

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

IN THE BOONE _____ COURT
CAUSE NUMBER 06

STATE OF INDIANA
VS

Count I:
Child Molesting
I.C. 35-42-4-3(b)
a Level 4 Felony

KENNETH A. ARNOLD
410 South 4th Street
Zionsville, IN 46077
DOB: 10/30/1988

Count II:
Child Molesting
I.C. 35-42-4-3(b)
a Class C Felony

Count III:
Battery
I.C. 35-42-2-1(a)
a Class B Misdemeanor

FILED
NOV 16 2016
Jessica J. Fouts
CLERK BOONE SUPERIOR COURT I

CHARGING INFORMATION

Count I:

The undersigned says that between December 1, 2015 and December 31, 2015 in Boone County, State of Indiana, Kenneth A. Arnold did perform or submit to fondling or touching with Juvenile 1, a child under the age of fourteen years, to-wit: 12, with the intent to arouse or satisfy the sexual desires of the child or defendant contrary to the form of the statutes in such cases made and provided by I.C. 35-42-4-3(b) and against the peace and dignity of the State of Indiana.

Count II:

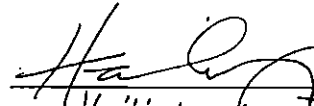
The undersigned says that between October 1, 2013 and December 1, 2015 in Boone County, State of Indiana, Kenneth A. Arnold did perform or submit to fondling or touching with Juvenile 2, a child under the age of fourteen years, to-wit: between 10 and 12, with the intent to arouse or satisfy the sexual desires of the child or defendant contrary to the form of the statutes in such cases made and provided by I.C. 35-42-4-3(b) and against the peace and dignity of the State of Indiana.

Count III:

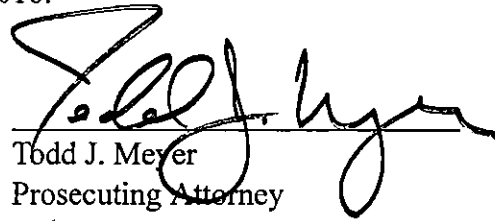
The undersigned says that between January 1, 2013 and December 1, 2015 in Boone County, State of

Indiana, Kenneth A. Arnold did knowingly touch Juvenile 3 in a rude, insolent, or angry manner, to wit: touched her buttocks contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1(a) and against the peace and dignity of the State of Indiana.

I affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.


Hedi Jomkus #25782-49

Approved by me this 15th day of November, 2016.



Todd J. Meyer
Prosecuting Attorney
20th Judicial Circuit
Boone County, Indiana

WITNESSES:

Kassie (CAC) Frazier

Tessa J. Potts

Barbara Weaver

IN THE BOONE CIRCUIT/SUPERIOR COURT

STATE OF INDIANA

STATE OF INDIANA

V.

Kenneth A. Arnold

CAUSE NO. _____

FILED

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Jessica J. Fouts
CLERK BOONE SUPERIOR COURT I

AFFIDAVIT FOR PROBABLE CAUSE

Comes now Officer Tessa Potts, who hereby swears upon her oath, deposes and says:

1. I am a Law Enforcement Officer with the Zionsville Police Department, currently assigned to the Patrol Division.
2. I am filing this affidavit for probable cause in support of charges: two (2) Counts Child Molesting, a Level 4 Felony and one (1) Count Battery , a Level 6 Felony against: Kenneth A. Arnold 10/30/1988, Indiana Operators License # 0810-28-8010, height 6'05", weight 265 with brown hair and hazel eyes, who resides at 410 S. 4th Street Trailer #15 Zionsville Boone County Indiana 46077.
3. On January 5, 2016 the Zionsville Police Department received a report of possible sexual battery from the Boone County Division of Child Services. The incident occurred at 3795 South US 421, Zionsville Boone County Indiana, InterActive Academy. At the time of the initial report no victim information was available. The report indicated a juvenile female gymnastics student was touched four-five times under her leotard while doing a gymnastic skill by Andy Arnold (a.k.a. Kenneth A. Arnold).
4. I met with Arnold at InterActive Academy. During an interview under Miranda, Arnold stated, during spotting students it is possible for them to fall or rotate in a way that may cause him to touch someone. He stated, it is common; "I just apologize and move on".
5. Within a few hours of interviewing Arnold, I received victim information for [REDACTED], DOB [REDACTED] (Juvenile 1).
6. During a forensic interview on 01/08/2016 at 8:00 am at the Boone County Child Advocacy Center (BCCAC) Juvenile 1 stated, Arnold put his hands "down there" (referring to her vaginal area) once before Christmas break and then again on what she thought was December 27th or 29th 2015. She said she thought it was a Friday. I later confirmed with Juvenile 1's mother that this would have happened on December 29, 2015, which is a Tuesday not a Friday.
7. Juvenile 1 stated while spotting her on a skill known as the press handstand, Arnold would go under her leotard and make skin to skin contact with his thumbs on her, "down there". Juvenile 1 indicated that "down there" was her private area that she uses to go to the

bathroom. She identified the area on body identification chart and identified the vaginal area. Juvenile 1 said that at first she wasn't sure what was happening since her leotard naturally puts pressure on the area, but when she kept feeling it she looked down and saw that Arnold was using his thumbs to lift up her leotard and make contact with her vagina. Juvenile 1 said the first time he did it before Christmas, she thought it was an accident. She said when he did it multiple times she knew it was not. She said Arnold put his thumbs under her leotard five or six times. Juvenile 1 stated she tried to nudge Arnold's arm away to let him know she knew what he was doing. During her interview, Juvenile 1 was tearful and said she was too scared to say anything at the time. Juvenile 1 said, after the incidents Arnold would not apologize he would either act weird or act like nothing happened.

8. On February 8, 2016, I learned through InterActive Academy that Arnold had previously been counseled regarding concerns over his touching of students. I obtained information to contact a witness, Beth Fort, regarding this. On 02/10/16 I met with Mrs. Fort to discuss her concerns. Mrs. Fort stated that she observed a prior incident in which Arnold was touching the girls more than she felt necessary. Mrs. Fort said Arnold would place his hand in a vertical position on/near their pelvic bone. She said Arnold would at times help the girls up off the mat and also tickle them. She said most of the girls did not seem bothered, but a few were hesitant. She noticed one girl in particular would rush to get off the mat before Arnold could touch her. Mrs. Fort notified InterActive Staff of her concerns.
9. InterActive met with Arnold to discuss these concerns. Documentation was placed in Arnold's file by Kendra Brens on May 27, 2015 confirming a meeting regarding person interactions/setting boundaries with athletes. Mrs. Brens sent an email to Arnold confirming that Arnold understood that it was "necessary to watch every movement when it comes to touching kids. Spotting skills only when necessary. No holding, hugging, touching athletes to tell them to tighten up. No tickling or carrying kids on back." Arnold replied "confirmed" that same date.
10. During our investigation into the matter, I learned that InterActive Academy had sent correspondence to other parents indicating that a parent had made a report about Arnold to law enforcement. The correspondence advised that if any parent had concerns about Arnold that they contact the Zionsville Police Department.
11. After the correspondence went out, I was contacted by another parent regarding their juvenile child. I made arrangements to have this second juvenile interviewed at the BCCAC.
12. On 2/10/16, I spoke with the mother of [REDACTED] DOB: [REDACTED] (Juvenile 2). She stated that when she first asked Juvenile 2 if Arnold had ever touched her inappropriately, Juvenile 2 was tearful and denied anything happening. Then a couple of days later, Juvenile 2 was very emotional and said she had lied and that something had happened. Juvenile 2 informed her mother that Arnold would slip his finger under her leotard and touch her vagina skin to skin while he was spotting her doing the splits. She told her that this occurred 4 or 5 times and that he would wiggle his finger. The mother of Juvenile 2 remembers Juvenile 2 starting to wear the longer shorts to practice during this time.
13. In a forensic interview on 02/15/16 at 2:20 pm at the Boone County CAC, Juvenile 2 stated Arnold touched her. Juvenile 2 stated that her mom told her about an email that Interactive

- had sent about Arnold. Juvenile 2's mother asked her if anything had happened to her and she didn't want to tell her then. She went to gymnastics and talked with a couple of her friends. Although they didn't talk specifics, she said that they all said they believed it happened and that it had happened to some of them. She then felt comfortable discussing it with her mother. Juvenile 2 recalled the first incident where it happened. She said it was a long time ago, but she's not sure when. She said it was cold out and she feels like it was January or February of the year prior. She said she remembers they were building the pool and thinks it may have been close to finished, but she is not sure. She said it occurred when she was warming up one day on the "floor" doing the splits, near the corner. Arnold came over to help her and put his hands on her hips and began pushing her down. She said Arnold's fingers slipped under her shorts and leotard and touched her skin to skin. She said that he moved his finger around and it lasted a few seconds. Juvenile 2 stated this inappropriate contact happened four or five times.
14. Juvenile 2 reported that the other incidents were similar and all happened very quick. After these incidents Juvenile 2 started wearing longer shorts and "rolling out" of the skill every time Arnold came over to spot her. She said she thought it may have been an accident, however, when she started wearing the shorter shorts again, it started to happen again.
 15. When asked about the need to be spotted for the splits Juvenile 2 said other coaches would spot from the shoulders. Juvenile 2 said she did see Arnold spot other students the same way he did with her but she did not know if he had touched others like he did her.
 16. After Juvenile 2's forensic interview, her mother called me to relay a discussion between herself and Juvenile 2. The mother said that Juvenile 2 was questioning what "inside and outside" meant as asked during her forensic interview. Juvenile 2's mother and Juvenile 2 discussed inside/outside using their hands as demonstration. During this demonstration, Juvenile 2 indicated that the touching may have been "inside".
 17. I spoke with Kendra Brens with InterActive and she said that construction on the pool began on October 18, 2012 and the pool was open for lessons in July 2013.
 18. On 2/11/16, I spoke with the mother of [REDACTED] DOB: [REDACTED] (Juvenile 3). Juvenile 3's mother stated that she had talked to her daughter and asked if she had ever been inappropriately touched by Arnold. At first, Juvenile 3 denied it, but later told her she had been touched inappropriately two or three times while on the bar. She told her that Arnold would spot her by putting a hand on her side and another hand on her bottom outside of her clothing. She said that one time he was spotting her and when she went to dismount, his hand made skin to skin contact with her bottom. Juvenile 3 indicated to her mother that this happened about a year prior.
 19. In a forensic interview on 6/16/16 at 10:00 am at the Boone County CAC, Juvenile 3 stated Arnold touched her in the "wrong area" three or two times. Juvenile 3 stated the first time she was wearing a leotard with shorts over it when Arnold was spotting her on the bars. Juvenile 3 said one of Arnold's hands was on her back and the other was on her thigh. Juvenile 3 said, Arnold's hand slid up and touched her under her shorts making skin to skin contact in the "wrong area/personal space". When asked to clarify by diagram which part of her body Arnold touched Juvenile 3 circled her "butt". Juvenile 3 said it made her feel weird

when it happened. She also said that Arnold did not say anything after the incident occurred.

20. The second time Arnold touched her Juvenile 3 said she was on the vault. Juvenile 3 said Arnold had one hand on her back and the other on the back side of her knee to shin area. Juvenile 3 said Arnold put his hand in the wrong spot. When asked for clarification Juvenile 3 said Arnold's hand was on her butt outside of her clothing.
21. The third time it happened Juvenile 3 said Arnold was spotting her with one hand on her back and the other on her thigh when he Arnold touched her on the butt outside her clothing.
22. Juvenile 3 stated the incidents occurred during her second year with Arnold has the coach. When asked about how other coaches "spot" during skills Juvenile 3 said that "their hands stay put". Juvenile 3 said that Arnold, is the only one whose hands move.
23. Unless otherwise stated, all of the above events occurred in Boone County, Indiana.

I hereby swear that the foregoing representations are true to the best of my knowledge and belief.

Dated this 19th day of October 2016.

 T Potts 9/20/198

Tessa Potts/Officer

Zionsville Police Department