

# No Standing News

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

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Serving the Outlaw City of Missouri

## The Price of Settlements and Secrecy

**From the Editor:** On May 10, 2001, I looked out of my front window and saw a man running down 2<sup>nd</sup> street going west. He turned down Oak Street where I live. A deputy in a marked patrol car pulled up next to him, got out, grabbed him, threw him to the ground and started beating him. Another car pulled up and **Sheriff Blankenship** got out and stood and watched this beating. Blankenship's car partially obstructed my view of the man lying on his belly on the ground and the deputy who was hitting him but I could still tell what was happening. By that time I had stepped out on my porch and several of my neighbors were also standing outside watching all this.

Soon, several marked cars pulled up and other deputies in Rambo gear ran up and joined in the activity on the ground. A Rolla police car pulled up on 2<sup>nd</sup> street, the officer looked at the scene and asked if they needed help. Blankenship told him no and he left without asking any questions or interfering. Blankenship went back to watching. At no time did it appear that the Sheriff was making any

(For a blowup or if the pictures don't load go to ... [http://www.rollanet.org/~rwnash/Ron\\_Wieland.html](http://www.rollanet.org/~rwnash/Ron_Wieland.html) )

attempt to stop the pile-on – he just watched. In the meantime someone must have called for an ambulance, because one arrived on the scene. When they finished and pulled the man up on his feet by his hair to take him to the ambulance, we could all clearly see the result. The guy on the ground (who I later learned was **Ronald L. Wieland**) looked like a raccoon; he had two black eyes and he had urinated on himself. They put him in the ambulance and left. Much later I learned that the sheriff said in an affidavit that were chasing Wieland because “he had failed to activate his turn signal” but Wieland was never charged with anything not even with failure to activate his turn signal.

Settlement or not the fact that Wieland suffered a brutal assault by deputies is not in question. I saw it, many of my neighbors saw it, and the Rolla police saw it. Hospital medical records prove that he was beaten. This is what Ronald Wieland looked like shortly after his release from the hospital:



Ron Wieland: victim of a beating by Phelps County Sheriff Deputies

*(I arrived about the time the plaintiff was being handcuffed, and observed no excessive use of force.” – Sgt. Mark Williams, Phelps County Sheriff's Dept.)*

When I was contacted by Wieland's attorney, I said I would testify to what I had witnessed. Several other neighbors who had witnessed the beating were also contacted. To say that it reminded all of us of the Rodney King beating and other films of ugly beatings by out-of-control cops is not an exaggeration. However, after the attorney defending the sheriff and the deputies visited these witnesses at their homes escorted by Sheriff Blankenship, one of the ten defendants, complete with marked car, badge and gun - they decided they hadn't seen anything after all. This I learned from Wieland's attorney.

Two years later when they were taking depositions to prepare for trial I made my statement under oath and was questioned for over four hours. I said that in my five years of experience as a reserve police officer and my training, we were taught that even when using force to subdue someone who was resisting arrest we were never to use a choke hold or strike a person in the head because either might cause death or irreversible brain damage. That's when all hell broke loose. Apparently the defense attorney was not eager to have the jury hear a witness testify who had the same training and knew the difference between "reasonable and necessary" and "excessive" force.

I know what I saw and what others saw. This was not just "necessary force," this was excessive force used on a man already on his face pinned down on the ground with two deputies kneeling on him who was unable to resist anything or even protect himself from being choked, sprayed with mace, repeatedly punched and kicked in the face and body. There was no reason for more deputies to pile on to "subdue" someone who already had two deputies pinning him down but the most chilling thing of all was the fact that Sheriff Blankenship and several other deputies, including one Missouri State Water Patrol Officer, stood and watched but did nothing to stop the attack. If you are mistreated or assaulted by a policeman who do you complain to if their employer condones and participates in it?

**You can go to the Prosecutor can't you?** The answer to that question should be an unqualified yes. Yes you can go to the county prosecutor to make a complaint about abuse or wrongdoing by any public official. The prosecutor can also investigate and take action on his own without a citizen's complaint. However, in Phelps County the system, which is supposed to protect us from those who are unfit to hold office or wear a badge, doesn't work. Why? Why do accusations of criminal assault by cops - or as they prefer to put it "necessary use of force" - repeatedly show up as civil suits but there are never criminal prosecutions? Criminal assault is still criminal assault even when done by people wearing badges. The prosecutor knew there had been 17 lawsuits filed against the Sheriff and members of his department in the 16 years Blankenship has been in office. Some of the information on these suits is in the county clerk's files the rest can be obtained with a little effort that is surely not beyond a prosecutor or a reporter for that matter. The county writes the checks to pay the insurance deductible

when the suits are settled. (Sgt. Mark Williams would like us to think the county "pays nothing at all," but the previous deductible of \$5,000 is now \$25,000 per case.) If Clayton didn't care to pursue the individual civil suits to see if there were grounds to prosecute hasn't it occurred to him that examined together they show an ominous pattern of behavior by the sheriff and certain deputies who are repeatedly named in the complaints?

While waiting for the trial of the case that happened literally on my doorstep, I was mystified when Sheriff Blankenship and Roy Day mounted their attack on Prosecutor Clayton in June. Clayton's complaints about paperwork and court appearances are trivia compared to what he could have, and should have, been acting on. He had available to him information that pointed strongly to malfeasance in office if not stronger charges. Instead of attacking Clayton, the county prosecutor should have been at the top of their list of very best friends.

**Just a frivolous suit? Sgt. Mark Williams** (*not* the same Williams running for sheriff) tried to blow off the Wieland mugging as "just another frivolous suit, settled by an insurance company as strictly a business decision..." He tells us he saw nothing and did nothing. As one of the ten defendants, that is of course what he would say. Yes, there are such things as nuisance suits. But if cases have no merit attorneys don't spend years working for plaintiffs who can't pay their legal bills. Four cases alleging brutality by the sheriff and deputies have been settled just in the last two years for a total of \$203,000 and that doesn't include the final amount in Wieland's case which is rumored to have settled for much more. That's what the county's insurance company was willing to pay to *avoid having a jury hear those cases* and risk having the four plaintiffs awarded even more in actual and punitive damages.

**Just another frivolous lawsuit?** In one of the cases settled last year, a motion for summary judgment filed in federal court by PCRMC's attorney recounts that the plaintiff **Marcy Slone** was "being held on drug charges while it came to their attention [jail personnel] that she *may* have swallowed crack cocaine." The woman was taken to the hospital where she repeatedly refused treatment and protested she had not swallowed crack. Despite showing no signs of drug intoxication Slone was handcuffed to the bed, held down and forced to have her stomach pumped simply on the say so of a deputy. Apart from Slone's main complaint, several related questions were revealed in the court records that beg for a through public examination. How could a prisoner in the old jail get crack cocaine? Was it by some other method than the well-known PCV pipe through the broken back window of the jail used as a nightly conduit for money, cigarettes and drugs to prisoners? Do PCRMC's emergency room personnel not know they cannot commit medical battery on a patient who has the legal right - even when in custody - to refuse medical treatment and who showed no medical signs of the deputy's claim that she had

overdosed? If there was a legitimate reason to believe that she had swallowed the cocaine where was the search warrant necessary for them to perform this brutally invasive procedure against her will? Are our circuit judges unwilling to be disturbed to attend to such constitutional niceties? Any or all of these questions might have been asked and answered in a trial; the public spotlight might have resulted in improved performance at the jail, the hospital and the sheriff's office but those obvious problems won't be corrected nor will procedures be improved because of the veil of secrecy provided by the insurance settlements.

Because Sgt. Mark Williams was confident that this and the other settled cases would never see the light of day he felt quite safe in blowing them off as "just frivolous nuisance suits" but that was a miscalculation; the records are not quite as closed as they thought.

**"It doesn't matter, the insurance pays for it."** Many of our public officials, city, county and school district, have a saying about civil suits and the lack of oversight that breeds them. "It doesn't matter," they like to say, "the insurance company pays for it." This comfortable blanket of insurance protection that we pay for; the secret settlements that abort public trials and the fact that this type of case is filed far away in a St. Louis courthouse, encourage those with a loose grasp of personal and professional ethics to do things that they wouldn't risk doing in their private lives. Performance might improve dramatically and we would be better served if we quit paying for their liability insurance.

**Where do settlements leave us?** They leave us with inclusive results and serious questions that will never be answered. They leave us with corrosive doubt; wondering when we see a badge and a uniform, "Is he one of *them*?" There will be no examination of the questions of policy and conduct left unanswered in this and other cases; we are left in the dark while substantial accusations of brutality are resolved "in a confidential way" with a pay-off instead of a trial.

Years ago even the suggestion of brutality by anyone in uniform would trigger an immediate investigation by the FBI and/or the Highway Patrol. This community had no tolerance for cops who used their fists instead of their brains. Then someone invented the "internal investigation" where cops were investigated by their peers and were systematically cleared of accusations of wrongdoing. Now we have dropped all pretense of even the token internal investigation. In exchange for the insurance protection we provide these public servants do we get honest disclosure and accountability? No, we get settlements and more expensive premiums and deductibles because of the settlements. The trial process - which is supposed to be part of the public examination of facts to expose and if necessary cleanse the system of employees who don't know the difference between "necessary" and "excessive" force - doesn't work here.

Until we have a sheriff who disciplines his officers, sets a high standard of personal conduct and makes it clear that with or without lawsuits or settlements there will be no cover-ups, no tolerance of anything but the most professional and controlled behavior, until we have a prosecutor who is willing to take on the hard issues, until we have judges who refuse to sign off on the employment of deputies who have a record of prior brutality, until we make it clear in the voting booth that we demand the highest standards of conduct, everyone wearing a badge will be tarred with the same brush and that's unfortunate. We assume that there are decent people working in that department but if so they need better leaders and those leaders must change the macho mentality. Until they begin the painful process to restore public trust and provide us with the accountability we are entitled to, any of us can wind up on the ground being kicked, hit and maced while the sheriff watches.

Keith Henson, attorney for the sheriff and the other nine defendants, said about the settlement, "We have resolved it in a confidential way." Wrong. They resolved nothing for us, but no wonder Mr. Henson could afford to be smugly satisfied. He lives in Clayton Missouri not in Phelps County.

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