fear of Lt. Aaron Dalton. Ally Fairbanks advised that she used to have fear and anxiety anytime that she traveled through Westover but since she had met with the Chief (PANICO) she has not had any issues from Lt. Aaron Dalton and that she felt safe. Cpl J.W. Smith instructed

her to contact Cpl J.W. Smith if anything changed and she was having any problems related to Lt. Aaron Dalton.

On Thursday, October 29, 2020, Lt. John MORGAN provided Cpl J.W. Smith with copies of the following reports:

1. George McMullen reports (3-29-20, 10-21-19)
2. Patricia Greene report
3. James Closson report
4. Amy Campbell report
5. William Cox report
6. Jeremy Shrewsbury report
7. Brittany Mccumbers report
8. Ally Fairbanks interview (DVD)

On Friday, October 30, 2020, at approximately 0957 hours, Cpl J.W. Smith spoke to Lt. John Morgan about the arrest of George McMullen that occurred on 10-21-2019 by Lt. Aaron Dalton. Lt. Morgan recalled the incident at [REDACTED], Westover, WV, but could not recall if Lt. Dalton seized any items from George McMullen on that date.

On Friday, October 30, 2020, at approximately 1005 hours, Cpl J.W. Smith spoke to Officer Andrew Cather ([REDACTED]), Westover Police Department. Cpl J.W. Smith spoke to Cather about allegations of criminal activity by Lt. Aaron Dalton. Cpl J.W. Smith specifically asked about an arrest of George McMullen on March 29, 2020, by Lt. Dalton and asked if he observed a cellular phone taken on that date by Lt. Dalton from George McMullen. CATHER advised that George McMullen is a frequent subject that is arrested by the Westover Police Department and that he believed that on that date he had a red backpack. CATHER advised that he did recall seeing a cellular phone on that date and that McMullen always has a lot of cellular phones, needles, various membership cards and misc. items within his backpacks when they deal with him and that the back pack from that date still may be within the evidence room at Westover in the "Safekeeping" section. A memorandum of interview was prepared and is attached to the file copy of this report.

On November 11, 2020, Cpl J.W. Smith met with Travis Layton, a former police officer with Westover Police Department. LAYTON advised that DALTON had a rule that when he was on scene you were not allowed to use your body camera. A memorandum of interview was prepared and is attached to the file copy of this report.

On November 17, 2020, Special Agent Ashley Archibald and Cpl J.W. Smith met with Lt. Aaron Dalton at his residence and agreed to answer questions. Special Agent Ashley Archibald documented answers provided in reference to a separate investigation concerning Andrea Howton complaint. Cpl J.W. Smith documented the answers provided concerning the allegations made by other officers within the Westover Police Department. DALTON advised during the interview that told Justice CARVER that he might as well throw the phone away since CARVER had stomped the phone referring to the phone of William Cox that was taken following the arrest on August 25, 2019. DALTON advised that he does not know what happened to the cellular phone but the best thing that could have happened to the phone was for it to have been thrown in the trash. A memorandum of interview was prepared and is attached to the file copy of this report.

On January 29, 2021, Cpl J.W. Smith met with Mayor Dave Johnson. JOHNSON advised that he never got involved with issues involving the Police Department. JOHNSON was only aware of one previous complaint involving Lt. Aaron Dalton that related to a sexual encounter with a female. JOHNSON denied ever telling Chief Richard PANICO that he wanted the investigation to disappear and that was absolutely not true. A memorandum of interview was prepared and is attached to the file copy of this report.

On February 17, 2021, Cpl J.W. Smith met with John Stewart at his residence. STEWART viewed the surveillance footage from Doug's Towing depicting August 25, 2019 incident with William Cox. STEWART did not know William Cox or Officer Justice Carver but did know Lt. Aaron Dalton. STEWART could not recall any details from that date. A memorandum of interview was prepared and is attached to the file copy of this report.

This report will be submitted to the Monongalia County Prosecutors Office for review.

**WITNESSES:****Richard Panico (Former Chief of Westover)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Eric Reed Mankins (Westover PD)**

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[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Zachary Tyler Fecsko (Westover PD)**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Shaun C. Hilling (Westover PD)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Winston Tyler Walcott**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Justice Joshua Carver (Westover PD)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**John Ronald Morgan (Westover PD)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Christine Riley (Westover PD secretary)**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

**Andrew Cather**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Dob: [REDACTED]

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**CONFESSIONS AND  
STATEMENTS OF ACCUSED:**

DALTON advised that he told Justice CARVER that he should throw the phone that was taken from William COX in the garbage. DALTON advised that he does not know what happened to the cellular phone but the best thing that could have happened to the phone was for it to have been thrown in the trash.

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Cpl John W. Smith Jr  
West Virginia State Police  
BCI - Morgantown



**WEST VIRGINIA STATE POLICE**  
**BUREAU OF CRIMINAL INVESTIGATIONS**  
**FAIRMONT, WEST VIRGINIA 26554**

**MEMO TO FILE**

**TO: 81000713**  
**FROM: Cpl J.W. Smith Jr**  
**DATE: 09/18/2020**  
**RE: Richard PANICO**

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On September 18, 2020, at approximately 1300 hours, Special Agent Kristen Thigpen and Cpl J.W. Smith met with Richard PANICO, former Chief of Police of Westover Police Department, at the Morgantown State Police Detachment to discuss allegations of criminal activity by Lt. Aaron Dalton. PANICO believes that Dalton has violated subject's 4<sup>th</sup> amendment rights by conducting a search without any judicial authority or consent from the occupants of a hotel room that was searched within Westover and that he is also responsible for destruction of evidence and property from an arrest of William Cox in August 2019.

PANICO advised that he was aware of an incident that occurred on August 26, 2020, where a seizure of 15 grams of fentanyl was made from a suspect that was staying within a hotel in Westover, WV, and that Aaron Dalton had conducted the search of the room without any judicial authority or consent from the occupants.

PANICO advised that in August 2019, Aaron Dalton was responsible for destroying evidence following the arrest of an individual (William Cox) for Disorderly and obstructing and that Officer Justice Carver was the other officer involved. PANICO advised that video from surveillance footage showed that Aaron Dalton picked up the phone at the scene and handed it to Officer Justice Carver but the phone never made it to evidence. PANICO advised that in June he assigned Lt. John Morgan to conduct an internal investigation into the matter which has not been completed and that he notified Mayor Dave Johnson that he wanted to suspend Aaron Dalton in reference to the cellular phone and

violation of the 4<sup>th</sup> amendment violations.

PANICO advised that Mayor Dave Johnson has asked him "why can't you just make this go away", referring to the missing cellular phone and the search and seizure that occurred of the drugs. PANICO advised that he has now been asked by the Mayor to retire and explained that Mayor Dave Johnson and Lt. Aaron Dalton have a tight relationship and that PANICO has had problems since September 2019 at which time the Mayor had informed him that Lt. Aaron Dalton works for the Mayor.

PANICO explained that previous incidents involving Aaron Dalton have occurred one of which involved a female complaining about being stalked by Lt. Aaron Dalton and advised that he had approached her and demanded she turn over her cellular phone. PANICO advised that an internal investigation occurred following that complaint and that Aaron Dalton received a counseling statement following this complaint and investigation and that Mayor had instructed PANICO to bury it.

PANICO provided some historical information advising that Aaron Dalton came to Westover Police Department in 2013, while PANICO was acting as Interim Chief of Police. PANICO advised that Dalton came from Fairmont PD amid an FBI investigation and that PANICO contacted Chuck Sadler at (LEPS) Law Enforcement Professional Standards, who is tasked with the oversight of the training and certification of law enforcement officers, who informed him that Dalton could be hired temporarily until the FBI investigation was completed. PANICO advised that a hearing was conducted with LEPS in November 2013 concerning the certification of Aaron Dalton and that no one showed up to the hearing from Fairmont PD, where Dalton was given the option of resigning in lieu of termination, and Dalton was allowed to keep his certification.

PANICO advised that he has been told that Dalton has instructed other officers to turn off their equipped body cameras to prevent the recordings of interactions with the public.

PANICO also spoke about an incident that he learned about where Mayor Dave Johnson brought approximately six people to the police department and had one of the officers fingerprint all of them for the purpose of purchasing guns.





WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 09/18/2020  
RE: Justice CARVER

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On September 25, 2020, at approximately 1000 hours, Special Agent Kristen Thigpen and Cpl J.W. Smith met with Justice CARVER, Westover Police Department Officer, at the Morgantown State Police Detachment to discuss allegations of criminal activity by Lt. Aaron Dalton. CARVER advised he has been employed with Westover PD for almost two years and was employed as a police officer with Star City, WV for approximately 1 ½ years prior to becoming employed with Westover PD. Michael Keeble was CARVER's training officer for approximately six weeks upon become employed with Westover PD.

CARVER advised that on August 25, 2019, he worked a midnight to 10:00 am shift and Aaron DALTON was scheduled to work day shift and was relieving him on that date. CARVER advised that Dalton kept asking him to stay over and ride with him and then eventually ordered him to stay and work. Approximately 15 minutes into patrolling CARVER observed a male (William Cox) waving his hands at the officers at which time CARVER informed Dalton that he thought the male subject needed something. CARVER advised that they pulled across from Doug's Towing and that this was the first time that he had ever dealt with William Cox who came over to them and told them they needed to move the "Fucking Cruiser" at which time DALTON replied "don't Fucking tell us what to do". CARVER advised COX continued yelling for a bit and then finally walked away after CARVER repeatedly told COX he needed to leave the area.

CARVER advised that an unknown black male walked up to the vehicle and it was apparent that he and DALTON knew

each other from before. CARVER advised that COX then walked back up to the cruiser and began cussing and CARVER again warned him at which time COX told both he and DALTON to turn on our body cameras. CARVER advised that he did not turn his on because he knew how DALTON would react had he done so. CARVER advised that DALTON and COX was yelling and cussing at each other back and forth at which time COX stuck his phone within the cruiser into the face of CARVER and CARVER exited the vehicle and grabbed his arm, COX jerked away and punched CARVER in the face. Dalton then tackled both CARVER and COX causing the leg of CARVER to become pinned under COX. Dalton began kneeing COX and COX scratched CARVER's arm at which time CARVER struck COX in the face and sprayed COX with OC spray. COX was handcuffed and then secured. Dalton picked up Cox's contents and handed them to CARVER. COX was transported to the county holding facility where he was treated by EMS for the OC Spray. During transport CARVER seen that Cox's property consisted of a hat, glasses and cell phone.

CARVER advised that he wanted to obtain a search warrant for the phone and download the contents which would have contained the events that occurred leading to the arrest of COX. Dalton took the phone from CARVER and threw it into the grass outside of the Westover PD saying that it has OC spray on it and that he will take care of it. A short time later CARVER attempted to retrieve the phone at which time Dalton told him that he instructed him not to touch the phone and again took the phone from him. Dalton then gave CARVER a direct order not to touch the phone and he placed it on the filing cabinet near the secretary's desk.

CARVER described the cellular phone as being an old style flip phone, believing it to be a Motorola style phone.

CARVER advised that COX had requested treatment at the hospital so he then traveled back to county holding and transported COX for medical treatment at which time learned that COX had a hairline fracture in his face.

CARVER advised that William Cox continued to talk about suing us and that he was going to get paid. A nurse attempted to clean the face of William Cox and COX instructed her to leave it.

CARVER advised that he called Dalton to inform him of the current medical condition of William Cox at which time Dalton replied "Fuck him he deserves it and is lucky that is the least he got".

CARVER advised that COX made reference to Andrea Howton on numerous occasions which is a subject that is suing Westover.

CARVER advised that a day or two later he saw that the cellular phone that belonged to COX was still sitting on the filing cabinet at which time he discussed the dumping of the phone with Sgt Hilling. Lt. Dalton came into the room and saw me with the phone and reiterated that he had given me a direct order not to touch the phone and if I do it again that he will write me up. CARVER advised that Dalton said that I was "fucking stupid" for wanting the information from the phone. Dalton said he would handle the cell phone.

CARVER advised that prior threats from Dalton towards him included him informing him that he would beat the fuck out of him, take him to the railroad tracks and watch him get "fucked in the ass". CARVER advised this is under the Westover bridge where the homeless stay.

CARVER advised that Officer Fescue had asked him some time later if I knew why a cell phone was broken outside. CARVER assumed that this was the cell phone that had belonged to COX and advised that he never saw the phone again.

CARVER then reviewed the letter dated August 30, 2020 in reference to allegations involving Lt. Dalton. CARVER advised that a civil rights violation was involving "TACO" (Trevaughn Guerrant) in reference to the illegal search at the Econo Lodge where 14 grams of Fentanyl was seized.

CARVER advised that Lt. Dalton has threatened to kill him and also a statement in ref to Lt. John Morgan and donuts until he died.

CARVER advised that in reference to intimidation Lt. Dalton had previously instructed him to target Frank McGilton? and also George McMullen who he advised that he would like to see him get the shit kicked out of him.

CARVER advised that he has heard him make racial slurs such as "Hispanics", "Niggers" and some other ignorant stuff and that he is very insulting to people.

CARVER advised that one day the Mayor, Dave Johnson, brought 6-7 people into the office and had him fingerprint each. While doing that he remembered one of the females telling him that she was doing this to help the mayor get a gun and then said that she probably should not say anything. CARVER remembered one of the male's say that it was for an expensive gun, mentioning an "AK" and that they had to have a bunch when they want a gun, believing that he is possibly a son in law. CARVER advised that rumor is that the Mayor, Dave Johnson, has been shooting guns at the shooting range.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 09/25/2020  
RE: John Morgan

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On September 25, 2020, at approximately 1130 hours, Special Agent Kristen Thigpen and Cpl J.W. Smith met with John Ronald Morgan II, the acting Chief of Police of Westover Police Department, at the Morgantown State Police Detachment to discuss allegations of criminal activity by Lt. Aaron Dalton.

MORGAN advised that he was involved and aware of the production of the letter dated August 30, 2020, in reference to allegations towards Lt. Aaron Dalton.

MORGAN advised that he has not witnessed anything personally that was contained within the letter and that he is only aware of the issues listed from others within the department.

MORGAN advised that it is officer's discretion for the use of the body camera's that officers have and discussed the ongoing investigation that was directed by PANICO concerning the destruction of evidence and explained that no action has been taken within the investigation at this time and that he was now waiting until the investigation concluded that was being conducted by the FBI and State Police following a request from the Monongalia County Prosecutors Office.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/14/2020  
RE: Shaun C. Hilling

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On October 14, 2020, at approximately 1330 hours, Cpl J.W. Smith met with Shaun Hilling, Westover Police Department Officer, at the Morgantown State Police Detachment to discuss allegations of criminal activity by Lt. Aaron Dalton. HILLING advised that he has been an officer at Westover for approximately four years. Hilling reviewed the letter that was produced by the officers of the Westover Police Department on August 30, 2020. HILLING was asked about each of the allegations and asked to provide any details that the he had personal knowledge concerning criminal actions.

HILLING advised that he was not present for the civil rights issue that occurred at the Econo Lodge. HILLING advised that Lt. Aaron Dalton is always saying stuff inappropriately to co-workers, for example, he told Carver that he would "take him into the woods and fuck him". HILLING does not believe it was a sexual statement but more of a power thing over others. HILLING also has observed DALTON swearing/cussing at citizens routinely describing it as picking on people.

HILLING recalled observing DALTON attempted to break a cell phone that was taken from a homeless subject, George McMullen, and then laid it on the filing cabinet.

\*Investigators note: Reviewed reports dated 3/29/20 and 10/21/20 by Lt. Aaron Dalton in reference to arrest of George McMullen for Obstructing or giving false information on 3/29/20 and Burglary on 10/21/19. No property or items were listed within either report as being taken.

\*Andrew Cather advised that he did recall seeing a cellular phone taken on 3/29/2020 and believed that McMullen had a red backpack on that date and that the backpack still may within the evidence room at the Westover Police Department "Safekeeping" section.

HILLING observed DALTON harass a subject by the name of Bub Closson (James Closson) He observed him shine spotlights from the cruiser at his house and then at a later date was involved with a fight with Bub Closson which HILLING believed was provoked by DALTON.

Investigators note: Obtained a copy of report concerning the arrest of James Closson on 8/22/2017 related to the arrest by Lt. Dalton.

HILLING recalled an incident where DALTON took HILLING into Franks bar on one occasion and a subject by the name of Will HILLBURY, who had some mental issues prior to medication, was within the bar. HILLING believes that DALTON had made statements to HILLBURY prior to about HILLING attempting to instigate a fued between the two based on statements made by HILLBURY.

HILLING advised in reference to the sexual relations with a citizen while on city property involved a female that worked at McDonalds by the name of "ALLY". (Allyson Fairbanks)

HILLING recalled the incident with William Cox arrest (8/25/2019) and advised that he was working on that day and when he arrived at the office observed a cellular phone lying outside with the screen separated. HILLING questioned Justice CARVER about the phone who explained to him that CARVER had gotten into it with William Cox and that Lt. Dalton instructed him to leave the phone outside because it had pepper spray on it. CARVER asked HILLING if the phone could be dumped (Forensic Download) because he wanted to but Lt. Dalton did not want to. HILLING advised that DALTON came into the room and said that was "Fucking Stupid" in reference to dumping the phone and attempted to get HILLING to agree with him. HILLING advised that Justice CARVER was holding the phone at that time and I explained that they could dump (Forensic Download) the phone. CARVER told HILLING that Lt. Dalton took the phone and said he would take care of it but HILLING did not see this personally.

HILLING advised that he observed an individual by the

name of Jeff Hunt, who resides across the railroad tracks going towards Granville, always recording him while he is in the supervisor's vehicle. HILLING believes that it has something to do with Lt. Dalton, who normally drives that vehicle advising that Jeff Hunt does not do this when he is within a different vehicle.

HILLING advised that he has been instructed by Lt. Dalton not to listen to Chief Panico and that DALTON did not like the use of body cameras. HILLING has observed him turn off other officer's body cameras on three to four occasions over the years.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/14/2020  
RE: Eric Reed Mankins

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On October 14, 2020, at approximately 1454 hours, Cpl J.W. Smith met with Eric Mankins, Westover Police Department Officer, at the Westover Police Department to discuss allegations of criminal activity by Lt. Aaron Dalton. MANKINS reviewed the letter that was produced by the officers of the Westover Police Department on August 30, 2020. MANKINS was asked about each of the allegations and asked to provide any details that the he had personal knowledge concerning criminal actions.

MANKINS advised that he walked into the Sergeants office one day and a cellular phone was sitting on the filing cabinet and it started ringing and he picked it up and Justice CARVER said not to touch because it had pepper spray on it and that it was the William Cox phone from when he was arrested. MANKINS asked why it was in the Sergeants office but could not recall what CARVERS reply was. MANKINS advised that it remained on the filing cabinet for at least a week before it disappeared. MANKINS advised that CARVER told him that he was gonna have it dumped (Forensic Download) but that Lt. Dalton would not let him.

MANKINS advised that every time he rode by where William Cox was within a cruiser William COX would always record him with the phone and that one day he was riding with DALTON and William COX was along the road at which time they stopped and asked COX if everything was ok and COX did not answer and just kept recording with his phone. They left and DALTON told MANKINS that COX always records him and DALTON asked MANKINS to stop and mess with COX when he saw but MANKINS advised that he never did what was

asked.

MANKINS advised that he believed that additional recordings existed on the phone of William COX had with additional dealings between COX and DALTON. MANKINS advised that even though the phone was snapped in half the phone continued to ring. MANKINS did not know what happened to the phone (from August 25, 2019 incident) but that CARVER told Sgt MANKINS that Lt. DALTON was gonna take care of the phone.

MANKINS was asked about screenshots that was provided to Cpl J.W. Smith dated 6/4/2020. MANKINS advised that the screenshots were from communications with ALLY FAIRBANKS ([REDACTED]) who was the female that Lt. DALTON had a relationship with.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/14/2020  
RE: Winston Tyler WALCOTT

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On October 14, 2020, at approximately 1410 hours, Cpl J.W. Smith met with Winston WALCOTT, Westover Police Department Officer, at the Morgantown State Police Detachment to discuss allegations of criminal activity by Lt. Aaron Dalton. WALCOTT reviewed the letter that was produced by the officers of the Westover Police Department on August 30, 2020. WALCOTT was asked about each of the allegations and asked to provide any details that the he had personal knowledge concerning criminal actions.

WALCOTT advised that he recalled an incident that Lt. Aaron Dalton wanted him to make an arrest of an individual for public intoxication. WALCOTT advised that he refused to arrest the individual because he was sitting on the porch of his personal residence and that he felt that this would have been an unlawful arrest.

WALCOTT advised that he personally observed the cell phone (William Cox) that was lying on the filing cabinet within the Sergeants office. WALCOTT described the phone as being broken in half and recalled someone making the statement that it was Cox's cell phone. WALCOTT had no additional information concerning the cellular phone.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/15/2020  
RE: Zachary Tyler Fecsko

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On October 15, 2020, at approximately 1010 hours, Cpl J.W. Smith met with Zachary Fecsko, Westover Police Department Officer, at the Westover Police Department to discuss allegations of criminal activity by Lt. Aaron Dalton. FECSKO reviewed the letter that was produced by the officers of the Westover Police Department on August 30, 2020. FECSKO advised he was involved with the preparation of the letter and was asked about each of the allegations and asked to provide any details that the he had personal knowledge concerning criminal actions.

FECSKO advised that Justice CARVER called him on the evening of the arrest of William COX asking for advice. FECSKO advised that he advised him about completing the use of force paperwork and report. FECSKO advised that he reviewed the narrative completed by CARVER for the report which stated that COX was acting in an unusual manner and FECSKO advised he was familiar with history with William COX and Lt. Dalton and that the statement made by COX requesting that they turn on the body camera's was a red flag for him. FECSKO asked CARVER about the body camera at which time CARVER informed him that DALTON instructed him not to talk to anyone about the incident.

FECSKO advised that no evidence was entered into the system in reference to the case and advised that he saw that the report stated that COX was recording with his cellular phone. FECSKO advised that he questioned CARVER about this who informed him that Lt. DALTON again told him not to talk about the incident. FECSKO advised that within a week he went to Dougs Towing and requested the

surveillance footage from their surveillance cameras and that after reviewing the footage he became suspicious. FECSKO advised that CARVER was not even supposed to be working at that time on that date and that CARVER told him that DALTON had asked him to work which FECSKO seemed to be an odd request because CARVER and Lt. DALTON didn't really get along that well.

FECSKO advised that he informed Lt. John MORGAN and Chief PANICO about the discrepancy that no cell phone had been entered into evidence from the William COX arrest advising that this occurred sometime in September-October, 2019, time frame. FECSKO advised that he showed the video from the surveillance cameras at Dougs Towing to Chief PANICO and Lt. John MORGAN and that he placed the video within the shared folder which allowed all to access the video.

FECSKO explained that he is responsible for the data storage and reproduction of videos for the department.

FECSKO advised that he has raised concerns to leadership about the policy in reference to the use of body cameras. Each officer has their own individual file to download and store body camera footage.

FECSKO advised that he placed the Doug's Towing footage video into both Justice CARVER and Lt. Aaron DALTONS files and that he noticed that every week he noticed that Lt. DALTON had deleted the Doug's towing footage video from his file at which time FECSKO advised that he would then put another copy into his file advising that this went on for about six months.

FECSKO advised that CARVER and DALTON has not gotten along and that CARVER has made complaints up the chain of command in reference to DALTONS actions prior to and after the William COX incident. CARVER told FECSKO that DALTON made him give him the phone and that DALTON didn't want him to download the phone.

FECSKO showed CPL J.W. Smith the video files that contained body cam footage from each of the officer's comparing that DALTON only had three files within his file compared to the other officers who had a large amount of files. FECSKO advised that CARVER always uses his camera and that Lt. Dalton has provided an order not to use body

cameras around him. FECSKO advised that Chief PANICO has ordered officers in the past to utilize the body cameras when they are with DALTON.

FECSKO advised that DALTON would retaliate with them when they did not listen to him and provided an example where DALTON falsified a write up with FECSKO in 2018 following a traffic stop incident. FECSKO explained that DALTON read his report and questioned him why he was chasing cars on I79 in excess of 100mph. FECSKO explained he was not chasing cars he was traveling that speed in order to catch up to the speeding motorist. FECSKO advised that Officer Layton, who now is employed with Shinnston PD, was witness when Lt. DALTON was yelling at him and asked if he was getting aggressive with him. Lt. Dalton then went to Chief PANICO and subsequently wrote him up at which time FECSKO refused to sign and informed them that it was a lie and that Officer Layton was witness to the incident. FECSKO advised that they spoke to Officer LAYTON and they ripped up the letter of write up and explained to him that was just Lt. Daltons opinion. FECSKO was disgruntled over this because Lt. Dalton had lied and tried to get him into trouble.

FECSKO advised that other officer's which included HARMON, LAYTON and HILLING have filed complaints with Capt KISNER who no longer is with the department. FECSKO advised that nothing ever happened with the complaints and that this occurred in 2017-2018 time frame.

FECSKO advised that he recalled an incident where he pulled someone over for what he believed was a traffic violation for utilizing a cell phone while operating a vehicle. FECSKO advised that he learned that the operator was utilizing the phone as a GPS device and had the phone mounted within the air vent. Lt. Dalton instructed him to write the operator a citation at which time FECSKO refused because the operator was not violating the law and that following that incident Lt. DALTON began targeting him. FECSKO advised that Officer LAYTON also had similar problem with Lt. Dalton.

FECSKO advised that he was aware that that CARVER had filed a complaint with Chief PANICO about the cell phone (William Cox) that DALTON had done something with.

FECSKO advised that DALTON had become close with the

mayor, Dave JOHNSON approximately one year ago.

FECSKO advised that he never personally saw the cellular phone (William COX) that is in question.

FECSKO advised that approximately one month ago Lt. DALTON started being nice to FECSKO. FECSKO advised that one day while he was driving with Lt. DALTON within a cruiser that DALTON told him that CARVER had broken the phone (William Cox) at the scene, explaining that CARVER had went over and broke it while on scene but FECSKO advised that he watched the video from Doug's Towing and that he did not see that occur. FECSKO advised that on another occasion DALTON came into the office and in front of CARVER, Lt. MORGAN and himself made a statement that COX had broken his own phone during the incident and that later DALTON called him and asked whey CARVER never acknowledged him when he made that statement, which FECSKO found odd that he changed his story about what had happened with the cellular phone of William COX.

FECSKO recalled an incident where DALTON had them go with him to a homeless camp at which time DALTON cut up the tents at that location and arrest were made from the incident and DALTON did a report. FECSKO advised that a piece of property that was taken during that incident still remained within a closet at the police department and that a large amount of items was taken from that incident. FECSKO provided Cpl J.W. Smith dated April 10, 2018, listing Rick Hillberry as the victim and Jeremy Shrewsbury as the arrestee. (Report attached to the file copy of this report)

\*Investigators note: The narrative contained within the report by Lt. Aaron Dalton depicted the response to the initial call for the burglary, subsequent action of obtaining a list of items stolen with estimated value of at least \$15,000, and meeting with the detective division and Chief PANICO when he learned from Chief Panico that Shrewsbury is believed to be living in a camp beside the Monongahela river. The call summary report that items recovered from Jeremy Shrewsbury and Joshua Foy were recorded and returned to Hillberry by photographing them and listing them on a property receipt. No details concerning the actions taken during the seizure was contained.

FECSKO recalled another incident involving a burglary that DALTON was involved with that was dismissed but could not recall details at this time.

FECSKO recalled an incident where Carol Hose was arrested for domestic battery and Craig Fox was victim. Supposedly beating a guy named Pappy and that HILLING and LAYTON was also present. FECSKO advised that DALTON tried to entice an incident. FECSKO provided CPL J.W. Smith with a copy dated January 13, 2018, listing Ronald Plavko and Craig Fox as victims and James Hose and Daniel Carroll as arrestee. (Report attached to the file copy of this report)

FECSKO advised that DALTON told him about an incident previously that was investigated by the State Police, Trooper Petsko, where they wanted DALTON to take a polygraph and DALTON bragged that the State Police did not like him and that the FBI had already tried to get him involving an incident with a firearm in Fairmont. Lt. DALTON informed FECSKO not to talk to the FBI and explained to him that he told them that he had hemorrhoids and just leave if questioned.

FECSKO advised that the female that Lt. Dalton had sex with while on duty was Ally Fairbanks.



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/15/2020  
RE: Christine Riley

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On October 15, 2020, Cpl J.W. Smith met with Christine Riley, Westover Police Department Secretary, at the Westover Police Department. RILEY advised that she is also responsible for the evidence room at the Westover Police Department. Cpl J.W. Smith asked RILEY if she had any knowledge of a cellular phone that was taken from William COX. RILEY advised that she has never seen the phone and was not aware of it.

RILEY advised that she became employed with the police department after Rick PANICO became the Chief.

RILEY recalled that an individual by the name of Jeanette YOST(?) came to the office reporting that Lt. DALTON would yell things at her when driving in front of her house.

RILEY recalled that the Mayor, Dave Johnson, came to the office one day initially asking for Fecsko however Justice CARVER was working. The Mayor had Justice Carver do fingerprints on four to five people. RILEY was not aware as to the reason for the fingerprints.

RILEY advised that Mayor Dave Johnson is not fond of her because of her loyalty to the police department.

RILEY advised that Lt. Dalton on two separate occasions has displayed "white power" gestures and stated "White Power" to her. On the first occasion she confronted him about the gesture and statement as she found it to be very offensive to both her and her family. RILEY advised

the second occasion was recent and believed this was done as a personal dig into her because he knew how she felt about the gesture.

Directive

To: Supervisor, Investigations

From: Chief of Police

Date: 7.13.2020

Reference: Destruction of Evidence

As soon as possible I want you to gather information for the purposes of opening an investigation into the destruction of evidence reported to me by PtIm. J. Carver. This will reference a case where Carver and Lt. Dalton were involved in a situation where a male named COX was arrested and where Carver claims that this arrestee's cell phone was seized and destroyed. I would like you to include the following;

- 1) Statement of Carver
- 2) Statement of Dalton
- 3) Review case file to determine if the cell phone was seized and entered into evidence.
- 4) A determination of if, in fact, this occurred.
- 5) Submit all the above for review.

If you have any questions do not hesitate to ask.

Submitted,

R.E. Panico

Chief of Police

COX WVSP000033



# Westover City Police

500 Dupont Road, Westover, WV 26501



Primary Narrative

Printed on October 2, 2019

## Primary Report By Justice Carver, 08/26/19 00:47

Case #WO19-09023

Typed By Justice Carver

While on patrol in the City of Westover, WV, LT. Dalton and myself were on patrol when a male on Dunkard Avenue when a male on the sidewalk across from Doug's towing had his cell phone in his hands as we drove by. The male followed our cruiser with the cell phone and said something as we drove by. I advised Lt. Dalton I thought the male may need assistance and asked if he we could check on him to make sure he didn't need anything.

Upon making contact with the male I asked him if he needed anything. The male then stated "Why did you turn the cruiser around?" The male then acted aggressive shouting " I want your name and badge numbers!" The male then directed his attention to Lt. Dalton and started to shout at him stating " turn your body camera on!" The male then went on to state the conversation was not consensual and Lt. Dalton and myself told the male if he did not need anything he did not have to speak with us that I was just concerned and wanted to check on him.

The male then left the area and a citizen Lt. Dalton is familiar with approached our vehicle and started engaging in conversation with both of us about work, life and his health. A Few minutes passed by and then the male with the cell phone approached my passenger side vehicle again reengaging contact with us. The male then started shouting at us " Move your vehicle out of the roadway!" Lt. Dalton then advised the male the vehicle was not obstructing any traffic and the vehicle was out of the roadway and asked him to leave the area. The male continued to stand at my passenger door trying to argue over the vehicle's placement. I asked the male to leave the area also.

The male then looked at me and told me to "go fuck myself!" I then issued the male a disorderly conduct warning and advised him that he could not be in public using profanity and yelling that it was causing a scene. The male stated "Fuck you" again. I then gave a lawful command to the male to leave the area and quit using profanity, in which the male then stated its his freedom of speech and said "fuck you" again.

I then stepped out of the vehicle and advised the male to put his hands behind his back he was being placed under arrest. The male then shoved me in the chest area and took an aggressive stance as if he was going to fight me. I proceed towards the male and which he then struck me in the face with a closed fist. I then grabbed the male and struck him in the face with a closed fist in order to defend myself. Lt. Dalton then exited the vehicle and tackled the male to ground.

Once on the ground the male then was actively fighting and resiting. The male then took his fingernails and purposely dug his nails into my right arm breaking the skin. I then applied a closed strike to the males facial area. I advised the male to quit fighting several times and commanded him to put his hands behind his back. The male then trapped my legs so I could not get up under his. I then attempted to pepper spray the male which was unsuccessful because he kept shoving his face into the ground not allowing me to. I was then able to pepper spray the male after two unsuccessful attempts. The male continued to resist and not comply with orders to place his hands behind his back. Lt. Dalton then applied common peroneal to the male subject. The male then let his hands free and we were able to take the male into custody. The male then stated several times "he was going to get paid" The male then kept screaming at the top of his lungs "help" while were were trying to place him in the back of the vehicle.



# Westover City Police

500 Dupont Road, Westover, WV 26501



Supporting Narrative

Printed on October 2, 2019

## Supporting Report By Aaron Dalton, 08/26/19 19:44

Case #WO19-09023

Typed By Aaron Dalton

On 08/25/2019 Patrolman Carver and I were performing a routine patrol of Dunkard Avenue in the area of the 400 block. I was operating the cruiser and Carver was sitting in the front passenger seat. We were traveling south toward Morgantown and had just come from the area of Granville. As we approached the 400 block our attention was drawn to an individual who was standing on the sidewalk, on the left hand side of the street, holding what appeared to be a cell phone. The male subject was holding the phone up in front of his face and was aiming it at us as we drove past. The man followed the cruiser with the phone as we drove by and said something. Officer Carver asked me if the man needed something and was confused by his actions because it was out of the ordinary. I turned the cruiser around at the intersection of Western Avenue and Dunkard Avenue, driving back to where the male was standing. I recognized the male as William Arthur Cox. I arrested Cox on a previous occasion and since that he has screamed "Fuck you" to me and done other provoking things when he sees me. Other officers, namely Sgt. Mankins and Officer Cather have also noticed Cox acting strangely and doing things that are not normal and possibly need for concern. When I pulled up beside Cox Officer Carver asked him if everything was alright and why he was holding a phone up at us. Cox asked why we turned around and demanded to know our names and badge numbers. Cox then went into a rant that was obviously scripted, and demanded that we both turn on our body cameras stating that he would be requesting our body camera footage as part of a FOIA. I asked Cox if he knew what FOIA meant and what its actual purpose was. Cox did not seem to know the answer to my question and he resorted to asking me if our conversation was consensual. I advised Cox that it was up to him if he wanted to speak with us or not. A passerby, John Stewart then randomly walked up to the cruiser, stuck his arm inside and shook hands with both Carver and I. I asked Stewart how he has been and if he has been doing any electrical work. Stewart and I talked briefly about various things such as working in the coal mines, living in Grant Town, and eating Colasessano's Pizza in Fairmont. During my conversation with Stewart, Cox walked away from the cruiser and back over to where he was initially standing. I had pulled further off of the roadway and neither Carver or I exited the cruiser at any time. I considered the conversation with Cox to be over because of his taunting behavior and the fact that he ended the conversation and walked away from the cruiser. William Cox came back to Carver's window, interrupted my conversation with John Stewart, and demanded that I move the cruiser. Cox was very demanding and was apparently giving me a direct order to leave the area. John Stewart appeared to be uncomfortable and stepped away from the car. Cox advised me that my cruiser was blocking an alley way and told me again to move it. I advised Cox to go away and that I was not blocking the flow of traffic. Officer carver also advised Cox to go away. Cox then told Carver to go fuck himself. When Stewart heard the profanity he began walking away apparently sensing trouble from Cox. Officer Carver advised Cox that he was giving him his first warning for disorderly conduct and that if he continued he would be placed under arrest. Cox cursed Carver and I two more times while standing at Carver's window. Carver exited the cruiser and approached Cox advising him that he was under arrest. Cox shoved Carver back, put his hands up in a fighting stance, and said "Get the fuck away from me!!" Cox then struck Carver in the face before carver grabbed him and attempted to take him to the ground. I exited the cruiser and tackled both carver and Cox to the ground. Cox was holding onto carver and was actively fighting and trying to get up. Carver screamed, "Hes got my legs!!". Carver applied a burst of pepper spray to Cox's face but he continued to resist and try to get up. I raised up from Cox and gave him three knee strikes to his right upper rear thigh area. The knee strikes caused Cox to quit fighting and were were able to hand cuff him.

Cox screamed help repeatedly and as loudly as he could when we were attempting to place him in the cruiser. Cox actively resisted being placed in the car and had to be pushed in by Carver. Due to Cox's combative behavior he was taken directly to the county holding facility. On the way to county Cox stated that he now has a case like Andre Howton's and that he is going to get money and have our jobs. Once at county Cox was placed in the padded cell.

EMS was called to the scene for Carver and Cox's injuries. Carver had scrapes and bruises to his face and arm, and my arm was caught in a wire fence during the struggle to take Cox into custody. Cox was taken to Ruby by the rescue squad. Officer Carver stood by at the hospital with Cox until he was medically cleared. Cox was later arraigned on the charges of disorderly conduct, battery on a police officer and obstructing. Cox's bond was set at 25,000 dollars and he was transported to NCRJ.



# Westover City Police

500 Dupont Road, Westover, WV 26501



Primary Narrative

Printed on October 23, 2020

## Primary Report By Justice Carver, 08/26/19 00:47

Case #WO19-09023

Typed By Justice Carver

While on patrol in the City of Westover, WV, LT. Dalton and myself were on patrol when a male on Dunkard Avenue when a male on the sidewalk across from Doug's towing had his cell phone in his hands as we drove by. The male followed our cruiser with the cell phone and said something as we drove by. I advised Lt. Dalton I thought the male may need assistance and asked if he we could check on him to make sure he didn't need anything.

Upon making contact with the male I asked him if he needed anything. The male then stated "Why did you turn the cruiser around?" The male then acted aggressive shouting "I want your name and badge numbers!" The male then directed his attention to Lt. Dalton and started to shout at him stating "turn your body camera on!" The male then went on to state the conversation was not consensual and Lt. Dalton and myself told the male if he did not need anything he did not have to speak with us that I was just concerned and wanted to check on him.

The male then left the area and a citizen Lt. Dalton is familiar with approached our vehicle and started engaging in conversation with both of us about work, life and his health. A Few minutes passed by and then the male with the cell phone approached my passenger side vehicle again reengaging contact with us. The male then started shouting at us "Move your vehicle out of the roadway!" Lt. Dalton then advised the male the vehicle was not obstructing any traffic and the vehicle was out of the roadway and asked him to leave the area. The male continued to stand at my passenger door trying to argue over the vehicle's placement. I asked the male to leave the area also.

The male then looked at me and told me to "go fuck myself!" I then issued the male a disorderly conduct warning and advised him that he could not be in public using profanity and yelling that it was causing a scene. The male stated "Fuck you" again. I then gave a lawful command to the male to leave the area and quit using profanity, in which the male then stated its his freedom of speech and said "fuck you" again.

I then stepped out of the vehicle and advised the male to put his hands behind his back he was being placed under arrest. The male then shoved me in the chest area and took an aggressive stance as if he was going to fight me. I proceed towards the male and which he then struck me in the face with a closed fist. I then grabbed the male and struck him in the face with a closed fist in order to defend myself. Lt. Dalton then exited the vehicle and tackled the male to ground.

Once on the ground the male then was actively fighting and resiting. The male then took his fingernails and purposely dug his nails into my right arm breaking the skin. I then applied a closed strike to the males facial area. I advised the male to quit fighting several times and commanded him to put his hands behind his back. The male then trapped my legs so I could not get up under his. I then attempted to pepper spray the male which was unsuccessful because he kept shoving his face into the ground not allowing me to. I was then able to pepper spray the male after two unsuccessful attempts. The male continued to resist and not comply with orders to place his hands behind his back. Lt. Dalton then applied common peroneal to the male subject. The male then let his hands free and we were able to take the male into custody. The male then stated several times "he was going to get paid" The male then kept screaming at the top of his lungs "help" while were were trying to place him in the back of the vehicle.

I advised the male to get into the vehicle and to stop screaming. The male still was actively resisting and would not comply to get in the vehicle. I then Place the male into the vehicle and buckled him in. On the way to the sheriff department for processing the male then stated several more times "I am going to get paid just like Andre Howton is!" He then stated "He was going to take my job from me."

The male requested EMS and stated he wanted to be seen. The male was later identified as William Cox.

While at the hospital Cox would not give any information and kept asking if he was going to get billed because if so he was not paying for it that Westover Police was going to. I attempted to help clean the pepper spray and dirt off of Cox's face and then stated to me he wanted it left on his face so the magistrate could see the damage done to him and the kind of officer I truly was. Cox was medically cleared from the hospital and transported to the sheriff department for holding where he was charged with disorderly conduct, obstructing and officer and battery on an officer.



# Westover City Police

500 Dupont Road, Westover, WV 26501



Supporting Narrative

Printed on October 23, 2020

## Supporting Report By Aaron Dalton, 08/26/19 19:44

Case #WO19-09023

Typed By Aaron Dalton

On 08/25/2019 Patrolman Carver and I were performing a routine patrol of Dunkard Avenue in the area of the 400 block. I was operating the cruiser and Carver was sitting in the front passenger seat. We were traveling south toward Morgantown and had just come from the area of Granville. As we approached the 400 block our attention was drawn to an individual who was standing on the sidewalk, on the left hand side of the street, holding what appeared to be a cell phone. The male subject was holding the phone up in front of his face and was aiming it at us as we drove past. The man followed the cruiser with the phone as we drove by and said something. Officer Carver asked me if the man needed something and was confused by his actions because it was out of the ordinary. I turned the cruiser around at the intersection of Western Avenue and Dunkard Avenue, driving back to where the male was standing. I recognized the male as William Arthur Cox. I arrested Cox on a previous occasion and since that he has screamed "Fuck you" to me and done other provoking things when he sees me. Other officers, namely Sgt. Mankins and Officer Cather have also noticed Cox acting strangely and doing things that are not normal and possibly need for concern. When I pulled up beside Cox Officer Carver asked him if everything was alright and why he was holding a phone up at us. Cox asked why we turned around and demanded to know our names and badge numbers. Cox then went into a rant that was obviously scripted, and demanded that we both turn on our body cameras stating that he would be requesting our body camera footage as part of a FOIA. I asked Cox if he knew what FOIA meant and what its actual purpose was. Cox did not seem to know the answer to my question and he resorted to asking me if our conversation was consensual. I advised Cox that it was up to him if he wanted to speak with us or not. A passerby, John Stewart then randomly walked up to the cruiser, stuck his arm inside and shook hands with both Carver and I. I asked Stewart how he has been and if he has been doing any electrical work. Stewart and I talked briefly about various things such as working in the coal mines, living in Grant Town, and eating Colasessano's Pizza in Fairmont. During my conversation with Stewart, Cox walked away from the cruiser and back over to where he was initially standing. I had pulled further off of the roadway and neither Carver or I exited the cruiser at any time. I considered the conversation with Cox to be over because of his taunting behavior and the fact that he ended the conversation and walked away from the cruiser. William Cox came back to Carver's window, interrupted my conversation with John Stewart, and demanded that I move the cruiser. Cox was very demanding and was apparently giving me a direct order to leave the area. John Stewart appeared to be uncomfortable and stepped away from the car. Cox advised me that my cruiser was blocking an alley way and told me again to move it. I advised Cox to go away and that I was not blocking the flow of traffic. Officer carver also advised Cox to go away. Cox then told Carver to go fuck himself. When Stewart heard the profanity he began walking away apparently sensing trouble from Cox. Officer Carver advised Cox that he was giving him his first warning for disorderly conduct and that if he continued he would be placed under arrest. Cox cursed Carver and I two more times while standing at Carver's window. Carver exited the cruiser and approached Cox advising him that he was under arrest. Cox shoved Carver back, put his hands up in a fighting stance, and said "Get the fuck away from me!!" Cox then struck Carver in the face before carver grabbed him and attempted to take him to the ground. I exited the cruiser and tackled both carver and Cox to the ground. Cox was holding onto carver and was actively fighting and trying to get up. Carver screamed, "Hes got my legs!!". Carver applied a burst of pepper spray to Cox's face but he continued to resist and try to get up. I raised up from Cox and gave him three knee strikes to his right upper rear thigh area. The knee strikes caused Cox to quit fighting and were were able to hand cuff him.

Cox screamed help repeatedly and as loudly as he could when we were attempting to place him in the cruiser. Cox actively resisted being placed in the car and had to be pushed in by Carver. Due to Cox's combative behavior he was taken directly to the county holding facility. On the way to county Cox stated that he now has a case like Andre Howton's and that he is going to get money and have our jobs. Once at county Cox was placed in the padded cell. EMS was called to the scene for Carver and Cox's injuries. Carver had scrapes and bruises to his face and arm, and my arm was caught in a wire fence during the struggle to take Cox into custody. Cox was taken to Ruby by the rescue squad. Officer Carver stood by at the hospital with Cox until he was medically cleared. Cox was later arraigned on the charges of disorderly conduct, battery on a police officer and obstructing. Cox's bond was set at 25,000 dollars and he was transported to NCRJ.

Directive

To: Supervisor, Investigations

From: Chief of Police

Date: 7.13.2020

Reference: Destruction of Evidence

As soon as possible I want you to gather information for the purposes of opening an investigation into the destruction of evidence reported to me by PtIm. J. Carver. This will reference a case where Carver and Lt. Dalton were involved in a situation where a male named COX was arrested and where Carver claims that this arrestee's cell phone was seized and destroyed. I would like you to include the following;

- 1) Statement of Carver
- 2) Statement of Dalton
- 3) Review case file to determine if the cell phone was seized and entered into evidence.
- 4) A determination of if, in fact, this occurred.
- 5) Submit all the above for review.

If you have any questions do not hesitate to ask.

Submitted,

R.E. Panico

Chief of Police



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 10/30/2020  
RE: Andrew Cather

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On October 30, 2020, Cpl J.W. Smith spoke to Andrew Cather who has been with the Westover Police Department for almost 1 ½ year and was with the Monongalia County Sheriff's Department home confinement prior to.

CATHER was specifically asked about an arrest of George McMullen on March 29, 2020 by Lt. Dalton and asked if he recalled seeing a cellular phone that belonged to George McMullen on that date. CATHER explained that McMullen is a subject that is frequently arrested by Westover PD officers and recalled on that date he believed that he had red back pack and that he did recall seeing a cellular phone on that particular date explaining that McMullen always has a lot of cellular phones, needles, various membership cards and miscellaneous items within his backpacks when they deal with him and that the back pack from that date still may be within the evidence room within the "safekeeping" section.

\*Investigators note: The question about the cellular phone was raised do to the statement of Sgt Hilling concerning Lt. Dalton attempting to break a cellular phone that was taken from George McMullen.

CATHER advised that Lt. Dalton did not like him at the beginning of his employment but that after he returned from the Academy Lt. Dalton began working with him explaining that he would work with him normally two days a week when he worked day shift. CATHER recalled numerous occasions that Lt. Dalton threatened to "kick my ass" for no apparent reason. CATHER was not sure what prompted Lt. Dalton to

make the threats and first thought that he was just joking but then realized that he was not joking. CATHER recalled one time he was assisting with a missing person's case and while following up on was walking into Rural King with Lt. Dalton and he turned and said that I was "bucking up on him" and then said he would "kick my ass". Cather responded "No Sir".

CATHER explained that on the days that Lt. Dalton would be making these kind of statements towards him he just wanted to go home but that he did stick it out and complete his shift.

CATHER advised that he maintained notes and dates on his phone concerning the threatening comments made towards him by Lt. Dalton.

CATHER recalled an incident where Lt. Dalton also referred to him as "dick head" when CATHER thought he had called his name and when he asked if he had called for him Lt. Dalton referred to him as "Dick Head".



WEST VIRGINIA STATE POLICE  
BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 11/17/2020  
RE: Aaron DALTON

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On November 17, 2020, at approximately 1000 hours, Special Agent Ashley Archibald and Cpl J.W. Smith met with Aaron DALTON, Lieutenant with the Westover Police Department, at the residence of Aaron Dalton. DALTON agreed to talk to investigators. Special Agent Ashley Archibald focused and documented answers concerning Andre Howton arrest and Cpl J.W. Smith documented the answers concerning the allegations of wrongdoings by DALTON that have been made by other officers within the Westover Police Department.

DALTON was asked about the August 25, 2019 arrest of William Cox. DALTON advised that he asked Carver if he wanted to get something to eat on that date, even though CARVER was not scheduled to be working at that time, and when they was driving they saw William Cox on Dunkard Ave and observed him making a motion to them. DALTON advised that he had a previous incident with William COX that was all recorded on body cam which COX was found guilty on and is under appeal. DALTON advised that they passed COX on Dunkard Ave and observed him waving his arms, yelling and that he had a camera out. DALTON went up and turned around and pulled up to William COX asking how he was doing. DALTON advised that he wanted to make it a point to make contact with COX because he was "showing his ass". DALTON advised they told COX they were done with him and that he could leave. John Stewart approached and began speaking with them during this time. COX stepped away for a period of time and then he came back and began using profanity again. CARVER told him if he cussed again he was gonna arrest him. COX said something that CARVER did not like and

exited the vehicle. DALTON saw COX punch CARVER in the face they got COX down. DALTON administered some common peroneal strikes and while they had COX down he observed CARVER stomp his phone. DALTON advised that he observed CARVER do this while they were putting the cuffs on COX. DALTON also advised that pepper spray was deployed during the arrest.

DALTON advised that after they transported COX to the office he was outside speaking to the mayor and upon concluding was walking into the office, during which time CARVER came out holding the phone that was taken from COX and asked DALTON what he should do with the phone that it had pepper spray all over it. DALTON advised that he told him he might as well throw it in the garbage since he stomped the phone and that the city would probably owe the guy a phone and I told him to throw it in the garbage. DALTON advised that is what he would have done with it at that point.

DALTON advised that he did not have anything else to do with the phone and does not know what happened to the phone. The best thing that could have happened to the phone is that it was thrown into the trash.

DALTON advised that there was never a discussion about dumping the phone(forensic download)and that nothing on the phone would have been evidence. DALTON advised that there is video of the incident from Doug's Towing.

DALTON advised that the issue with the phone is a retaliation issue due to an issue that DALTON raised with CARVER driving on dead registrations for like two years and an inspection sticker issue. DALTON advised that he started taking complaints on CARVER related to him harassing an individual.

DALDTON talked about telling Chief PANICO about a revolver Lt Roy Harper had from lady that had killed herself with and he had seen HARPER with the firearm a couple months later and that PANICO used that to against Roy HARPER to have him retire telling him that if he did not retire he was going to the prosecutor's office about the gun.

DALTON denied ever making threats towards officer's and telling CARVER that he would take to the railroad tracks and watch him get "FUCKED UP THE ASS" him in the ass. DALTON advised that CARVER exposed his butt to Officer Dana

Cowell and made remarks to Dana Cowell that he heard you like to do that to girls advising that was the only "ass" incident he is aware of with CARVER.

DALTON advised that a time did occur where he may have said something to Officer Andrew Cather that may be construed as him threatening to kick his ass. An occasion occurred where DALTON was within the office with Sgt HILLING and after HILLING made a statement about kicking his ass he followed up in the conversation and also said he may then kick his ass but that this was all said in jest.

DALTON described George MCMULLEN as being a hobo who is always living in abandoned houses and that he has had problems with him being mouthy and the last time that he dealt with him he took him to the bridge (city limits) and dropped him off. DALTON does not like George MCMULLEN because he comes into the city and steals from the citizens. DALTON advised that he has taken a butcher knife from MCMULLEN which is currently sitting in the office of DALTON denied ever taking a cell phone from MCMULLEN and has not destroyed any of his property. PANICO paid George MCMULLEN \$20 for a knife, different than the one that DALTON has.

DALTON denied ever shining spotlights at the residence of James CLOSSON but he did drive by on many occasions and that when he would drive by CLOSSON would yell things at him.

JEFF HUNT said he was related to John Morgan and that he had dismissed the charges against him for PI and Possession. DALTON advised that JEFF HUNT has called the office and threatened to kill him.

DALTON admitted to having sex with a female by the name of Allyson a couple times while off the clock advising that Allyson told him that she was having sex with three other police officers at Westover PD.



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BUREAU OF CRIMINAL INVESTIGATIONS  
FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 1/29/2021  
RE: Mayor Dave Johnson

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On January 29, 2021, at approximately 1140 hours, Cpl J.W. Smith met with Mayor Dave JOHNSON, at Westover Municipal Building.

JOHNSON advised that he never got involved and tried to stay away from issues involving the police department but since the incident involving Lt. Aaron Dalton changes were made and now all personnel files are maintained in the city clerk's office.

JOHNSON was aware of only one previous complaint involving Lt. Aaron Dalton that related to a sexual encounter with a female. JOHNSON did not interfere with the Police Department but was aware of an ongoing dispute between Chief Panico and Lt. Aaron Dalton and advised that Chief Panico, all of a sudden wanted to terminate Lt. Dalton from employment. Mayor JOHNSON advised that Lt. Dalton had become one of his favorite guys within the police department because he was like a bulldog when it came to enforcing the city laws which included a law that involved the storage of abandoned vehicles within the City of Westover and this was a topic of interest for the Mayor.

JOHNSON denied ever telling Chief Richard Panico that he wanted the investigation involving Lt. Dalton to disappear and that was absolutely not true.

JOHNSON advised that Lt. Aaron Dalton admitted to him that he told Justice Carver that he should throw the phone (William Cox phone) away explaining that the phone was now broken and was of no value. JOHNSON advised that they still

do not know where the phone is

JOHNSON is unaware of any other personnel files or other files related to Lt. Aaron Dalton that may exist and was never involved with any of the internal investigations with the Police Department.

JOHNSON described that he had good relations with Lt. Aaron Dalton and would speak to him directly concerning the red tag issues (abandoned vehicles) within the city and was aware that he had towed over one hundred vehicles within a year and a half.

JOHNSON advised that he had told former Chief Panico that if he wanted to terminate Lt. Aaron Dalton he needed to present a reason to fire him.

JOHNSON never had any control over the evidence room nor had direct access to it.

JOHNSON advised he has communicated with Lt. Aaron Dalton maybe one time after all this has happened.

JOHNSON advised that he never instructed former Chief Panico to not investigate Lt. Aaron Dalton but questions if Chief Panico may have misinterpreted that when he told him that he would not terminate Dalton without a reason. JOHNSON provided an example of a previous incident where Officer Starsick was terminated from employment and then had to be subsequently re-hired after a civil service hearing.

JOHNSON was asked about bringing individuals to the Police Department on an occasion to be fingerprinted. JOHNSON advised that this was done for a good friend of his Kirk Wissmar, who had purchased a Thompson machine gun. Kirk Wissmar brought his family in to be fingerprinted as it was a requirement for all of them to be on the federal stamp required. JOHNSON advised that Officer Carver did the prints for the individuals.



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FAIRMONT, WEST VIRGINIA 26554

MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 02/17/2021  
RE: John Stewart interview

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On February 17, 2021, at approximately 1305 hours, Cpl J.W. Smith met with **John Edward Stewart** at his residence located at [REDACTED] DOB: [REDACTED], PH# [REDACTED]

STEWART advised that he did not know William Cox or Officer Justice Carver but that he did know Lt. Aaron Dalton, advising that he is from Fairmont, WV. STEWART advised that Lt. Dalton would stop and talk to him when he seen him and that he is a nice police officer.

CPL J.W. Smith played surveillance footage obtained from Doug's Towing on August 25, 2019, depicting the Westover police vehicle pulled along Dunkard Ave, Westover, WV, with William Cox standing at the passenger side of the vehicle. The video depicts John Stewart stopping and speaking to the officer's during this time period and then subsequently William Cox returning to the vehicle at which time the officer's exited the vehicle physically taking William Cox to the ground and into custody.

STEWART reviewed the surveillance video and advised that he does not remember that day at all.

STEWART recalled a different confrontation down in a plaza but does not remember anything about this day.



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MEMO TO FILE

TO: 81000713  
FROM: Cpl J.W. Smith Jr  
DATE: 11/12/2020  
RE: Travis Layton

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On November 12, 2020, Cpl J.W. Smith met with Travis Lee LAYTON, former officer with the Westover Police Department, at the GHCDTF Office. Phone # [REDACTED].

LAYTON advised he was employed with the Westover Police Department between April 2017, to April 2019 and also worked for Granville Police Department part time. In September 2019 he was hired on with the Shinnston Police Department where he is currently employed.

LAYTON could not recall any specific complaints concerning LT. Dalton that would have been directed to Capt. Kisner. LAYTON advised that DALTON had a rule that when he was on scene you was not allowed to use your body camera. LAYTON advised that DALTON would utilize his body camera when DALTON would perceive that it would help him within a situation.

LAYTON recalled an incident after he returned from the West Virginia State Police Training Academy where DALTON instructed him to stop a cab and that he could tell that DALTON did not like the driver personally. DALTON wanted him stopped because he was utilizing a GPS and LAYTON explained to him that was not a crime. DALTON later threatened to write him up but WALCOTT presented the WV Statute that showed that GPS was excluded. LAYTON believed that DALTON did not like him after that incident.

LAYTON described DALTON as wanting to present himself in an intimidating manner based mainly on the way he spoke to people and would always utilize his rank to have them do

things.

LAYTON recalled an incident where Paul Wilburn was arrested and LAYTON was fingerprinting him describing WILBURN as being intoxicated talking with his hands. When Paul WILBURN turned and pointed at DALTON, DALTON then knocked him to the ground claiming that WILBURN swung at him. LAYTON believes that WILBURN was just intoxicated and talking with his hands.

LAYTON advised that an incident involving Jay Hose occurred where DALTON instructed him to leave the body cameras in the car or off. Jay Hose had a bat and LAYTON had taken it from him and when DALTON then went in to make an arrest a fight ensued where use of force was utilized. LAYTON felt a lot of the problem was the way DALTON would speak to people which seemed to escalate a situation into a confrontation.

LAYTON advised that DALTON had issues with Capt Kisner who was giving him oversight.