11/15/2003  Thank you guys for helping us to...  Brian Mickish
11/17/2003  Thank you Jon for writing this story...  George McNichols

(Feedback requires a Javascript-compatible browser)
Prosecutor dropped McKinney's theft charges
Attorney says reports of old arrests are overblown

Chet Baumgartner | Staff Reporter
November 13, 2003

Media reports that stated that Michael McKinney was charged with theft and criminal mischief are inaccurate and overblown, McKinney's former attorney said Wednesday.

"Mike had a few drinks, and he and a few fraternity brothers thought it would be a good idea to use a garden shovel to dig up a stop sign," Tom Malapit, a lawyer at Dennis Wenger & Abrell Professionals, said. "In fact, when they saw the police, they dropped the shovel and started walking."

McKinney was shot and killed early Saturday morning by University Police Officer Robert Duplain. According to police reports, McKinney was pounding on the door of 1325 W. North St. because he thought it was a friend's house.

More than a year ago, McKinney was arrested at the intersection of Locust Street and Beechwood Avenue on suspicion of theft, conversion, public intoxication and criminal mischief. A charge of conversion is similar to theft, but not a felony, Malapit said.

According to police reports, Officer Rebecca Baer asked the group what it was doing. McKinney responded that he was "acting like a moron," the report stated.

Though Baer arrested McKinney on suspicion of the four counts, the prosecutor dropped the theft and conversion charges, Malapit said.

Though prosecutors did charge him with criminal mischief, Malapit said they probably couldn't have proved it in court.

The case, however, did not go to court. Instead, Prosecutor Judi Calhoun agreed to a plea bargain. She dropped the criminal mischief and public intoxication charges, and McKinney instead pleaded guilty to illegal consumption, a Class C misdemeanor.

McKinney had to pay a $50 fine, $132 in court costs and a $200 interdiction fee, which helped pay for alcohol-education classes, Malapit said. McKinney also went through unsupervised probation for 60 days and completed 10 hours of community service.

Calhoun said she couldn't remember why she accepted the plea bargain because she had had so many cases since then. She said more than 3,000 misdemeanor cases go through the prosecutor's office a year.
Calhoun said she didn't see the relevance of that conviction in regard to Saturday's incident.

"I don't see how the two can or are related," she said.

Prosecutor dropped McKinney's theft charges

Post your feedback on this topic here

11/19/2003 I agree with Calhoun, how are the two... Unknown

(Feedback requires a Javascript-compatible browser)
Members of a disbanded fraternity come together to celebrate brother's life

Melissa Skopelja | Staff Reporter
November 13, 2003

They saw the face of their brother Michael McKinney one last time - resting in a casket, wearing a Notre Dame sweatshirt.

Guns and Roses' rendition of "Knockin' on Heaven's Door" played across the flower-flooded funeral home as members of Delta Chi, as well as other Ball State students, stood in the rain waiting to say goodbye to their friend.

"Whenever you saw Mike smile, you couldn't help but smile too," McKinney's friend Sean Slain said.

After leaving the crowded viewing in McKinney's home town of Bedford, Delta Chi members and friends drove through pouring rain and lightning-streaked skies to a house on Lake Monroe.

One blue pick-up truck had the words "R.I.P. Mike 11-08-03" taped on the back window.

"Basically with this situation you need to get everyone together and become one again as a fraternity," Slain said. Slain's parents let him borrow the lake house Tuesday night so everyone could ride to McKinney's funeral together on Wednesday morning.

The fraternity was suspended by the university earlier this year.

"This is a sign of integrity for the Greek system," junior Jim Campbell said. "The bond still stands and you still care about your brother."

Before the line of cars headed to Bedford on Tuesday night, members of Delta Chi collected some of McKinney's belongings to give to his family.

Some of his personal items included two pairs of aviator glasses, a Delta Chi sweatshirt, his cologne and a picture of McKinney with his old dog named Speckles.

"The important things that meant a lot to him, we wanted to give to (McKinney's parents)," Campbell said as he delicately folded the Delta Chi sweatshirt.
After the viewing, members of Delta Chi relived the antics of McKinney over drinks, card games, smokes and one of McKinney's signature habits -- chewing tobacco.

Some of the members hadn't seen each other in years. But no one would have known by the instant cohesion seen as they reflected on who Mike McKinney was and what he meant to them.

Members of Delta Chi laughed, cried, fought tears and performed imitations of McKinney.

Senior Scott Clark said McKinney bought everyone's Christmas gifts at the beginning of October.

"He would do anything for anyone," senior Rich Lentz said.

Besides being a fan of Notre Dame, McKinney was also a Cincinnati Reds fan.

Sophomore Scott Stars recalled a time when McKinney and other Delta Chi members went to a Cubs and Reds game in Cincinnati earlier this year.

"McKinney was heckling the Cubs fans," Stars said. "It was really funny."

Junior Pat Edger said McKinney acted as the middle man when he and another member disagreed. Edger said after McKinney died, he and the other member talked for the first time in months.

"(McKinney) has a really sensitive side too," Edger said.

His friends also reminisced about McKinney's dedication to his Halloween costume. McKinney shaved his head to look like George Costanza from Seinfeld.

Junior Mike Stumpe yelled out over the group, "Can't stand ya!"

Friends of McKinney laughed about the time they went to the Bahamas.

The group of friends fought excitedly over the rap music to claim the exact line McKinney would use on the beaches to make fun of his short and pale figure.

Throughout all of the memories shared between the group, one theme was common.

"The reason we are here now is to celebrate his life," sophomore Kyle Hayes said. "(McKinney) wouldn't have wanted it any other way."

**BURYING A BROTHER**

Those sitting in the crowded pews under the tall vanilla ceiling of St. Vincent De Paul Church mostly had college-aged faces, with Delta Chis sprinkled among the mourners. A few were crying. A few were sitting in disbelief. And a few were the pallbearers.

McKinney's fraternity brothers watched patiently as he, who they said had "an amazing laugh," was carried slowly past them.

The ears of Delta Chis perked up as they heard Katie McKinney, Michael McKinney's sister, speak.
"We need you to tell the world that he was a good boy," Katie McKinney said in a strangled voice.

Once the memorial was over, Delta Chi members walked slowly through the walnut door entrance and into the gray skies.

In an unspoken agreement, the brothers walked together in small groups toward the cemetery.

The Delta Chis were watched by elementary school students as they passed McKinney's grade school St. Vincent De Paul Catholic Church. The marquee read, "Mikey, We'll miss you."

Walking silently, dressed in suits and ties, Delta Chis walked down the black-top pavement that bordered the hundreds of graves resting on leaf-littered rolling hills. They could see a blue canopy next to a large oak tree in the distance.

McKinney's family waited patiently for those who knew their son as a friend.

Senior Scott Clark began to hand out white carnations, the Delta Chi flower, to fellow members.

The fraternity, surrounded by others who loved McKinney, stood in silence as they listened to the final farewells.

Members slowly began to form a single-file line leading to McKinney.

One by one the Delta Chi brothers set their carnations on top of the wooden casket while lightly touching its surface.

The sun was now shining through the clouds.

As the line of 40 or so members passed, each member was greeted with a warm embrace from a brother.

Almost instinctively, a wreath of brothers holding hands took shape around the brother who "could make anyone laugh."

Members with tear-stained faces sang the praise of the "dear old Delta Chi."

After the tribute, McKinney's family began to leave.

"Thank all of you," Tim McKinney, Michael McKinney's father, said. "God Bless all of you."

Members trickled away from the grave site slowly, making jokes and trying to keep each other's spirits high. Some began to chew tobacco.

A caretaker dressed in overalls approached the scene to lower the golden vault into the ground.

Several Delta Chi members waited to see him lowered.

As the caretaker began to shut the vault, Ball State alumnus and Delta Chi member Ben Brooks asked him to stop.

He reached his hand delicately into the two-inch vault opening.
"I'll miss you," Brooks said. "You were a great friend. I love you."

As they said their final good-byes, Campbell walked away from the small group to gather a handful of dirt and sprinkled it into his friend's grave.

Members of a disbanded fraternity come together to celebrate brother’s life
Post your feedback on this topic here
11/13/2003 I don't know Mikey but reading this... Allison
11/13/2003 To the friends and family of Mike... Daniel Alexander
11/13/2003 Mikey was a friend of mine, even... Joey
11/14/2003 Mikey was my cousin, I want to... Theresa
(Feedback requires a Javascript-compatible browser)

[ Front Page | News | Sports | Opinion | Archives ]
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Hundreds of mourners share grief in Bedford

Service might have been one of church's best-attended

Jon Seidel | Managing Editor
November 13, 2003

BEDFORD — Michael S. McKinney was honored Wednesday by more than 600 friends and relatives in what might have been the best-attended funeral his church has seen.

On a dreary day, the McKinney family, which lost Michael after he was shot by a University Police officer at Ball State five days ago, shared both their memories and their grief with the people who attended.

"We know that to really understand Mikey, we have to understand all of you," sister Katie McKinney said.

The voices of family members who spoke to the crowd were cracking and shaky as they spoke.

"I've learned to know Mikey as a friend," brother Ryan McKinney said. "That's something you have to earn."

Katie McKinney clearly sent the message that her brother's death was wrong.

"I don't think this is God's will," she said. "I think God's crying just as much as we are."

When it ended, pallbearers took the casket to the hearse, which carried Michael McKinney to the cemetery two blocks away. School children at St. Vincent DePaul Catholic School, McKinney's grade school, lined the street as the hearse passed by, bowing their heads under a sign that read "We love you Mikey."

Many mourners followed the hearse in their vehicles. Others walked from the church to the cemetery.

At the burial, Michael McKinney's fraternity brothers from Delta Chi put their arms around each other in a circle and sang their fraternity song.

Justin Gilbert, Michael McKinney's best friend while growing up, was pleased with the way his friend's funeral turned out. He said the priest at the church told him it was the best-attended funeral he had ever presided over. It was also the first time the priest had seen mourners walk from the church to the cemetery.

"That's probably the biggest funeral they'll ever have," Gilbert said.
The McKinney family invited well-wishers to the local Knights of Columbus after the burial for a meal. The mood inside was much like it had been at the funeral and the viewing the day before; There was a mix of anger and grief, but no one went long without laughing.

"You can't go five minutes without remembering something funny," Brian Mickish, McKinney's high school friend, said. "It brings a smile back to your face."

Hundreds of mourners share grief in Bedford

Post your feedback on this topic here

11/14/2003  I want to thank all The Ball State...  Justin Gilbert
11/14/2003  I thought this article Jon wrote was...  Justin Gilbert

(Feedback requires a Javascript-compatible browser)
Ball State U. shooting prompts investigation

By Yona Silverman and Rachel Velcoff
November 14, 2003

Nearly a week after a Ball State University student was shot and killed by a member of the school’s police force, authorities are conducting an investigation into the incident, leading to questions about whether or not the use of deadly force was justified.

At 3:25 a.m. on Saturday, Officer Robert Duplain fired four shots at 21-year-old student Michael McKinney, according to Terry Winters, deputy chief of police for the Muncie, Ind., Police Department.

Duplain was responding to a 911 call by a woman who reported that someone was trying to gain entry to her home, pounding on her door. Although the call was originally routed to the Muncie Police, BSU officers who were within closer range of the scene were contacted and arrived first.

According to Winters, Duplain, a 24-year-old officer who had been with the force for seven months, confronted McKinney in the front yard of the woman’s residence. McKinney was repeatedly told to take his hands out of his pockets, and to lay on the ground, but refused, police said. He then ran towards Duplain with his arms open before Duplain shot him with a 9 mm gun, killing him.

As the BSU community continues to grieve McKinney’s death, Muncie Police have begun an investigation into the incident. Duplain has also been placed on paid administrative leave from his post.

Although questions have been raised about whether Duplain’s use of deadly force against McKinney was justified, BSU spokeswoman Heather Shupe said there does not appear to be evidence that the officer acted against protocol.

"Based on the preliminary information... at this point from the facts he had, our officer acted in a way that was consistent with his training and our use of force policy," Shupe said.
"Because this is under investigation by the Muncie Police, we are not able to talk about the details of either the incident or the investigation," Shupe added.

According to the BSU public safety "Use of Force" policy, which was published in the Ball State Daily News on Wednesday, an officer is only permitted to use deadly force "if he/she reasonably believes that the force is necessary to prevent serious bodily injury to self or a third person."

The policy describes a "force continuum" that officers can use in response to various situations, ranging from police presence to the use of weapons, noting that "the use of force must be appropriate for the circumstances and conditions for which it is applied."

It states, though, that various levels of forces need not necessarily be used in succession, such that Duplain was not required to, for instance, use his baton before resorting to the use of deadly force.

"The force continuum should not be considered a 'ladder' in that the officer must start at the lowest force option and progress or climb to the higher force options," the BSU policy states.

If the use of a deadly weapon is not found to be justified, the policy notes, the officer may face "civil liability for damages."

At Penn, University Police follow similar guidelines regarding the use of force.

"It is the policy of the Penn Police Department to employ the amount of force that is reasonable and necessary to overcome the resistance offered [by a suspect], effect a lawful restraint or accomplish the lawful performance of duty while protecting the public," said Chief of Police Tom Rambo, adding that the use of unreasonable force is "prohibited and not tolerated" under any circumstances.

Like BSU's policy, the UPPD's, which has been in effect since 1996 and is reviewed annually, also describes a range of types of force that can be used if necessary. These range from "verbal direction, verbal commands" to "hard intermediate weapon control," such as the use of a baton, to "deadly force."

Justified use of the latter requires that the officer believes that he or she is in danger of death or serious bodily injury.

Rambo stressed that this depends on the circumstances of each individual situation.

"Each incident is specific," Rambo said. "The officer has to make a judgment many times in one second."

When force is used, UPPD officers are required to file a report which is ultimately reviewed by Rambo. If the actions taken by the officer seem to constitute "an intentional act of excessive force or a misapplication of policy" and the death of a subject is involved, the case is turned over to the Philadelphia Police for homicide investigation.

However, Rambo said that this has not occurred during his tenure at the
Rambo stressed that it is important to avoid pointing fingers at the officer until the situation has been fully reviewed.

"Although I do not know the specifics of this case, I believe that any judgment on the officer's actions should be held off until all the facts are available," Rambo said. "I'm sure that a thorough investigation is being conducted and that actions will be taken at the conclusion if necessary."

Ball State U. shooting prompts investigation
Click HERE to post your feedback on this topic

No feedback has been posted yet. Please post yours!
(Feedback requires a Javascript-compatible browser)
UPD might review policy
Duplais's authority to handle firearms questioned

Teresa Auch | News Editor
November 14, 2003

The university will likely review if it will continue to employ officers with the same amount of training that Robert Duplain had, Heather Shupp, executive director of university affairs, said Thursday.

Duplain, 24, killed fourth-year student Michael McKinney Saturday morning. Duplain was responding to a burglary call after the resident of 1325 North St. call 911. McKinney was banging on the resident's door, according to reports.

Duplain and another officer passed a 40-hour pre-basic training course and a 14-week field training program, but they have not attended the Indiana Law Enforcement Academy, Gene Burton, director of public safety, said.

Shupp said the university routinely looks at policy that sparks controversy.

Burton said UPD has not looked into making changes in policy yet.

Burton said he thinks the university should consider to continue using non-certified officers because cutting them would create a shortage in patrolling campus.

In the field-training program required by UPD, the officer is assigned a mentor to observe. Eventually, the officer takes on more responsibilities, and the mentor observes the officer.

Before officers are allowed to participate in the field-training program, they must complete a 40-hour orientation course about the campus, Burton said.

Under Indiana law, officers are allowed to carry guns and patrol the streets for a year if they have completed the pre-basic training course offered by ILEA. Before the year is over, they must also graduate from the academy.

Speculation has arose, however, that Duplain did not have enough training to carry a gun.

Pre-basic training teaches officers how to safely handle and care for a firearm, Perry Hollowell, ILEA Inservice Training Director, said.

Officers must also complete field training at a shooting range. They are awarded points for each hit and must shoot with an 80 percent accuracy to pass, Hollowell said.
Hollowell said the physical training also allows instructors to observe the students and how comfortable they are with guns.

In field training, officers are taught to shoot at the largest portion of the torso, Hollowell said.

"The idea of any use of weapon is to terminate a threat in the shortest time possible," Hollowell said.

Michael Collins, Ohio Police Corps executive director, said people shouldn't expect officers to shoot the arms or legs.

"Anybody that thinks that you can shoot to wound is nuts," Collins said.

The Ohio Police Corps does not have an equivalency of pre-basic training, and Collins said he thinks allowing an officer to patrol the streets with a firearm is wrong, he said.

"Just because you taught a person how to use a weapon doesn't mean you taught them respect for the law and the rights of other individuals," Collins said.

Illinois, however, also uses a pre-basic training program and allows officers to carry a firearm after successfully completing the program, according to Thomas Jurkanin, executive director of the Illinois Law Enforcement Training and Standards Board.

Indiana and Illinois once allowed officers to carry a firearm without previous training.

Hollowell said that the Indiana's pre-basic training program was added in 1993, and legislators aren't pushing for change now, Sen. Charles Meeks -- of the Criminal, Civil and Public Policy Committee -- said.

"I have no criticism of academy training," Meeks said. "That has produced hundreds of dedicated officers."

UPD might review policy

Post your feedback on this topic here

11/14/2003  Two things: 1. I'm glad to see...  Jackson Clark
11/15/2003  Attention: All Students, Alumni, &...
            Drax Wraith

(Feedback requires a Javascript-compatible browser)
Ball State shooting report now in prosecutors' hands

Muncie police say few new facts emerged about killing of student by campus policeman

Associated Press
November 15, 2003

MUNCIE, Ind. -- The Muncie Police Department on Friday gave county prosecutors its report on last weekend's shooting of an unarmed Ball State University student by a campus police officer.

Deputy Police Chief Terry Winters said he could not discuss details of the report. But he said the investigation did not turn up much that was unexpected.

"It is not much different from the original report," Winters said.

Rookie Ball State Officer Robert Duplain shot 21-year-old Michael McKinney, of Bedford, four times on Nov. 8.

Police say Duplain responded to a call about a stranger pounding on the door of a house near campus about 3:30 a.m. Duplain and a witness who lives at a neighboring house have said McKinney lunged at the officer and did not follow commands to stop.

Friends who were with McKinney before the shooting have said they believe he was drunk. They believe he thought he was at a friend's similar-looking home seven houses away from where he was shot.

McKinney's relatives have said he was not a violent person and questioned why Duplain used deadly force so quickly.

Winters said investigators had spoken with Duplain, the witnesses to the shooting and those who had been with McKinney earlier that night.

A decision on whether the shooting was justified or should be reviewed by a grand jury would be made by the Delaware County prosecutor's office, Winters said.

A message seeking comment from Prosecutor Richard Reed was left at his office Friday afternoon.

A campus vigil for McKinney was scheduled Friday evening.
Ball State shooting report now in prosecutors' hands
McKinney might receive posthumous degree

Decision to award diploma in May rests with trustees

Leah Snyder | Chief Reporter
November 17, 2003

Michael McKinney may receive the degree he was only a semester away from earning before he died.

"It seems like the right thing to do given the circumstances," Brien Smith, chairman of the marketing department, said.

Smith, along with Lynne Richardson, dean of the Miller College of Business and Beverley Pitts, provost, recommended McKinney receive a bachelor's degree in marketing. The decision will now be made by the Board of Trustees.

"Michael was doing fine in his classes," Smith said. "We have every reason to believe he would have finished on time."

McKinney was a marketing major and by the end of the fall semester would have been a senior.

McKinney was expected to graduate in May 2004, Randy Hyman, dean of students, said.

The Board of Trustees made a policy in March of 1994 permitting the university to award a posthumous degree to a student who had passed away if they were in good academic standing and had reached their senior year.

In order for a posthumous degree to be considered by the board of trustees, the department chairperson must request it, Hyman said. Then the college's dean and the provost must approve the request. The trustees can then make their decision.

Richardson said McKinney was close enough to having enough credits to graduate.

Katie McKinney, Michael McKinney's sister knows how important it was for her brother to graduate and receive his degree.

"He was really working hard to (graduate)," Katie McKinney said. "It was important for him to be successful."

The posthumous degree will be presented at the May commencement ceremony if the trustees approve it, Hyman said.

Hyman said he believes the board of trustees will probably agree to it.
The family will then have the choice to attend the ceremony and accept the degree.

If they choose not to, the degree will be sent to the family, Hyman said.

The McKinney family hasn't made any decisions on whether they will attend the ceremony, but Katie McKinney said she believes they will.

"We're very happy about this," Katie said. "I feel that he deserves it."

McKinney might receive posthumous degree
Post your feedback on this topic here
No feedback has been posted yet. Please post yours!
(Feedback requires a Javascript-compatible browser)
Campus honors fallen student

YaVonda Smalls | Staff Reporter
November 17, 2003

As bells chimed softly from Shafer Tower Friday night, students and local residents assembled at the University Green. Holding small white candles, they bowed their heads in silence to reflect on the life of Michael McKinney.

A 21-year-old Ball State junior from Bedford, Michael McKinney was a marketing major at Ball State’s Miller College of Business, as well as a member of the Delta Chi fraternity.

Student Government Association President Jayson Manship said he appreciated the members of the Ball State and Muncie communities who attended the candlelight vigil to show their respect for Michael McKinney.

Douglas McConkey, the vice president for student affairs and enrollment management, said the respect Michael McKinney showed to others while he was alive will never be forgotten.

“(Michael McKinney) was missed by more people than he ever could have imagined,” McConkey said. “He’ll have a legacy despite his brevity of life. We’ll all treasure life a little bit more because of his tragic passing.”

Several members of Delta Chi also reflected on Michael McKinney’s legacy, emphasizing that the love he shared with everyone around him will last forever.

“We don’t need to say goodbye,” Delta Chi member Phil Juskevice said. “We know he’s always with us.”

Delta Chi member Mike Stumpe said the number of people who took the time to attend the vigil demonstrated the honor the community will always have for Michael McKinney.

“It shows what kind of person Michael McKinney was and still is today,” Stumpe said.

McKinney’s parents and three siblings have organized a green ribbon campaign in his memory. Katie McKinney, Michael McKinney’s older sister, said the purpose of the campaign is not only to honor her brother, but to ensure that what happened to him will not occur again.

“We can never ever have justice for this situation,” she said. “Our mission is to make sure this doesn’t happen again to any other family.”

McConkey said Michael McKinney’s death has especially emphasized the
importance of making student safety a priority at Ball State.

"I believe our university will be a safer place for other people," McConkey said. "Many will have a renewed commitment to make it that way."

Tim McKinney, Michael McKinney's father, said his son's death should encourage people to cherish life while they can. Michael would want everyone to enjoy life and to make the most out of it, Tim McKinney said.

"Mike would have said to look at life with a keener sense, with a higher sense of value," he said.

Ryan McKinney, Michael McKinney's older brother, said he wanted everyone to remember Michael McKinney as a man who demonstrated how much he cherished life.

Michael McKinney not only had an infectious laugh, but he had a tendency to sing Guns N' Roses songs, even when people around him did not want to hear him sing, Ryan McKinney said as members of the crowd laughed.

Michael McKinney's morality and sensitivity, however, should be remembered all the more, he said.

"He was a guy worth remembering, and you can't say that about everybody," Ryan McKinney said.

As students and local residents blew out their candles after the vigil, many embraced one another, and several wiped away tears.

Delta Chi member Scott Clark said despite the controversy that has risen over Michael McKinney's death throughout the past week, the vigil allowed the community to unite with one purpose, to honor Michael McKinney's life.

The vigil gave many people a sense of fulfillment, Clark said.

"For a lot of people who couldn't make it to (Michael McKinney's) funeral (Wednesday)," he said, "this was their closure."

Campus honors fallen student

Post your feedback on this topic here

No feedback has been posted yet. Please post yours!

(Feedback requires a Javascript-compatible browser)
LETTER: Sister speaks out about McKinney's death, reactions

November 18, 2003

Dear Editor,

My name is Rosie McKinney, and I am Michael McKinney's sister. I wanted to take a minute and let all of you know how my family and I feel.

First off, this paper has done the best job so far of reporting both sides of the story and backing my brother's character by coming to his hometown and seeing what he was really like. My family wishes to thank you very much.

I've read nearly all the articles and feedback posted on this Web site, however, and I must say that some of it is very disturbing to me.

For those defending the officer: You might know him. He might be a nice guy. I don't know this man, nor do I care to ever come in contact with him in my lifetime unless he's willing to answer the question of just how threatened he felt and how scared for his life he was when he killed my brother. My brother was a short, stocky teddy bear, while I hear that the officer was a 6-foot-2-inch football player for four years in college. If the officer was that frightened, he should call for backup or avoid being the first one on the scene.

I'm a little biased, you see, because while you can say that the officer will have to live with this the rest of his life, but my family will too. My brother sure won't have to.

Officer Duplain doesn't know what it's like to lose his brother over a mistake or a bad decision. I feel no sympathy for him at all, no matter how nice of a guy he is, because my brother was the most kind-hearted man with the best of intentions. I know many of you were lucky enough to have him be a part of your life, and you know the story we believe to be true about what happened that night.

How many of you, after a night of drinking, have gone to the wrong house while trying to find your friend's house? I understand the woman was probably scared, but she never said she was being burglarized. Sorry, but a "burglary in process" doesn't start with a knock on the door.

It's also not fair to say that the only choice the officer had was to shoot my brother. Hasn't he heard of hand-to-hand combat? Believe me, I've seen my brother after a few drinks, and the most Duplain would have had to do was push him down or wrestle with him a bit, and Mikey would have easily surrendered. I wasn't there that night, but I can't possibly see my brother being so intimidating.

My family and most of those that I've talked with are completely appalled and outraged by this tragedy and by the chance that this man could be acquitted of the
crime he committed simply because he is a police officer. Furthermore, if nothing is resolved by Jan. 4, he could still go to the police academy and receive the badge it seems he likes to hide behind. College campuses are supposed to be safe places, and with someone like him running around, they aren't.

My family, however, really appreciated the beautiful ceremony the Delta Chi boys and the Student Government Association put together on Friday night. Mikey truly loved Ball State, so it's ironic and sad that it's the place that took his life away.

We would also like to thank the university for considering granting his degree. Because he earned it, it is the least you could do.

I just wish that on Thanksgiving, my brother would walk in the door and crack a joke to make us smile. I wish that on Christmas, we could wake up early and fight over who gets to pass out the presents, but you see, after the events of Nov. 8, I'll never get to see my brother again.

Please wear your green ribbon in honor of Mikey and to ensure that some sort of justice comes out of this horrific event. We have to come together and do something to get policies and procedures changed and make sure that no other family has to go through what my family has.

You don't realize what you have until it's gone, so cherish your family; tell them you love them.

That's the one thing my brother and I never really said to one another, and we should have. It was always just assumed.

Thanks for your time and efforts, but it's not over yet. It won't be until justice is served.

Rosie McKinney
Burton: UPD rebuilding trust

Officers face negative views because of McKinney shooting

Jennifer Ross | Staff Reporter
November 18, 2003

University police officers are trying to rebuild students' trust after Officer Robert Duplain shot and killed fourth-year student Michael McKinney, Director of Public Safety Gene Burton said Monday.

"I have had several officers who have had gestures and inappropriate comments," Burton said.

UPD also faced negative views two years ago when the Indiana State Police investigated it for misusing resources.

The university removed Joe Wehner, then university police chief, shortly after the investigation. Burton replaced him.

Since then, UPD has worked to rebuild students' trust in the university police, Burton said, and that trust was returning.

"Trust is something that's earned," Burton said. "It's not granted. This incident will shake that level of trust."

Sophomore Angie Kraas said she has mixed emotions about trusting the police again. She has a close friend who knew McKinney.

"I'm really up in the air about it," Kraas said. "I feel that the police officer reacted on an impulse. That frustrates me, but I still feel they're here to protect students."

Sophomore Noah Ayers, however, said his opinion of UPD did not change.

"I always thought they kind of harassed people," Ayers said. "To tell the truth, I didn't even know they carried guns."

Ayers said he is not more concerned about his safety than he was before McKinney's death.

Junior Lori Lemasters said she worries that she and her friends could be in danger on the weekends.

"It makes me really scared," Lemasters said. "A bunch of my friends have done that -- just drinking and being drunk. Maybe under certain circumstances it could happen to us."
But Dean of Students Randy Hyman said students have sent him e-mails showing their support for the police.

Hyman said he understands that, right now, that's not the popular view, and he said he has heard about the reactions of disgruntled students as well.

"We'll likely observe more of that type of behavior," Hyman said.

Junior Megan Bomholt said she was upset by the incident, but she still thinks the police are on campus for students protection.

"This situation has made me look differently at the UPD," Bomholt said. "Yet, I think UPD will do its part in making sure it doesn't happen again, but if it's not dealt with properly, it's likely that... this could happen again."

Burton: UPD rebuilding trust

Post your feedback on this topic here
11/18/2003 It is a shame that so many students... Jeff Brown
11/19/2003 I just wanted to write and let... Collin Brown

(Feedback requires a Javascript-compatible browser)
McKinney's alcohol level unclear
Samples taken late; tests indicate student was likely intoxicated

Jon Seidel | Managing Editor
November 19, 2003

Michael McKinney’s blood alcohol content at the time of his death cannot be determined, Delaware County’s coroner said, because samples were taken from his body as late as 10 hours after he was killed.

But at the time they were taken, coroner James Clevenger said, his BAC was 0.03, which means the level was likely much higher -- and above the legal limit -- when he was shot.

"It does prove to us that he was intoxicated at a much higher level at the time of the shooting," Clevenger said.

The samples were delayed because Ball Memorial Hospital’s forensic pathologist was unavailable on the morning McKinney died. The body was instead taken to St. Joseph’s Hospital in Fort Wayne.

Although the results of the tests have a bearing on the case, Clevenger said that there was no indication that it would on the morning he died.

"Had we had a drunk-driving death, we might have immediately taken a blood sample at Ball hospital," Clevenger said.

The report indicated that McKinney had been intoxicated early Saturday morning, but Clevenger said there was no indication of any drugs in McKinney’s system other than the ones administered to him by the hospital.

The possibility that McKinney had been intoxicated when he was shot had been proposed early on in the investigation, and it has not been disputed by McKinney’s family or the friends who were with him earlier that morning night.

McKinney was shot and killed by a University Police officer who confronted him while he was pounding on the windows of someone’s home. McKinney’s friends said he was likely drunk and confused and thought he was banging on the windows of a friend’s house nearby.

Clevenger said he received the results of the toxicology tests Monday. Three days earlier, the Muncie Police Department filed the results of its investigation of the shooting at the Delaware County Prosecutor’s office, deputy chief Terry Winters said.

The prosecutor’s attorney, Jay Cummins, said Tuesday he has not yet determined what action he will take in response to the report.
Cummins added that he will not speak to anyone about the case until he does.

The Muncie Police Department completed its investigation of the Ball State University Police Department Friday, Winters said.

"Now we wait to see if they're going to try (the UPD case) in front of a grand jury," Winters said.

STAFF REPORTER ERICA PLUFF CONTRIBUTED TO THIS REPORT

McKinney's alcohol level unclear

Post your feedback on this topic here

11/19/2003    My name is Erika McKinney. Once again...    Erika McKinney
11/19/2003    In my opinion the University Police...    BSU student
11/19/2003    Uh yeah, Erika. This isn't some...    Robert
11/20/2003    I agree with Robert to a degree...    Steve Freeman
11/20/2003    Erika, I think the Daily News has...    Jeff Nicoso
11/20/2003    Attention Robert!! Are you some...    Jason Chambers
11/20/2003    I have never held any respect for...    Kyle
11/20/2003    Alright Ladies and Gentlemen,...    Robert
11/20/2003    ok robert: let me start off by...    mike murray
11/20/2003    OK Mike, from the Muncie Star Press;...    Robert
11/20/2003    Mike, just the fact that you chose...    Joe
11/20/2003    Joe, what are you talking about? my...    mike murray
11/20/2003    Mike: You refuse to acknowledge...    Robert
11/20/2003    Absolutely agree with that...    Joe
11/20/2003    Robert: I'm not saying that mckinney...    mike murray
11/23/2003    Jeff I'm sorry if my post was...    Erika McKinney

(Feedback requires a Javascript-compatible browser)
Student's alcohol reading was 0.343

Coroner corrects error in case involving fatal shooting at Ball State

By John Holl and Tom Spalding
john.holl@indystar.com
November 20, 2003

A Ball State University student had a blood-alcohol level of 0.343 -- more than four times the legal limit for driving -- when he was fatally shot by a campus police officer earlier this month, the Delaware County coroner said Wednesday.

The day before, Coroner James Clevenger erroneously reported Michael McKinney's blood-alcohol level erroneously -- to the student's family and to the media -- as 0.0343.

"It was my fault, a misplaced decimal point," Clevenger said Wednesday night.

On Nov. 8, Muncie police said, rookie Ball State officer Robert Duplain responded to a burglary report. A woman who lives near campus called police to say someone was trying to get in the back door of her home.

Friends surmise McKinney, heading home after spending time at a bar, was trying to get into the wrong house. Investigators say Duplain fired after McKinney lunged at him. McKinney's family and friends said it would be out of character for McKinney to lunge at an officer.

McKinney's father said he learned of the coroner's mistake only after hearing about it from the media. Tim McKinney expressed disappointment that important information would be shared with news organizations before family members.

He called the actual blood-alcohol level "just a number."

"People are so conditioned as to what the legal limit should be, that they look at it and draw a conclusion," he said. "But the important thing to note is that my son was not driving. He had sense enough not to drive."

In Indiana, the legal limit for operating a motor vehicle is 0.08.

Marion County Coroner Dr. John McGoff estimates that for a 170-pound male to reach a blood-alcohol level of 0.343, he would have to consume 12 to 13 alcoholic beverages in two hours.

"That's a significant factor in both your mental and motor skills,"
McGoff said.

Muncie police turned over the results of their investigation to the Delaware County prosecutor's office last Friday and provided a copy to Ball State University officials.

The university won't decide whether to release details of the investigation until after a ruling is made by the prosecutor's office, said school spokeswoman Heather Shupp.

Delaware County Prosecutor Richard Reed told the Muncie Star Press he didn't know whether he would send the case to a grand jury or file any criminal charges against Duplain.

Reed also told the newspaper he had asked Muncie police to gather some additional information that he would need before making any decision, but he would not say what that information is.

Though the blood samples used to determine McKinney's alcohol level weren't drawn until 10 hours after he died, McGoff said that should not be a factor.

He said the body stops metabolizing the alcohol at the point of death, which means the mark would still be valid hours later.

Muncie Deputy Police Chief James Peters said the worst part about Clevenger's error was that it hurt the McKinney family, which he said deserves the most professional and thorough inquiry available. He said that police, who investigated the Ball State cop shooting, disregarded Clevenger's initial finding.

"We have eyewitness statements and people that had encountered him that night. We knew he was intoxicated," Peters said.

Peters said every case in which an officer confronts a drunken suspect is different.

"You react to how you see the situation unfold," he said, adding that there is no way for an officer to easily determine someone's mental state.

Peters said that at a blood-alcohol level of 0.40, the body loses consciousness, and a person could suffer respiratory failure.

The Muncie Star Press contributed to this report.

Call Star reporter John Holl at 1-317-444-6192.
Dear Editor,

A tragic shooting that took place a week and a half ago just blocks away from where I lived last spring is reverberating with me now. Michael McKinney will not soon be forgotten, not by his friends and family and not by the thousands of members of the Ball State and Muncie communities to whom McKinney was just another nameless face until the early-morning events of Nov. 8.

I've heard and read expressions of deep sadness and confusion, anger and incredulity, sympathy and celebration on campus and in the pages of the Daily News and Star Press since the shooting. Look around and listen. Listen to the conversations people are having at the shuttle bus stops, in the Atrium, in class. People care about this.

Reports lend to me the belief that McKinney's funeral was a celebration of a life lived, and that is great. Now, no one has been unaffected by this tragedy. McKinney's family and friends, his Delta Chi fraternity brothers, University Police Department employees, members of the Ball State and Muncie communities and every student on this campus grapples with this to some degree.

Life questions now surface that are far bigger than Michael McKinney or you or me. They are questions from within the deepest part of our being, our souls. It's not a body part you'll discuss in anatomy class, but the soul of each person has or will at some time cry out for answers to the more permanent questions of life: Why does the sudden loss of life happen? Where is God in tragedy, in the midst of stuff like this? Is God aware and involved when bad, even horrible, things happen to people?

I won't try to offer a trite answer or tired cliche here. They've been regurgitated time and again. You know them. I am searching for answers myself that I can't understand alone. One online resource, the "Enigmas" link at EveryStudent.com, may help students as they seek answers to life's difficult questions. The Web site garners no profit; it simply offers sound, Biblically-based answers to questions about life, questions we all wrestle with at some point.

The tragedy that was the abrupt end of Michael McKinney's life has taught us again the truth about life: It is brief and fragile, and it is a gift. We do not know the day or the time at which it will be extinguished.

Jon Scott

senior
LETTER: McKinney's death leads to soul searching, recognition of gift of life
Post your feedback on this topic here
11/20/2003 You got me thinking... You asked... Jackson
11/20/2003 I'm sorry but it doesn't seem right... David Swindle
11/20/2003 hold up dave, advertising? Jon only... Andrew
11/21/2003 Jackson, I really wish you had posted... Paul Lowe
11/21/2003 I'm not being hostile, Andrew, I just... David Swindle
11/21/2003 Ok, Jackson who are you? Listen, I... Jennifer Flinn
11/21/2003 So Dave, you think its wrong for... Andrew

(Feedback requires a Javascript-compatible browser)
Coroner: Student's blood alcohol content at least .34

By T.J. WILHAM
tjwilham@thestarpress.com

MUNCIE - The blood alcohol content of a Ball State University student who was gunned down by a campus police officer was much higher than initially reported by the county coroner.

Delaware County Coroner Jim Clevenger said Wednesday that 21-year-old Michael McKinney's blood alcohol content (BAC) was at least four times over the state's legal limit to drive a vehicle when he was shot four times on Nov. 8 by Ball State police officer Rob Duplain.

Clevenger took responsibility for the earlier, erroneous report, saying he put a decimal point in the wrong place when he transcribed data from a pathologist's report and onto the official coroner's verdict.

McKinney's BAC was .343, not .03 as reported on Tuesday. The mistake was caught Wednesday by Clevenger's secretary.

"The fault is no one's but my own," Clevenger said. "This still doesn't change anything. As we did before, we believe that he was extremely intoxicated at the time of the shooting."

Reporting the erroneous .03 level on Tuesday, Clevenger explained that the reason it was so low was because blood for the test was not taken until 10 hours after McKinney was pronounced dead at Ball Memorial Hospital.

The delay was because of the unavailability of a forensic pathologist.

'People die at that level'

Using the same logic, Clevenger said Wednesday that he believed that McKinney's BAC was even higher than .343 at the time of the shooting.
Clevenger said when he talked to pathologists about the error on Wednesday they told him that they were surprised that McKinney was still conscious at the time of the shooting with a BAC so high.

"We see people die at that level," Clevenger said. "And who knows what it was when he was shot?"

Experts interviewed by The Star Press on Wednesday said it was difficult to determine what McKinney was able to do at that level of intoxication.

"Everyone is different," said Dirk Shaw, a forensic scientist for the Marion County Crime Lab. "It obviously would affect them, but you would have to be inside them to understand what was going on and what they are thinking."

Joe Turner, a retired Muncie police officer, is a coordinator for the Governor's Council on Impaired and Dangerous Driving. He teaches police across the state how to detect whether someone is under the influence of a drug.

Since McKinney was likely a binge drinker, Turner said, the Ball State junior's alcohol tolerance would be much higher than an average person's. McKinney might have been able to identify a police officer and then lunge at him even though his BAC was that high, Turner said.

"I have pulled over people at .35 and you wouldn't know it until you tested them," Turner said. "Drinking is a learned behavior and if he was drinking every weekend, his tolerance would have been much higher."

'I knew he was drunk'

Friends who were out with McKinney the night he was shot said Wednesday they were not surprised to hear he was intoxicated, and that McKinney seemed no more drunk than usual. "I knew he was drunk, but I didn't know how drunk in terms of blood alcohol content," said Scott Clark, who was with McKinney for several hours that night.

"When I last saw him, he wasn't that drunk," Clark added. Friends have said that McKinney had at least five Cokes mixed with rum and one beer that night. Some of the last people to see McKinney alive said they saw him fall outside of BW3 and hit his head on the ground. He was then carried by two men to an apartment, where McKinney took off running.

City police officials said Wednesday they were upset over Clevenger's mistake. They also said the coroner had been "trying to control the investigation."

"We knew something was wrong when we heard those numbers," Deputy Police Chief James Peters said. "I feel we have been wronged by that office. "We as a community owe it to the McKinney family to do the best job we can on this investigation."
Coroner: Student's blood alcohol content at least .34

Contact news reporter T.J. Wilham at 213-5832.

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Most extensive local car search
Ball State officer subject of earlier complaint

By T.J. WILHAM
tjwilham@thestarpress.com

MUNCIE - When Joshua DeGood heard about a fellow Ball State University student getting shot to death by a campus police officer, he immediately wondered if he knew the cop.

He wondered if it was the same police officer who DeGood says tackled him like a football player, flipped him over and pushed his face into the mud.

It was.

Before officer Rob Duplain shot and killed Michael McKinney last Saturday, DeGood had contacted a civil attorney about what happened to him on Sept. 19 when he was arrested by Duplain on one charge of resisting law enforcement.

His mother also called police officials at Ball State to complain. DeGood received several scrapes and bruises in the incident.

"This guy is out of control," said DeGood, a 21-year-old chiropractic major. "He is on a huge power trip."

'He tackled me'
DeGood told The Star Press Tuesday that he had picked up his girlfriend and another female friend at a party on Sept. 19 and was walking them home when two men jumped him and beat on him.

The men had been at the same party and were upset about the women leaving.

DeGood said after he was beaten he stood up, heard someone yell "Hey, you" and then saw a large man running at him.

"He tackled me like a linebacker in football," DeGood said. "He then grabbed me, flipped me over and slammed me into the mud. The entire time I was yelling that I didn't do anything wrong."

DeGood was then handcuffed and arrested for resisting law enforcement.

Ball State Police Chief Gene Burton said Tuesday he had conducted an internal investigation into the matter after talking to DeGood's mother. The investigation consisted of talking to other officers who witnessed the incident. Burton said there were no other people to talk to because DeGood never came into his office and filed a formal complaint against Duplain.

The police chief said it was not unusual for an officer to arrest someone and charge them only with resisting law enforcement.

"From what I determined [Duplain] acted appropriately," Burton said. "If you have talked to [DeGood] and you read the reports, you can tell there are some differences of opinion as to what happened that night."

'Just a typical kid'

According to police records, Duplain and another officer were driving down New York Avenue when they saw a group fighting.

Duplain saw DeGood walking away and told him to stop.

DeGood kept on walking and told the officer he had nothing to do with the fight.

According to his report, Duplain then put DeGood in the "escort position" by holding his left arm. The student pulled away and stiffed his body. Duplain then performed a leg sweep and took him to the ground.

Duplain, a former Taylor University football player, said in his report that DeGood never followed his instructions and he had to put him in a leg lock position and also put DeGood's wrist in "a twist lock to keep his hands in the desired position."

DeGood was taken to jail and charged with resisting.

"How can I resist arrest when I wasn't being arrested with anything in the first
place?" DeGood asked. "The whole police report is a lie from top to bottom."

Muncie police officer Keith Folkner was in the area and helped Duplain make the arrest. According to reports, Folkner "secured" DeGood's head while Duplain was handcuffing him.

Folkner told The Star Press Tuesday that he didn't believe Duplain acted inappropriately. In fact, he said there was nothing unusual at all about the arrest.

"[DeGood's] version of what happened is not even close to what actually took place," Folkner said. "He was just a typical kid acting obnoxious and not obeying our commands."

**Another complaint**

The Delaware County prosecutor's office has filed formal resisting law enforcement charges against DeGood. He has a December court date in Muncie City Court.

DeGood said he plans to tell the city court judge his account of what happened.

Ball State officials said Tuesday that they had received another complaint against Duplain since Saturday's shooting.

A mother called and reported that Duplain acted inappropriately when he interrogated her son. The mother was concerned about his use of force, university officials said.

Officials declined to discuss further details.

Burton said he would investigate that incident as well.

"[What they are describing] I have never seen that type of attitude out of him," Burton said.

*Contact news reporter T.J. Wilham at 213-5832.*
Ball State officer shoots student

By JAY KENWORTHY
news@thestarpress.com

MUNCIE - A Ball State University police officer shot and killed an unarmed Ball State student at the scene of an attempted burglary early Saturday morning, police said.

A resident in the 1300 block of West North Street called police around 3:25 a.m. and reported that a man was banging on the back door and trying to enter the house.

Ball State officer Robert Duplain was the first to respond to the call. Police said Duplain went around to the back of the house, where he found the suspect, Michael S. Mckinney.

Muncie Deputy Police Chief Terry Winters said Mckinney, a 21-year-old junior from Benford, "charged at" Duplain. The suspect did not stop after Duplain gave verbal warning, Winters said, so Duplain fired several shots at the suspect.

After calling police, the resident of the house also phoned a neighbor, Mike Ellis. Ellis watched the backyard exchange from his window. He said Mckinney was close enough to grab the officer.

"[Duplain] yelled, 'Hey, hey, stop right there,'" Ellis said. "Then he fired four shots."

Mckinney was pronounced dead at Ball Memorial Hospital at 4:21 a.m.

Autopsy and forensic results were not in late Saturday, but Delaware County Coroner Jim Clevenger said there were no immediate signs that the suspect had been drinking.

"There was no smell [of alcohol]," Clevenger said, "but that doesn't mean that
Academy attorney says rookies should be observers

applied to enroll him in an academy class. The earliest class available was in January.

Braun said he was not aware of any backup or problem in getting officers to the academy, which offers four 15-week courses a year.

Since Ball State applied right before the academy's second class, all of the spaces might have been filled, preventing him from getting an immediate enrollment.

"There are a lot of factors that go into the academy," Braun said. "I have not heard of a problem with officers getting in."

Still, Braun doesn't recommend departments cutting officers loose without the training.

But it is a common practice.

The Delaware County Sheriff's department allows deputies to patrol alone and so do most sheriff's departments in East Central Indiana.

"We are a small department," Ball State Police Chief Gene Burton said. "To be honest, we don't have the manpower that will allow us to do that and at the same time give the service and the protection we need to."

However, the Muncie police department requires its officers to have a partner until they complete the academy and the Indiana State Police requires troopers to attended their own academy before going on patrol alone.

"There is a certain level of maturity that needs to take place before we allow someone to go on the road by themselves," Muncie Deputy Police Chief James Peters said. "There are some officers that still are not ready to be by themselves even when they do get back from the academy."

One of the things, Duplain wasn't ready to use was mace. Even though there is no state law that requires officers to receive mace training, Ball State police officials said Duplain wasn't carrying chemical spray at the time he shot McKinney because he was not yet trained.

That training is a department requirement not a state statute.

Since Ball State uses a stronger chemical spray than most police departments, the university hires an out-of-county specialist to train its officers.

Duplain and other officers who have yet to have the training had not scheduled a time to meet with the specialist.

Most other departments include such training in a defense tactics course that officers go through before starting the field training process. Part of the training
requires officers to be sprayed with the mace.

Delaware County Sheriff George Sheridan, who is a state-certified defensive tactics instructor, said last week he didn't think that the presence of mace would have mattered in last week's shooting.

"If you have a guy chasing me back against the wall, I can't say I would have fired, but my gun would have been one of my options," Sheridan said. "These weapons are an alternative to deadly force. It's not the other way around."

Contact news reporter T.J. Wilham at 213-5832.
Ball State cop is seeking job on Muncie force

Officer cleared in student’s slaying is on hiring list of department that investigated him.

By John Tuohy
john.tuohy@indystar.com
January 8, 2004

The Ball State University police officer who was cleared this week in the fatal shooting of an unarmed student is high on a list of job candidates for the same police department that investigated his actions.

Officer Robert Duplain was 12th on a list of potential officers for the Muncie Police Department when Michael McKinney was shot on Nov. 8. Today, he is fifth in line.

Muncie Police Chief Joe Winkle said he doubts Duplain would get a chance to be hired before his time on the list expires in October because there will not be enough openings. The department has 120 officers; seven were recently hired.

Winkle sees no conflict of interest in Muncie detectives investigating a potential Muncie police officer.

"I didn’t know, and my investigators didn’t know, he was on the list at the time." he said. "Even if we did, I don’t think it would have mattered."

But Ryan McKinney, the dead student’s brother, said the family has known since the shooting that Duplain had applied to the Muncie Police Department.

"It’s why we called for a State Police investigation," he said. "Duplain met with these guys on the force and interviewed with them. They knew of him, if they didn’t know him directly. Just having a police force from the same town -- one which works closely with university police -- investigate it is a conflict of interest."

Duplain was absolved of any wrongdoing in the shooting by a Delaware County grand jury last week and by the university on Tuesday.

The 24-year-old rookie officer shot Michael McKinney four times at a home near campus during a response to a burglary call. A resident had complained that McKinney, who was drunk, was pounding on her back door.
Duplain said McKinney lunged at him, and he fired in self-defense. The McKinney family is considering a lawsuit against the school and the Ball State Police Department.

Duplain will return to the university police after he completes training at the Indiana Law Enforcement Academy.

After the shooting, the university and its Police Department asked the Muncie Police Department to investigate. Winkle said investigators prepared a report, which was handed over to the Delaware County prosecutor.

Heather Shupp, a spokeswoman for the university, said Ball State did not know Duplain had applied to the Muncie Police Department.

Ball State Police Chief Gene Burton said he knew Duplain was going through the Muncie Police Department's hiring process but did not know at which stage he was. Regardless, he said, he didn't think it would influence the investigation "because I have the utmost respect for that department, their ability and fairness."

Only a week before the shooting, Duplain was placed on the list of 25 prospective officer applicants who had finished at the top of their training class, said Muncie Police Capt. Deborah Davis.

The training consisted of two months of classes, interviews, physical agility tests, background tests and psychological exams.

The recruits are hired according to how they rank. So far, seven have been hired, which means Duplain has moved up that many spots.

The chief recommends candidates, but a five-member merit commission makes the actual hires.

Winkle said recruits are sometimes struck from the list -- mostly those who break the law. But he said that would have been unfair for Duplain.

"I think they would have a hard time taking him off the list or out of the process," Winkle said.

He said the shooting wouldn't disqualify Duplain from being considered for the job if his turn came. But it could "raise some red flags that he has been in a shooting so early in his career."

"But being cleared by a grand jury is in his favor," he added.

Call Star reporter John Tuohy at 1-317-444-6418.
Grand jury: No crime in police action shooting

By KEITH ROYSDON
kroysdon@thestarpress.com

MUNCIE - A rookie Ball State University police officer Robert Duplain will not be charged with a crime in connection with a fatal police action shooting, a Delaware County grand jury decided Monday.

Officer Robert Duplain will not be charged with the Nov. 8 shooting of Michael McKinney, a 21-year-old student.

"After hearing testimony over three days and reviewing all the evidence, grand jurors voted to return a 'no bill' in the matter, determining that there was not probable cause to believe that any crime was committed by any officer," County Prosecutor Richard Reed said.

Duplain, who will attend the Indiana Law Enforcement Academy in January, will not return to the streets, however.

Instead, Duplain will be assigned to a "non-patrol position," the university announced.

"While the grand jury's decision removes any question of criminal charges in this case, it may rekindle emotions prompted by the incident," Ball State President Blaine Brownell said in a press release. "We must continue to work to promote healing on campus and in the community."

Lisa McKinney, Michael McKinney's mother, told The Star Press that the grand jury's decision came on her 30th wedding anniversary.

A tearful McKinney referred questions to her husband, Tim, who could not be reached for comment.

Michael McKinney - whose blood alcohol level was four times the legal limit for...
driving a motor vehicle at the time of his death - was shot by Duplain while officers responded to a 911 call from a West North Street homeowner. The woman said a man was pounding on her back door at about 3 a.m. Saturday, Nov. 8.

Duplain was not trained for or equipped with non-lethal weapons like pepper spray. University officials later said they would revise their procedures, including prohibiting rookie officers from operating alone until they are completely trained.

Douglas McConkey, vice president for student affairs at Ball State, told The Star Press that no decision had been made as to Duplain’s future duties.

"It's been obviously tough for the community," McConkey said. "We certainly are pleased Rob has been exonerated."

"We have a lot of confidence in our police and we want to move forward," McConkey added.

Reed - who would not discuss the details of the secret grand jury investigation, including whether Duplain testified - said the probe "eliminates my concerns."

"I wasn't surprised," Reed said. "I guessed that was where they would probably go, but we gave them carte blanche, whoever they wanted to talk to, any evidence they wanted, it was provided."

Contact news reporter Keith Roysdon at 213-5828.
Ball State internal investigation complete

Duplain not out of line in shooting of student Michael McKinney

YaShakia Smalls | Celf Reporter
January 12, 2004

Ball State University officials announced Tuesday that rookie officer Robert Duplain was not out of line when he shot and killed a 21-year-old student.

After completing an internal investigation, university officials found that the actions of Duplain during the Nov. 8 fatal shooting of fourth-year student Michael McKinney were in line with the police department's rules.

"The review of the incident internally was thorough," Douglas McConkey, vice president for student affairs, said. "(Duplain) did follow standard police departmental procedures."

McConkey said Gene Burton, director of public safety, reviewed all university and Muncie Police Department reports, interviewed non-university witnesses and eyewitnesses in the shooting. Duplain was also interviewed, McConkey said.

When the shooting occurred, Duplain was responding to a 911 call from a near-campus home, where a woman said a man was banging on her back door. When the officer arrived at the home, an intoxicated McKinney charged at him; Duplain then shot the student four times.

Duplain had not yet attended the Indiana Law Enforcement Academy, and he was not trained to use non-lethal weapons such as mace or pepper spray.

However, McConkey said all of the university’s officers are trained with the use of any available non-lethal weapons, such as batons. He said

Duplain had a baton on him when the shooting took place.

"Duplain didn’t have time to ready himself to use the baton," McConkey said. "He did have a non-lethal weapon at his disposal, but in this circumstance the use of a baton was not practical," he said.

A grand jury last month also decided to not press criminal charges against Duplain for the shooting.

Tim McKinney, Michael McKinney’s father, said both the grand jury and the university are unjust in not holding Duplain responsible for killing his son.

"Do you think it’s fair that a person who is unarmed is shot four times?" Tim McKinney asked. "I don’t see how someone could commit that act and not be held accountable."
Tim McKinney said most law enforcement officers are trained to use intervening steps, from confronting a person to pulling a weapon; however, he said Duplain failed to follow these steps.

"They put an officer on the street whose personality and lack of training caused him to not use good judgment; he killed my son," Tim McKinney said.

While he is contemplating litigation for the shooting, Tim McKinney said the subject of the litigation "remains to be seen."

John Kautzman, Duplain's attorney, said the officer is sympathetic to the McKinney family for the loss of their brother and son; however, he said he is pleased with his client's exoneration.

"It's a tragic situation when someone's life is taken," Kautzman said. "But we simply believe that the evidence showed Duplain acted appropriately under the circumstances," he said.

Kautzman, who said he has represented hundreds if not thousands of police officers for several years, said it is impossible for the average citizen to understand the situations police officers face on a given night.

"I ask the public that they have an open mind," Kautzman said. "The grand jury and university officials did a very extensive review of this case."

McConkey said the university has already made changes to some of its police training policies. For example, rookie officers will no longer patrol alone, he said.

When Duplain completes his 15 weeks of training at the Indiana Law Enforcement Academy, he will return to Ball State but will have a non-patrol position.

"We are constantly in the process of reviewing police departmental policies and procedures," McConkey said. "We don't have any immediate changes in mind specifically, but we want to help students understand what is being done to help them be safe."

Ball State internal investigation complete
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(Feedback requires a Javascript-compatible browser)
Father of slain student pushes for taking guns away from campus police

By KEITH ROYSDON
kroysdon@thestarpress.com

MUNCIE - Tim McKinney, father of slain Ball State University student Michael McKinney, said Tuesday that his family would campaign for the disarming of university police officers.

"If nothing else, the outcome of Michael's death ought to at least raise this issue to public scrutiny," McKinney told The Star Press. "I don't believe that, day in and day out, the kind of things these folks encounter requires deadly force."

Michael McKinney, a 21-year-old student, was legally intoxicated on Nov. 8 when he was shot four times by Robert Duplain, a 25-year-old university police officer.

Duplain had not yet attended the Indiana Law Enforcement Academy and was not trained in the use of less-than-lethal force like pepper spray.

Tim McKinney said the university's own crime statistics support the argument for disarming its officers.

"If guns are required, then perhaps Ball State is a much more dangerous place than the university would like us to believe," he said.

McKinney said he spoke with Ball State President Blaine Brownell in mid-December about disarming campus police officers.

"I asked him to at least examine the question," McKinney said. "He didn't really answer my question. He made some reference to other universities having weapons on their campus police force."

Douglas McConkey, vice president for student affairs at Ball State, acknowledged that university officials were aware of McKinney's concerns.
"We have looked at that issue of police and weapons and concluded that it is in the best interest of the safety of the community that we have police officers that meet every training requirement that other municipal police departments [meet]," McConkey said.

McConkey said the university had "never seriously debated changing the policy" of officers carrying firearms.

A Star Press survey of 18 university police departments showed that none allowed untrained officers to carry weapons and patrol alone.

Ball State announced in mid-December that it would change policies to require rookie officers to be given additional training earlier and partner with experienced officers for longer periods.

Tim McKinney - who said his family was still considering litigation over his son's death - said his family intended to keep the issue of disarming university police officers in the public eye.

"We're going to pursue that," McKinney said.

Contact news reporter Keith Roysdon at 213-5828.

Star Press reporter T.J. Wilham also contributed to this article.

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Brownell highlights King's life during final speech as president

Erica Pluff | Chief Reporter
January 20, 2004

Though he spoke for half an hour Monday, President Blaine Brownell said goodbye to Ball State in two sentences.

"(My wife) and I will always consider ourselves part of this university and community," Brownell said. "I wish you all peace and justice."

Brownell gave his final speech as the keynote speaker at the 7 a.m. MLK celebration, "Coming Together - Forty Years: A Work in Progress." He described his memories of Alabama during the Civil Rights Movement to an estimated 300 people in the Student Center's Alumni Lounge.

"I'm sure there are 300-plus people here representing every aspect of our community," Tera Crumes, member of the MLK holiday celebration's planning committee, said.

This was the first year Ball State has hosted the community celebration, Crumes said.

"It was a nice beginning for the university and the community," director of multicultural affairs Derick Virgil said. "And it was a fitting end for (Brownell's) time here."

Two years ago, Brownell altered the academic calendar to provide the day off school. Brownell said his speech remained in the context of the MLK holiday.

He had opportunities last semester to express his hopes for Ball State to faculty and students, he said, during fall commencement and faculty appointment in August.

"Now, I've run out of time to talk," Brownell said.

A stream of faculty and staff approached Brownell to shake his hand before entering workshops on local issues, such as Muncie employment and cultural opportunities. Members of the Black Student Association and Multicultural Center helped work and organize the five-hour event, which also kicked off Unity Week.

"I thought his speech was appropriate for the day," BSA member Alicia Williamson said. "Everybody knew about Martin Luther King Jr., but he kind of filled them in on
Looking back on his three-year presidency at BSU, Brownell said he cherished his co-workers the most. One of his goals was to bridge the gap between the campus and Muncie communities, he said.

"All I did was encourage it," Brownell said.

The low point of his term was the fatal shooting of Michael McKinney, he said.

"It was almost like a natural disaster," Brownell said. "I'm not sure how we'll ensure that it'll never happen again."

Brownell's official last day is Jan. 31; however, he expected the moving truck to finish up at his house Monday morning, he said.

"I always felt very comfortable here," Brownell said. "It was a great gift. My wife and I really felt like a part of the community and university."

Brownell will oversee the operations of U21 Pedagogica Limited, an international network of 17 universities in 10 countries. He will ensure the academic quality of programs and protect the academic reputations of the universities involved, he said.

He described it as "his dream job."

"It was like someone had designed it just for me," Brownell said.

Brownell highlights King's life during final speech as president

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Family asks for gun removal
*Tim McKinney says students do not pose threat for deadly force*

YaShekia Smalls | Chief Reporter
January 13, 2004

Tim McKinney, father of late 21-year-old Ball State student Michael McKinney, is pushing to remove guns from University Police officers after a rookie officer shot and killed his son.

"The question of whether campus police officers need guns has to be looked at honestly," McKinney said. "The kind of students that are at Ball State don't pose that kind of threat to the university. Michael sure didn't."

While rookie officer Robert Duplain was responding to a 911 call on West North Street, he fatally shot fourth-year student Michael McKinney four times; one shot hit him in the head, the other three in the chest.

At the time of the shooting, Duplain had not yet attended the Indiana Law Enforcement Academy and was not trained to use non-lethal weapons like pepper spray.

McKinney said he talked to President Blaine A. Brownell in December about his campaign to disarm campus police officers.

"I told Brownell that he has not taken this far enough," McKinney said. "I would find it hard to believe that day in and day out, the kind of situations (the campus police) face require deadly force," he said.

McKinney said Brownell made a reference to other campuses in Indiana who have armed police officers.

"He didn't really acknowledge my question," McKinney said. "If guns are needed on Ball State's campus, then Ball State is not the kind of university they want people to believe it is," he said.

Douglas McConkey, vice president for student affairs, said he was aware of McKinney's desire to take guns away from campus police officers.

The university has discussed the issue on several occasions over the years but has not entertained a formal proposal to do so, he said.

"Removing guns from police officers is effective in terms of trying to maximize safety on campus for students, faculty and staff," McConkey said. "But with a university as large and complex as ours, it's best to have fully trained and regular police officers rather than a security force."
McConkey said having guns on campus is essential, as Ball State’s police department works collaboratively with the Muncie Police Department. Without guns, the Ball State police would have to rely more on Muncie police, he said.

However, McKinney said guns have no place on a college campus.

"Officers should instead be trained to use non-lethal weapons like stun guns, night sticks and pepper spray and to have the judgment to know what to use in those situations," McKinney said.

Since the shooting, the university has made changes to some of its police departmental policies and procedures. For example, rookie officers will no longer patrol without experienced officers.

When Duplain completes his 15 weeks of training at the Indiana Law Enforcement Academy, he will assume a non-patrol position at Ball State; however, since Duplain will still be considered a police officer, he will be allowed to carry a gun, McConkey said.

"Duplain is still at the university," McKinney said. "If I were the parent of a student there, I would be very concerned."

"I would hope other people are concerned about the presence of deadly force on a university campus in Indiana," he said.

McConkey said Ball State is in the process of gathering information from similar universities to help decide whether campus police officers should keep their guns.

He said a major factor in the decision is that a third of students live on campus while the other two-thirds live off campus or commute.

"A large university like ours is like a city in its complexity," McConkey said. "Dealing with safety issues on campus is like dealing with safety issues in a medium-sized city."

McKinney said having guns on campus is the most important question for the university to address in the aftermath of his son’s death.

"The university needs to consider the question so other students are not put in harm's way and suffer the same fate Michael suffered," McKinney said.

Family asks for gun removal

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Duplain will not face charges
Dead student's family not surprised by result of grand jury hearing

YaShekia Smalls | Chief Reporter
January 12, 2004

A Ball State University rookie police officer will not face charges for the fatal shooting of an intoxicated student, a Delaware County grand jury decided in December.

After several hours of deliberation on Dec. 29, the grand jury of six decided not to press charges against officer Robert Duplain for shooting and killing Michael McKinney, a 21-year-old student, on Nov. 8.

"No indictment was brought against him because there was insufficient probable cause to believe a crime had been committed," Delaware County Prosecutor Richard Reed said.

During the closed grand jury meeting, Reed said individuals with connections to the police officers who investigated the shooting and to other key participants in the incident were eliminated from the jury.

"Everyone who testified was cooperative and provided what information they could," Reed said. "You just never know what the grand jury might think; you just give them all the evidence you can, and they make the decision."

Tim McKinney, Michael McKinney's father, said he heard the grand jury's decision on his 30th wedding anniversary.

"I wasn't surprised when I heard no charges would be filed," Tim McKinney said. "I believe this case was investigated by local police, local prosecutors and a local grand jury. They had no intention of bringing anything against Robert Duplain," he said.

Because Duplain, who has been on administrative leave since Nov. 8, will not face charges, he will return to Ball State's police department. However, he will first complete 15 weeks of coursework and active training at the Indiana Law Enforcement Academy, which he began Jan. 5.

When he returns to Ball State, Duplain will not be out on patrol, said Douglas McConkey, vice president for student affairs.

"We felt given the tragic nature of the incident and the strong feelings of a lot of people, it wouldn't be appropriate for him to come back in a patrol position," McConkey said.

McConkey said Chief Gene Burton, director of public safety, will review Duplain's