

Re: Ashland's City Governance
January 16, 2024

Mr. Mayor,
Members of Ashland's Board of Aldermen,

I'm concerned that Ashland is walking into another lawsuit that will unnecessarily cost us, the taxpayers, money that could be better spent. I've read; the entire Missouri Highway Patrol report as submitted after its investigation of Gabe Edwards, the petition filed in Thomas Whitener v City of Ashland, and the formal grievance filed by Sgt Worrall on behalf of the officers of the Ashland Police Department.

I could recite the facts contained in those documents in support of my concerns but (a) when I tried to do that I ended up with an 8-page document and (b) I would expect every member of Ashland's Board of Alderman to have read those documents already. Those documents are, after all, public documents and readily available. Nevertheless, out of an abundance of caution, I have attached them to this email message.

The turmoil and turnover at our police department raises concerns about the safety of our families and our homes. In addition, I have spoken to law enforcement officers in area departments and they tell me that same turmoil and turnover makes our department, and our city, look *undesirable*. It certainly does not help our department attract new officers. The only optimism I find in this situation is the presence of Interim Chief Scott Young. I have known Mr. Young for almost 20 years and had the good fortune to work with him on occasion. Ashland could not hope for a more seasoned and stable professional to save our department.

However, I'm not sure Scott Young can accomplish all that needs to be done unless the city makes other changes. As I reviewed the Highway Patrol's investigation, I found statements from Ashland's City Administrator admitting to the Highway Patrol that, when it comes to handling personnel matters with public employees, he does not understand either the law or the procedures required.

“Chief Edwards then asked Mr. Michel if he would be penalized if he chose not to talk with me and specifically mentioned the Garrity Rule. Mr. Michel stated he was unsure how the details of the administrative side worked.”

MSHP Report # 230411884, August 9, 2023, at approximately 09:11.

The Garrity Rule is, perhaps, the most critical legal requirement to be considered when investigating the conduct of and interviewing, not just a peace officer, but *any* public employee. For a city administrator to be “unsure” of how that works is tantamount to admitting: “I don't know what I'm doing when it comes to dealing with city employees.” Moreover, it appears as if the City Administrator failed to comply with state law, specifically that which is referred to as the “Police Officers Bill of Rights,” as set out at RSMo 590.502, when he terminated former APD Officer Thomas Whitener.

I am not writing on behalf of Mr. Whitener but it sure looks like his termination failed to comply with any portion of that state law. Thus, once again, Ashland is facing another expensive lawsuit, the brunt of which will be borne by those of us who own homes here, pay taxes here, and chose to make Ashland our home.

The statements from countless witnesses, contained within the Highway Patrol's investigation and final report, seem to suggest that the former Chief's wisdom and veracity were questionable at best. Yet the city seems to be relying on the word of the former Chief in deciding to take action regarding former Officer Whitener.

In the alternative, if the City is relying on guidance from the City Administrator, regarding former Officer Whitener, the City Administrator has already admitted to the Highway Patrol investigator, on the record, that when it comes to employment action concerning a peace officer, he does not understand the Garrity rule "*Mr. Michel stated he was unsure how the details of the administrative side worked.*"

So, who is making decisions regarding personnel actions for us? Is it the same person who selected former Chief Edwards to be our IT person *and* who allowed him to access Ashland's computer files after the Board of Alderman placed him on Administrative leave and who did so knowing he was under criminal investigation?

"4. Mr. Michel explained Chief Edwards was very cooperative with the administrative leave process and, **since being placed on leave, had been in the City Hall several times to help with IT issues as Chief Edwards was also the "go-to IT guy" for the city of Ashland.**" (Emphasis added.)
MSHP Report # 230411884, August 1, 2023, at approximately 1558 hours

For what it's worth, I taught Employment Law at the University for 22 years, I am certified by the Missouri Department of Public Safety as a "Specialist" (Instructor) in 8 different disciplines, including Constitutional Law and Statutory Law, I taught law classes at the University's police academy (the Law Enforcement Training Institute) for 4 years, and for 9+ years I represented Missouri's Fraternal Order of Police Lodge #26 (the Columbia Police Officers Association.) I have never seen such egregious mis-management of a law enforcement agency and the buck does not stop with the former Chief. Where was his supervisor while this was happening?

As indicated above, I'm not advocating for former Officer Whitener. But it seems clear his termination failed to comply with state or federal law and unless that mistake is corrected, it's going to cost me, and my neighbors, more of our tax money - and for no good reason.

What I am advocating is that the Mayor and Board members closely review the results of the MSHP investigation as well as the grievance filed on behalf of APD's police officers by their supervisor, Sgt Worrall. After doing so, I hope you will take the action needed to prevent the problem from continuing to damage our police department, our city's reputation, and our city's coffers.

Respectfully,
Dale H. Roberts /s/ Electronically submitted.