

October 7, 2016

To: Deputy Barbara Roby

From: Sheriff Ed Mattingly

It is the policy of the Nelson County Sheriff's Office that all members, both sworn and civilian, shall conduct themselves at all times in such a manner as to reflect most favorably on the office. Conduct unbecoming a member shall include that which tends to reflect discredit upon the member as a representative of the Office, or that which tends to impair the operation or efficiency of the department or its members. Such offenses do not need to be specifically defined or set forth in our policy manual. Codes of conduct can't be established to cover all incidents that may arise in the usual discharge of deputy duties or in the personal activities of individual members. Therefore, it is your duty to regulate your own actions and conduct yourself in a professional and ethical manner on-duty, as well as off-duty. Any act or omission contrary to good order, morals or discipline shall be subject to disciplinary action.

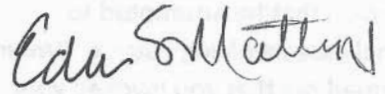
With these things in mind there have been many times that our officers and others have questioned your ability to make the correct ethical and moral decisions in regards to your son Patrick Rapier. I have heard complaints from officers as far back as when you were a detective with the Bardstown Police. Personally while I was in patrol I was informed by Patrick's baby's mother that we would not do anything because you would cover for Patrick and nothing would happen. Although, none of the early complaints were ever investigated and substantiated it has been perceived and causes a negative view upon the department. I understand the love for a child but it can't interfere with your duties as a Deputy with the Nelson County Sheriff's Office.

On the afternoon of August 25, 2016 I was informed by Trooper Scott Brown that he attempted to question you at the Nelson County Attorney's Office concerning a criminal case involving Patrick. Brown believed that you may have information involving the case. Brown informed me that you invoked your rights and requested an attorney which stopped the interview. Between 4:30 and 5:00 PM the same day you came to my residence crying. You informed me that Trooper Brown accused you of helping Patrick while he had active warrants and that he was going to pursue criminal charges against you. You informed me that you had left money in the car for Patrick to pick up. You stated that you encouraged him to turn himself in but that you could never arrest your own son. You stated that you and your father took Patrick food and that your father gave him money. You also stated that you knew Patrick had left a halfway house without permission and that there was not a warrant on him at the time. I informed you that if you had not done anything wrong there was nothing to worry about and that I would call Trooper Brown. Upon you leaving I immediately called Trooper Brown and informed him what you had informed me. On the afternoon of August 26, 2016 you called me at the office to inquire as to whether I had spoken with Trooper Brown. I informed you that I did not have any control over what the State Police do and that it would just have to play out.

On the morning of August 29, 2016 I was contacted by Trooper Brown to type a statement about what you had informed me. I then requested Trooper Brown to fill out a complaint against you so that I could start an administrative investigation. Trooper Brown initially agreed to file the complaint but then stated he could not after gaining direction from his superiors. Trooper Brown believes that he has probable cause to charge you with official misconduct after reading messages from Patrick's phone that he gained via a search warrant. At this point I conferred with the Nelson County Attorney and received

advice that I should wait and let the State investigation play out before I conduct any administrative investigation.

On October 7, 2016 I learned that Patrick had escaped from your custody while attending Nelson Circuit Court in front of Judge Jack Seay on the afternoon of October 6, 2016. I have viewed the video tape from the court room and I believe that you made no effort to take Patrick into custody after the Judge ordered him in to custody. Patrick escaped the court room, ran from Deputies who gave chase, then fled the parking lot in a vehicle. This conduct reflects poorly upon the Office of Sheriff and creates unnecessary danger to the Deputies and Officers who must go out and apprehend him. You have taken an Oath as a Deputy Sheriff and I believe that you are not able to fulfill that promise. Based on these allegations I am placing you on unpaid administrative leave. I will be conducting an investigation which will be in line with the Policeman's Bill of Rights. I have attached a copy of KRS15.520 which I will follow. If an interrogation is conducted you will be given a notice of at least 48 hours and you will be paid for your time. A hearing will be conducted at a later date and you will be given more than a 12 day notice. You will also be supplied with copies of all evidence used in the hearing inculpatory and exculpatory more than twelve days before the hearing.



Ed Mattingly

Nelson County Sheriff