

RPI:

REAL POLICE INVESTIGATION

PART 2

CORONER

Editor's Note: The author's tour of the Shawnee County Coroner's and Sheriff's offices took place in March 2011. Since then, the Coroner's Office staff and hours of operation have changed. This is the second of a two-part series. The first article in the series described the Washburn Law students' tour of the Shawnee County Correctional Facility.

STUDENTS TOUR SHAWNEE COUNTY CORONER'S AND SHERIFF'S OFFICES

By Christina Hansen, law student

Evidence is an important part of any attorney's practice and of any law student's education. Washburn Law students spend an entire semester learning the rules that govern *declarations, exhibits, testimony*, and other types of evidence commonly used in a courtroom setting.

The staff of the Shawnee County Coroner's Office also deals with evidence, albeit of a slightly different nature.

Chief Medical Investigator Sharon Mandel stood at the head of a conference table, explaining to me and a group of fellow law students the work done every day by the staff of the coroner's office. The rectangular conference room was lined on three sides by floor-to-ceiling bookshelves, each filled with multi-volume medical texts and thick reference books. A model of a human skeleton hung on a stand in one corner of the room, gazing vacantly at a large scientific microscope on the opposite side of the room.

"The body is evidence," Mandel said. "What's in and on a body is evidence."

This evidence might be evidence of a crime, but first and foremost, the staff of the coroner's office looks for evidence of how a person died—naturally, accidentally or violently. While most people are aware that the coroner's office conducts autopsies of suspected homicide victims as well as of other persons who die in a suspicious manner, this is actually only a small portion of the work coroner staff does.

There are 13 types of deaths that must be reported to a coroner in the state of Kansas, including deaths of children, accidental deaths, suicides, and sudden deaths in otherwise healthy individuals. After investigating these reports, the staff exercises discretion in choosing which cases require an autopsy, with the exception of a number of situations, including deaths in custody, suspected SIDS deaths, and deaths pertaining to public health, in which autopsies are always performed.

Mandel described the Shawnee County Coroner's Office as small in size, but mighty. It consists of four components—the pathologists, an investigatory division, forensic specialists and the administrative staff. This small staff works very hard to keep up with demand for its services, and often keeps odd hours in order to assist law enforcement with pressing cases.

After Mandel's introduction, another staff member led our group down the hall and stopped us before entering the first of a set of heavy doors. We were about to enter the morgue to see for ourselves where the office's three pathologists conduct autopsies—but there were a few rules we needed to know in advance. Rubber gloves and booties for our shoes were handed out—they had to stay on at all times while we were in the lab. Touching

any surface was forbidden because of the risk of contamination; if one of us were to so much as brush a door or lean against a wall, that person would be sent home in scrubs so his or her clothing could be sanitized. Just before we entered, our guide instructed us that if we felt queasy or light-headed, we should wave our arms and “holler.”

The powerful smell of formaldehyde hit me as soon as we walked through the second set of heavy doors into the lab; it seemed to linger in my nostrils for hours. Signs were affixed to almost every object, instructing whether it was a “clean” surface. Staff members occasionally walked through in scrubs with masks covering their noses and mouths.

It had been a busy day—two autopsies had already been performed along with three externals and a tissue donation. Next to a large scale stood a markerboard with three names written on it, under which a list of organs and their corresponding weights were recorded. Our guide paused to look at the numbers scrawled under the first name, pointing to several numbers and explaining their significance. For instance, a large liver might indicate alcoholism, while unusually heavy lungs might indicate the presence of fluid resulting from an overdose.

Shelves on one side of the room held liquid-filled jars containing tissue and organ samples. As we warily examined them, a pathologist entered, arranged several medical instruments on a nearby surface and began to section a brain. Several large walk-in freezers were located along one side of the room, used to store blood and tissue samples from recent cases, as well from cases involving an ongoing investigation or an unidentified body.

Contrary to what a plethora of popular television shows would have us believe, DNA is not the be-all, end-all of modern day forensics. For instance, pathologists use many methods to identify unknown bodies, including dental records, fingerprints, surgical scars, and tattoos. DNA—because of the high cost of testing—is used as a last resort.

As we walked around the lab looking at countless instruments, tools, and charts, I recalled what Mandel had told our group earlier about the care put into each and every investigation conducted by the staff of the

coroner’s office. For instance, pathologists never sign a death certificate without verifying the information it contains, regardless of what other physicians or authorities have concluded.

“We want to be accurate about the cause of death,” she said. “After all, a death certificate is a legal document.”

If a case comes in that does not seem quite right, Mandel and her team will begin doing some “detective work”—calling the deceased’s doctor or hospital, tracing back through patient history and eventually calling family members if and when it becomes necessary. These suspicious death investigations usually go nowhere (meaning the death was found to have a natural cause), but Mandel said that as a public servant, she was obliged to carefully examine these cases until they are resolved to her satisfaction.

On our way out of the lab, we encountered a staff member as we carefully discarded our gloves and booties in marked containers. The coroner’s office handles a variety of donations, including tissue and corneas, and she was visibly exhausted after finishing a 10-hour tissue donation procedure. Mandel had acknowledged before our tour that working at the coroner’s office was hard work, but said that she and her fellow staff members remained dedicated to their jobs.

“People here love their jobs,” she said. “In fact, we all took a pay cut to come and work here. It’s not fun, but our jobs are interesting and every day is different.”

THIS IS PART TWO OF THE REAL POLICE INVESTIGATION SERIES



*Christina Hansen,
J.D. Candidate, '13*

The Real Police Investigation Series also included a tour of the Shawnee County Correctional Facility. Students had the opportunity to tour all three of the facilities. Part one of this series was published in the Spring 2011 issue of the *Washburn Lawyer*.

The second leg of our tour took place at the Shawnee County Sheriff's Office, located in the same law enforcement building as the coroner's office. Deputy Justin Boyles was there to greet us, and give us an introduction to the work he and his fellow officers do every day.

There are 115 sworn officers in the Shawnee County department, and the agency's support and administrative staff makes the department about twice that size. We would see very few uniformed officers in the building during the tour—which Boyles explained was actually a good thing.

Every shift used to begin with officers arriving at the sheriff's office, doing roll-call, checking e-mail, and catching up on incidents that occurred during prior shifts. By the time the officers made it to their cars and onto the streets, a 30-plus-minute gap between patrols had occurred. Advances in technology led to a change in procedure—officers are now able to complete the aforementioned checklist from their patrol cars using advanced computer systems. They take their patrol cars home with them, so instead of driving to the sheriff's office to begin their shifts, they can begin the moment they start their vehicles.

Several years ago, the sheriff's office took over the county's emergency dispatch center where citizens' 911 calls are directed. This call center was the first stop on our tour, and as we walked through the door, we witnessed a flurry of activity. Ten to 12 operators were situated at work stations equipped with five monitors each. Each screen flashed with different types of data, including the location of each of the officers out on duty and a constantly updating log of emergency calls received throughout the day.

Staff from the sheriff's office, Topeka Police Department, and Topeka Fire Department work together in the call center to coordinate responses to emergency situations. Boyles told us that 911 calls seem to come in waves and that at the present time, the room seemed to be pretty quiet. Upon hearing his use of "the Q-word," a staff member jokingly scolded Boyles that he had jinxed them all.

We left the dispatch center and continued walking through the office, past a bank of lockers used for storing evidence and several interview rooms, one containing a polygraph instrument. Boyles pointed out various tools of the trade as we walked through detectives' offices and along walls fixed with enormous maps depicting the city and county on detailed grids.

Much of the discussion focused on the challenges facing law enforcement today. The same financial woes that

have caused the state to cut funding to many government agencies have also touched the sheriff's office, forcing the staff to accomplish more with fewer resources. In

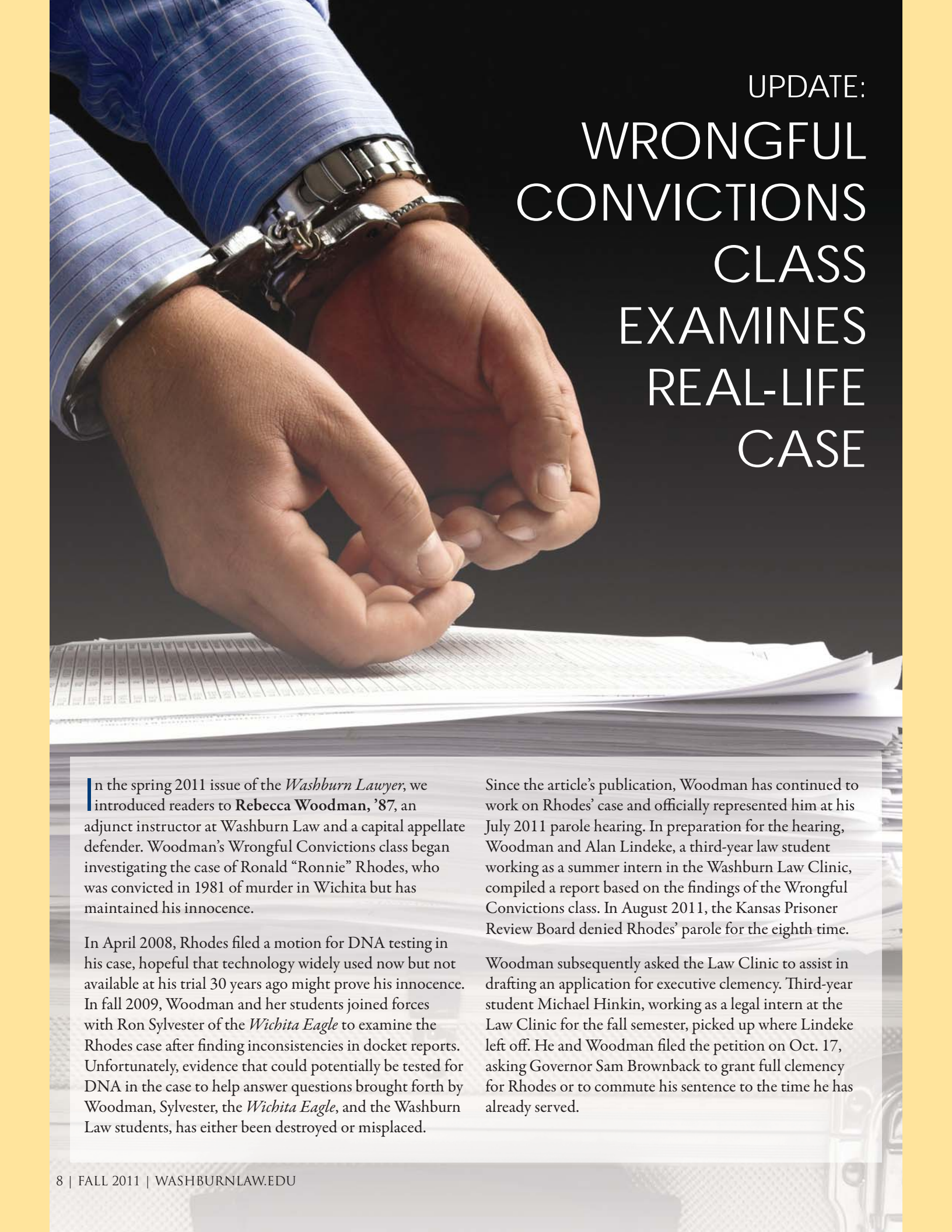
Shawnee County, three staff members oversee almost 800 registered drug, sex, and violent offenders. Eight detectives and a detective sergeant handle a heavy caseload. On average, eight patrol cars are out on the streets during each shift.

Faced with the harrowing ratio of crime to law enforcement officers, members of the sheriff's office rely on diligent interoffice and interdepartmental communication to guide law enforcement and crime prevention efforts. Boyles said that weekly meetings are scheduled to allow departments to touch base, and that as a crime prevention specialist, he often works with analysts who can use computer programs to pinpoint days, times, and areas where crime frequently occurs. Guided by these emerging patterns, Boyles can focus his efforts and attempt to reverse these unwelcome trends.

Just before the conclusion of our tour, Boyles pointed out a hierarchy chart illustrating the department's command structure. It comprised myriad divisions, officers and areas of expertise, each connected by lines snaking up the chart and coming to rest on a single box bearing the title "Sheriff."

"This office is a well-oiled machine," Boyles said, looking at the chart. "But it takes communication on a lot of people's parts to make the wheels turn."

"We want to be accurate about the cause of death. After all, a death certificate is a legal document."



UPDATE:
WRONGFUL
CONVICTIONS
CLASS
EXAMINES
REAL-LIFE
CASE

In the spring 2011 issue of the *Washburn Lawyer*, we introduced readers to **Rebecca Woodman**, '87, an adjunct instructor at Washburn Law and a capital appellate defender. Woodman's Wrongful Convictions class began investigating the case of Ronald "Ronnie" Rhodes, who was convicted in 1981 of murder in Wichita but has maintained his innocence.

In April 2008, Rhodes filed a motion for DNA testing in his case, hopeful that technology widely used now but not available at his trial 30 years ago might prove his innocence. In fall 2009, Woodman and her students joined forces with Ron Sylvester of the *Wichita Eagle* to examine the Rhodes case after finding inconsistencies in docket reports. Unfortunately, evidence that could potentially be tested for DNA in the case to help answer questions brought forth by Woodman, Sylvester, the *Wichita Eagle*, and the Washburn Law students, has either been destroyed or misplaced.

Since the article's publication, Woodman has continued to work on Rhodes' case and officially represented him at his July 2011 parole hearing. In preparation for the hearing, Woodman and Alan Lindeke, a third-year law student working as a summer intern in the Washburn Law Clinic, compiled a report based on the findings of the Wrongful Convictions class. In August 2011, the Kansas Prisoner Review Board denied Rhodes' parole for the eighth time.

Woodman subsequently asked the Law Clinic to assist in drafting an application for executive clemency. Third-year student Michael Hinkin, working as a legal intern at the Law Clinic for the fall semester, picked up where Lindeke left off. He and Woodman filed the petition on Oct. 17, asking Governor Sam Brownback to grant full clemency for Rhodes or to commute his sentence to the time he has already served.

“Consequently, the failsafe of executive clemency is the only remedy available for the miscarriage of justice in this case,” Woodman and Hinkin wrote in the petition, which also points to evidence that, the petition says, “strongly suggests that Mr. Rhodes was wrongfully convicted of the murder of Cleother Burrell.”

The clemency application goes to the Prison Review Board, which has 120 days to review the application before giving its recommendations to Gov. Brownback. As part of the clemency request, Hinkin has established an online petition (www.change.org/petitions/governor-of-kansas-sam-brownback-grant-ronald-l-rhodes-clemency) that seeks public support for Rhodes. The petition is scheduled to run through February 10, 2012, or until the Prisoner Review Board sends its report to the governor. As of Dec. 8, the petition had 250 signatures.

The Actual Petition

“Ronnie Rhodes has been in prison more than 30 years for a murder he has always insisted he did not commit. A recent investigation into his case by law students studying wrongful convictions at the Washburn University School

of Law strongly suggests that Rhodes is innocent of fatally stabbing Cleother Burrell in 1981. The investigation shows that the case was plagued by inadequate police investigation and questionable testimony, primarily from the victim’s roommate, whose clothes, hands, and shoes were covered in the victim’s blood and who at first lied to the police about the source of the blood, then claimed he was an eyewitness to the stabbing and blamed Mr. Rhodes.

“Yet the evidence that could finally exonerate Mr. Rhodes—including hairs from the victim’s fingernails (visually consistent with the roommates’ hair), which could identify the assailant through DNA testing not available at the time of Mr. Rhodes’ trial—has been either lost or destroyed by the police department. The law students’ investigation and subsequent discovery that crucial evidence is no longer available is chronicled in “Presumed Guilty,” an online blog series by Ron Sylvester, legal affairs reporter with the *Wichita Eagle*. See <http://www.kansas.com/presumedguilty/>.

“In Kansas, only the Governor has the power to grant a pardon or commutation of sentence for a miscarriage of justice.”

