

No Standing News

Since we have no standing, we stand with those left standing

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Serving the Outlaw City of Missouri

Questions from the bunker

Now that the smoke has cleared from the first law enforcement volleys, several questions arise – not questions the participants intended perhaps but when you open a can of worms don't cry if the worms that crawl out aren't the ones you hoped for.

First, what is the position of the non-partisan Mayors of two cities and their non-partisan city councils in this dispute? Their employees have publicly rebelled, at a mandatory meeting in the Rolla police building, on 'company' time, against an elected county official. This is not an insignificant event. Did the *elected* mayors and *elected* city councils of St. James and Rolla approve of this? Does their silence imply consent, confusion or cowardice? The two dissident police departments can only be disciplined, if discipline is needed, by their mayors/ city councils but neither group seems inclined to acknowledge they have a command and control problem in their respective cities. We're not seeing anything that could be called "leadership" from city officials here, how could this become such a sore issue and so widespread without their knowledge? These people are their employees; did their employees ask them to take these grievances to the prosecutor first? Do Mayors Morgan and Morrison have no interest in their problems or just no control over their police departments? Taking grievances up through chain of command – something every citizen and individual employees are absolutely required to do – seems not to apply in this case, but why not?

Frankly, we're not opposed to people going public with their complaints that is, if they don't just sit back and wait for the mob to get their pitchforks and take to the streets. One would think however, that *elected* city officials would be a little sensitive to ad hoc attacks on other *elected* officials for the same reason that Kings were reluctant to lop off the heads of other Kings; it gives the proletariat dangerous ideas.

Second worm...where was sheriff candidate Rick Williams? For unarmed citizens who are afraid to take sides in this shoot-out, the only safe place to comment is in the voting booth. If voters are dissatisfied with (R) **Don Blankenship's** conduct, will **Rick Williams** (D) be any better or is he also part of the problem? If Williams was one of the "50 armed officers" in the room, Day says that all of them – including Williams if he was there - voted in favor of the "No Confidence" proposal. If Williams was present then he too is part of the "he's not on our side" movement so does that mean we can expect this guerilla war to go on for another four years regardless of which one wins the election? Williams is going to have to make his attendance, his reason

for raising his hand and his position clear sooner or later because this has just become the central question in the sheriff's race.

For voters who think the circuit judges have been lame keepers of the peace, they have little recourse there too. Only one judicial seat is up this year. **Judge Mary Sheffield's** (D) is the incumbent; **Bill Hickle** (R) is running against her. Neither of them has offered comment or a proposed solution. If the whole system leading up to judgments and decisions in the courtroom is now suspect (and it is) and contaminated by personal hatred, politics and missing evidence, what do those two candidates propose to do about it? That's another central question in this election.

The third very big worm is this one. In his Channel 16 interview Blankenship shed new light on his refusal to provide Clayton information on Miller. Blankenship admitted that Miller (the subject of the "Be a man or resign" letter to Clayton) *now works for him at the jail*; at the time of the gun incident Miller was a final applicant for the job. Miller, the sheriff explained, chased some kids and threatened them with his gun because they were teasing his kids. Their parents were naturally upset and they complained. A deputy responded but did not arrest Miller. At some point they asked if the incident would be a problem with hiring Miller. Clayton asked for the report of the incident. Blankenship and Day refused to provide the report on their new employee saying that the two of them concurred that there was "no probable cause to believe that Mr. Miller had committed a crime." Blankenship said in his Ch 16 interview that Miller only did what "any of us would do," referring to their personal sympathy with Miller as a parent. Unfortunately, the parents of the kids Miller threatened with his gun were not, in their opinion, entitled to an equal measure of empathy in the protection of their children who were threatened by an angry man with a gun. According to that flawed logic, its fine to pull a gun on someone as long it's something "any of us would do." Is it all right to threaten a cop with a gun if you have a really good excuse? Can any of us threaten people with a gun if it's what Blankenship and Day would do? The legitimacy of one's excuse for threatening someone with a gun is a decision made by courts - not cops.

Blankenship stated in the Miller letter that, "*Captain Day and I, as well as the rest of the officers have to make decisions on whether or not charges are warranted before requesting that charges be filed.*" Blankenship and Day seem

to believe that the decision to charge someone with a crime is their exclusive right - but they're very wrong about that.

The *Missouri Supreme Court Rules* provide that misdemeanors and felonies may be prosecuted by indictment (a Grand Jury – fat chance of having one of those although it may be just what we need here) or by “information.” The latter may be initiated by law enforcement or the prosecutor “based upon his own knowledge or information and belief, or upon a verified complaint.” The verified complaint may originate with the prosecutor *or from a notarized statement by any citizen* as well as a cop. This can happen without the approval, cooperation or even the knowledge of the sheriff. It's part of what is supposed to be a check and balance system to protect us – the public. If cops had the exclusive right to decide whether “charges were warranted before requesting that charges be filed” wearing a badge would be the best insurance policy criminals could have.

Fourth, have these politically naive employees been pushed out into the traffic for some other purpose? Other than Pikka's unfortunate, “He's not on our side” comment we haven't heard a word from any of the dissident ‘street officers’ in support of their ‘No Confidence’ vote and press release. Captain Day seems to be their spokesman and says he has composed all the written statements for the “over 50 armed officers” who were, according to Day, fomenting a “grass roots movement” against the prosecutor. In his last public statement in the paper on Monday 14th, he goes over the same complaints and explains his fear and frustration with other issues; prayer in schools, the word “God” in the pledge and his general bitterness with society but none of that is Clayton's doing. The Barnes case seems to be his major fixation and we too would like to have seen a harsher sentence but Barnes is at least locked up; it's time to quit beating that dead horse. We would like to see the same obsession refocused on other child molesters, local drug pushers and other crimes that haven't been investigated, tried and convicted.

Accountability and credibility go hand-in-hand. Both sides keep asking us - the public - to research their hand-picked cases, check with witnesses (whose names we aren't given), “start watching” and do other things to prove their side is the right side. That's absurd, the public doesn't have time to go through stacks of case files in the court house, re-investigate their cases or sit around and watch what they do every day. Probably lucky for all of them we don't. *They owe us* accountability but they haven't provided it so now neither side is getting the public support they thought they could count on. Aside from the selected sensational arrests the sheriff's office likes to have publicized and photographed, the sheriff rarely reports on the department's daily activities. Since the press release they've belatedly started putting some reports in the paper but compared to the activity of the Rolla PD it looks pretty sparse and leads one to wonder why they have 54 people on the payroll. Pleading with citizens to mount individual investigations to prove their accusations are credible is as silly as their unprofessional and childish use of the term “bad guys” for everyone they encounter or arrest. Credibility is something that is earned or lost on a daily basis;

it isn't awarded based on checking one or two case files. Clayton, on the other hand, has a well known distaste for the media but still it shouldn't prevent him from using them to tell us how he's using our taxes and the powers we gave him. Has anyone ever seen an annual report from the prosecutor on cases prosecuted and the outcomes? Speaking of lack of accountability, we have never seen an annual report from the circuit judges about how they're exercising the powers we gave them. Nothing prevents any of them from providing us with such accountability except that voters have never demanded it. It's time we made more demands.

Why doesn't the Sheriff post a sex offenders list? (Believe it or not, this topic was prepared well before the law enforcement explosion.) It may come as a surprise that we have over 67 names on the Phelps County Sex Offenders list that the Sheriff *doesn't* post on his county web site. Some sex offenders have their names on the list more than once for multiple convictions ranging from: forcible rape, child molestation, statutory sodomy, aggravated criminal sexual assault, corruption to solicitation of a minor, possession of child pornography, lewd conduct and incest. The list has been available on the Mo. Highway Patrol web site since May 18th as required by RSMo 589.400 to 589.425 and 43.650. The Mo HP site tells us that, “*Additional information and verification can be obtained from the Chief Law Enforcement Official of the county where the sex offender resides.*” Well, not unless every parent goes to the sheriff's office to see the list and then checks back every week to see if some new sex offender has moved into their neighborhood. This information is too vital to parents, schools and anyone who cares for children to be ignored or withheld.

The Hy Patrol warns: “*The web site is intended to supplement and compliment the sex offender registries maintained by the various counties.* (We have one? That's news.) *The information on the (Highway Patrol) web site refers only to persons who have been convicted of, found guilty of or plead guilty to committing or attempting to commit sexual offenses and may not reflect the entire criminal history of a particular individual. Offenders required to register for crimes of kidnapping, felonious restraint or child abuse may not be listed on this web site.*” Sheriffs in Laclede, Crawford, Pulaski and Cole counties had posted their county's sex offenders even before the new law was passed requiring the HP to maintain the offenders list and make it available online. The only thing on Blankenship's web page is his picture right under the slogan “To protect and serve” and a link that doesn't work to their neighborhood watch program.

Sex	Offender	Registry:
http://www.mshp.dps.missouri.gov/MSHPWeb/Root/index.html		

This curious post appeared on the RDN Online guestbook 6/23/04 (02:06:50 p.m.): “Wednesday, June 23, 2004. Phelps Co. Circuit Court. State v. Serena Day. CR301-1960FX. Defendant's counsel moves for dismissal of case because Phelps Co. Sheriff cannot account for the 5 lbs. of marijuana

allegedly seized from the defendant's car. Phelps Co. deputies Davis and Crivello are present in court for hearing. Prosecutor announces in open court that he has spoken with deputy Davis who confirms that marijuana cannot be found. Case dismissed. Question: What happened to the 5 lbs. of dope?"

Curious about the unusual entry we checked and it did happen just about the way it reads in the RDN Guestbook. **Judge John Wiggins** did not question the deputies present to find out if this missing 5 lbs of dope was a brand new 'losing' of evidence or if it was part of the previous massive 'losing' by Sheriff Blankenship of seized drugs and weapons that the state auditor reported in the September 2003 county audit. Ho hum?

What happened to the 5 lbs. of dope is a good question, but the better question is this...why is no one interested in finding out the answer?

How it's done *outside* the Outlaw County of the Ozarks.
The Hollister Missouri **Police Chief George Stevens** plead

guilty Monday to stealing almost \$7,000 from his own department. The city asked the Highway Patrol to investigate and they found he had stolen \$4,300 from the cash bond account and \$2,600 was missing from the police department's evidence room. Stevens will serve up to seven years in prison and pay a fine of \$10,000. A prison sentence for 'losing' a measly \$2,600 from the evidence room? Shoot, we've got a Houdini here who can lose more than that between breakfast and lunch and nobody blinks an eye.

Now that the Sheriff and the Police Chiefs and all their 'street officers' have publicly called for more aggressive prosecution we've decided we agree with them. Clayton ought to aggressively prosecute someone for 'losing' the evidence in nearly 730 cases and quit trying to get the baby lawyers in the Attorney General's office to do it for him. There's a reason why the AG can't find an oak tree in Phelps County - if Clayton doesn't understand what it is someone should clue him in.

New Golden Rules at School

..."and they passed some policies." The headline said "All School Administrator's get the same 2% raises as everybody else whether they deserved them or not" or something like that. The end of the article tossed off the information that after taking good care of their overpaid managers, the board passed some policies. The headline and the raises were predictable; it was the policies that were interesting. Here is one of them: **"Decals, face paint, and unusual hair colorings or hairstyles shall not be worn. (This applies to 8-9 grade (sic) only.)"** This was what some demented person(s) thought was a good thing to add to the district dress code? The school board would have rubber stamped it with the rest but it was withdrawn by Adams and sent back to the policy committee.

On their second try we expect the school policy committee to define exactly what "unusual" hairstyles and hair colorings are and tell us if the "face paint" it refers to is latex or oil-based. If it refers to make-up and they think they can make teenaged girls go to school barefaced they're crazier than this policy. If this bait-for-lawyers policy emerges from the committee again will it add that, "All girls must wear poodle skirts and all boys must wear brown leather shoes and pocket protectors." Somebody at Jr. Hi needs to lighten up. We've long heard that the atmosphere in that building is bad; this is an example of why.

MSBA's Pre-emptive Policies and the "Calcium Initiative." The board did pass 22 other MSBA dictated policies and apparently didn't read or give much thought to those either. The district will now "give preference" to the product with the highest calcium content regardless of the fact that foods with the highest calcium often have the highest saturated fat. This was the fallout from a perfectly useless bill called "The Missouri Calcium Initiative" passed in Jefferson

City last year by some legislator who was paying off campaign contributions from the dairy lobby. It isn't mandatory for anyone to buy the product with the highest calcium content you understand, it's just recommended because of some obscure bulletin on calcium from the USDA which was from more politicians catering to dairy lobbyists. This nutritional nonsense was made into a law that can't be enforced because no one is required to do it. How's that for a stupendously politically correct waste of our time and money?

The Nervous Nellies at MSBA recommended that school boards stuff a Calcium Policy into their policy books just in case Calcium Cops are cruising our district looking for non-compliant calcium products. Instead of throwing this legislative trash into the trash the board's policy committee, composed of administrators, teachers and two board members, gave it a "do pass" recommendation along with all the other MSBA policies and a couple of bad ones they made up themselves like the "unusual hair" policy. If the board's policy committee isn't smart enough to spot legislative folly like this and if they're so out of touch that they think they can enforce an edict against "unusual hair" that applies only to 8th and 9th grades, they need to be replaced with people who have some common sense. The purpose of a committee is to do something besides twiddle their thumbs while policy rubbish passes by on the MSBA conveyor belt.

No more sealed bids? One of MSBA's recommended policy changes which, because it was on the conveyor belt was also passed by the board, was to *eliminate sealed bids and public bid openings for the millions of dollars of purchasing the school does annually.* Why was the only protection the district has from charges of corrupt practices in procurement deleted from this policy? Coming on the heels of the highly

odorous Black Jack roofing bid engineered by Annie Bass, it raises questions about how these decisions will be made and who will make them when passing out millions of dollars in purchasing goods and services. If there are no more sealed bids or public bid openings (not that there ever were very many) there will always be questions about what is going on in the backroom. A board that has already squandered its credibility and good will can't afford this kind of risk.

The spies among us. Another new school policy forbids taping of an IEP meeting. An IEP meeting is where the parent meets with the director of the IDEA program to work out and Individualized Education Plan (IEP) for students with

learning disabilities. Linda Giger, who double dips as principal of Mark Twain School and director of the IDEA program must have made up this new rule – who else would? The question that it raises is why? Why does she need such a policy? Who tried to tape her and why did they feel they needed to? We have fewer than 300 students in this category, are a significant number of the parents bringing tape recorders to her meetings? Why doesn't Giger want an accurate record of the conversation? The school board, with their well-established anti-public, anti-free speech attitude didn't question the real issue here, they should have wanted to get to the bottom of what is going on in her department that caused this peculiar policy to be submitted to them.

End***

Highway Patrol Sex Offender Registry:

<http://www.mshp.dps.missouri.gov/MSHPWeb/Root/index.html>

Missouri counties offering sex offender lists:

<http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/CLEOPage.html>

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