

Minnesota Bureau of Criminal Apprehension

ACISS Initial Report Report 2012-429

Report Date: 05/10/2012

Subject #2 - WITNESS #2 - Oliver, Forest Rainier - Continued

Primary Information - Continued

Juvenile: NO

Subject #3 - SUBJECT #1 - Mahowald, Andrew James

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Mahowald, Andrew James
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Related Telephones

Telephone Number

(651) 775-8782

Relationship

CELLULAR PHONE

BUSINESS WORK PH#

Subject #4 - SUBJECT #2 - Otterson, Nick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Otterson, Nick
Sex: Male
Rank/Position: Trooper
Juvenile: NO

Subject #5 - SUBJECT #3 - Willers, Karl

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Willers, Karl
Sex: Male
Rank/Position: Police Officer
Juvenile: NO

Minnesota Bureau of Criminal Apprehension

ACISS Initial Report Report 2012-429

Report Date: 05/10/2012

Primary Information

Report Number: 2012-429
Report Date: 05/10/2012
Type Of Report: Initial Report
Description: Narcotics/ DRE Training Confilct Case
Occurence From: 04/13/2012 00:00
Occurence To: 05/03/2012 00:00
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Tuesday May 8, 2012, The MN BCA was contacted by Hutchinson Police Chief Daniel Hatten. Chief Hatten was requesting that the MN BCA conduct a criminal investigation into allegations that members of his agency allegedly provided marijuana to the public during Their attendance at a Drug Recognition Expert (DRE) training program conducted by the Minnesota State Patrol in Richfield, MN. This verbal request was followed up in a letter to the BCA Superintendent dated May 10, 2012 and that letter is attached to this report as well as the DRE class roster. No evidence was obtained by virtue of this report.

Subject #1 - WITNESS #1 - Bounds, Michael Anthony

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Bounds, Michael Anthony
Sex: Male
Birth Date: [REDACTED]
Age: 20 YEAR(S)
Juvenile: NO

Related Telephones

Telephone Number	Relationship
[REDACTED]	CELLULAR PHONE

Subject #2 - WITNESS #2 - Oliver, Forest Rainier

Primary Information

Race: White
Record Type: Person
Subject Name: Oliver, Forest Rainier
Sex: Male
Birth Date: [REDACTED]
Age: 19 YEAR(S)

Minnesota Bureau of Criminal Apprehension

ACISS Initial Report Report 2012-429

Report Date: 05/10/2012

Subject #6 - LAW ENFORCEMENT OFFICER #1 - Hatten, Daniel T

Primary Information

Exempt From Disclosure: Yes
 Race: Unknown
 Record Type: Law Enforcement Official
 Subject Name: Hatten, Daniel T
 Sex: Male
 Rank/Position: Hutchinson Police Chief
 Juvenile: NO

Subject #7 - LAW ENFORCEMENT OFFICER #2 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
 Record Type: Law Enforcement Official
 Subject Name: Munoz, Rick
 Sex: Male
 Rank/Position: Sergeant
 Juvenile: NO

Subject #8 - ATTORNEY #1 - Ayers, David L

Primary Information

Race: Unknown
 Record Type: Person
 Subject Name: Ayers, David L
 Sex: Male
 Juvenile: NO

Related Telephones

Telephone Number
 (651) 552-8400

Relationship
 BUSINESS WORK PH#

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
 Record Origination Date: 05/10/2012 15:02
 Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
 Last Update Date: 05/29/2012 09:56

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 8th, 2012 the BCA was contacted by the Hutchinson Police Department. Chief Hatten stated that two of his officers had attended a drug recognition expert training program put on by the Minnesota State Patrol in the metro area. This program started April 2nd, 2012 with a two week classroom period at the White Bear Lake Police Department. The classroom was followed by the certification portion of the training that consisted of the students going out into the community and locating individuals that were under the influence of narcotics for the purposes of evaluating them. This portion of the training took place from April 13th to May 3rd 2012 and was held at the Minneapolis PD 5th Precinct and a MNDOT facility in Richfield, MN.

The two officers that attended the training from the Hutchinson Police Department were Officer Mark Hanneman and Officer Karl Willers.

Approximately halfway through the certification period of this training members of the Occupy Minnesota protest group came out in the media and stated that members of their group had been approached by officers attending this drug recognition program training and provided them with narcotics to use and then requested that they go with the officers to the Richfield location to be evaluated. This allegation appeared in the media shortly thereafter and on numerous video clips on U-Tube. Specific Officers named in these allegations were officers from Hutchinson PD, Chisago County Sheriff's Office and the Minnesota State Patrol.

This drug recognition program was supervised by Sergeant Rick Munoz of the Minnesota State Patrol and during the certification portion, the instructors told the students to go out into the community and locate people they believed to be under the influence of drugs and get them to volunteer to come back to a station they had set up in Richfield at a Department of Transportation garage to be evaluated for effects of the narcotic.

Officers were instructed to go to areas in the metro area where they would likely encounter individuals that were under the influence of drugs, such as the Franklin Avenue area in Minneapolis and the homeless shelters around the cities. Officers were instructed to let these people remain anonymous and overlook any minor violations of state law to include the possession and use of narcotics.

Members of the local print and television media contacted both the Minnesota State Patrol and the Commissioner's Office requesting comment on these allegations.

On Tuesday, May 8th, 2012, Hutchinson Police Chief Daniel Hatten formally requested that the Minnesota Bureau of Criminal Apprehension conduct a criminal investigation into allegations that members of his agency allegedly provided marijuana to members of the public during this drug recognition expert training program.

The MN BCA Superintendant and the Minnesota Department of Public Safety Commissioner's Office agreed to have the BCA conduct this criminal investigation and SA Swanson was assigned as the case agent at that time.

No evidence was obtained by virtue of this report.

Swanson/R01

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/1

Report Date: 05/10/2012

Primary Information

Report Number: 2012-429/1
Report Date: 05/10/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Andrew James Mahowald at the MN BCA
Occurrence From: 05/10/2012 13:05
Occurrence To: 05/10/2012 14:15
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 10, 2012 at 1305 hours, MN BCA Agents Swanson and Evans conducted a digitally recorded interview of Andrew James Mahowald DOB 07/06/1985 in a conference room at the BCA HQ in St Paul, MN as a result exhibit 2012-429/1.1 was acquired.

Subject #1 - WITNESS #1 - Oliver, Forest Rainier

Primary Information

Race: White
Record Type: Person
Subject Name: Oliver, Forest Rainier
Sex: Male
Birth Date: [REDACTED]
Age: 19 YEAR(S)
Juvenile: NO

Subject #2 - SUBJECT #1 - Mahowald, Andrew James

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Mahowald, Andrew James
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
-------------------------	---------------------

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/1

Report Date: 05/10/2012

Subject #2 - SUBJECT #1 - Mahowald, Andrew James - Continued

Related Telephones - Continued

Telephone Number

(651) 775-8782

Relationship

CELLULAR PHONE

BUSINESS WORK PH#

Subject #3 - SUSPECT #1 - Willers, Karl Stephen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Willers, Karl Stephen
Sex: Male
Rank/Position: Patrol Officer
Juvenile: NO

Related Telephones

Telephone Number

Relationship

CELLULAR PHONE

Subject #4 - LAW ENFORCEMENT OFFICER #1 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Property #1 - CD containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD containing dss file of the interview
Property Status: BCA / HQ
Status Date: 05/10/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/1

Report Date: 05/10/2012

Record Status Information

Record Origination Operator:	Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/10/2012 15:17
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/29/2012 10:02

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 10th, 2012 at 13:05 hours, Minnesota BCA SA Gary Swanson and SSA Drew Evans interviewed Deputy Andrew James Mahowald, date of birth 07/06/1985. Mahowald is a Deputy Sheriff with the Chisago County Sheriff's Office and was a student in the State Patrol Drug Recognition Expert Program relative to this investigation.

Deputy Mahowald stated that the DRE Program started on April 2nd, 2012 and the classroom portion ran for nine days at the White Bear Lake Police Department. The field portion of the training started on April 13th, 2012 and first was held at the fifth precinct of the Minneapolis Police Department and then later moved to the Minnesota Department of Transportation building in Richfield by the Minneapolis/St. Paul International Airport. Mahowald stated that the second portion of the training was the certification portion where the class was instructed to go out and find people under the influence of narcotics to evaluate.

Mahowald stated that the instructors in the class advised the students to check areas like 1010 Curry which is the homeless shelter for the Salvation Army or the Franklin Avenue area in Minneapolis. Deputy Mahowald stated that he was partnered up with Officer Carl Willers from the Hutchinson Police Department and the two of them spent the certification portion together on the street looking for individuals under the influence to evaluate.

Mahowald stated that he and Officer Willers did a total of thirteen evaluations of people they located in the Minneapolis area. Mahowald stated that they never searched anyone, never found any drugs on anyone and never took any property from anyone.

On Friday April 27th, 2012 at approximately 18:00 hours Mahowald stated that they went to the Peavey Plaza area on the Nicollet Mall where they had contact with several individuals. One of these individuals was later identified as Forrest Rainier Oliver, date of birth 10/05/92. There was a second individual with Oliver who was described by Mahowald as an admitted heroin user that was on Methadone.

Mahowald stated that he overheard part of a conversation between Oliver and Officer Willers where Officer Willers asked Oliver if he had any Marijuana. Oliver stated that he did not and then according to Mahowald, Willers asked him if he had some would he smoke it. Oliver replied that he would and Willers told him that he might have some marijuana. At that point Oliver and the other person identified as the admitted heroin user were placed in the back of Mahowald's Chisago County Sheriff's squad car with their personal belongings being placed in the trunk by Officer Willers. Mahowald stated that Willers told him "they are going to smoke for us" and retrieved a black case out of the trunk that was in Officer Willers bag and as they pulled away Willers handed the black case to Oliver advising him that it contained marijuana.

Mahowald stated that they left the Minneapolis area en route to Richfield and approximately several minutes away from the testing facility, Mahowald stated that he pulled onto a side street and got out of his squad car and opened the back doors. According to Mahowald, Willers stayed at the squad car and watched as Oliver and the other unidentified male smoked marijuana from the back seat of the Chisago County squad car. Mahowald stated that he was in shock in seeing this and was unable or unwilling to say anything to either Oliver or Willers about what was going on in the back of his squad car.

Mahowald stated that after Oliver and the other unidentified male were allowed to smoke several bowls of marijuana they were then transported to the MN DOT garage in Richfield where the testing facility was located. Mahowald stated they approached the entry to the testing facility and when the troopers that were present there saw who they had to be brought in to be tested they were told they were not going to allow those individuals in to the testing facility because they had already identified them as being connected with the media confrontation that already taken place down at Peavey Plaza with the Occupy Minnesota protesters and they were instructed to drive these two individuals back to Peavey Plaza and drop them off. Mahowald stated that Oliver asked if he could keep one of the pipes that they had used to smoke marijuana from the black case and that Willers told them they could. Mahowald stated that upon returning to Peavey Plaza and dropping the individuals off, Mahowald confiscated the pipe from Oliver and that later on that evening after returning home he threw the black case along with the pipe in the trash at his residence.

Agents asked Deputy Mahowald if there had been any other incidences where people were given marijuana by Willers during the certification portion of the training and Mahowald said there was one other incidence where someone that Willers knew came to the downtown Minneapolis area and met with Willers and Willers provided them drugs before taking them to the testing area. Mahowald stated that the marijuana from this incidence came from the same black case and occurred before the incident with Oliver.

Deputy Mahowald stated that at the end of his shift on April 27th he spoke with Sgt. Rick Munoz and told him about Willers providing the drugs to test subjects. Mahowald stated Munoz instructed him to talk to his supervisors and that Munoz would be talking with his regarding the incident.

Mahowald stated that he was unaware any other officers in the class providing marijuana with any other the test subjects , although there was a rumor going around through the class and also in the media that someone had been provided a baggie with red evidence tape on it. Mahowald stated that Munoz had addressed the class after this rumor had come out and advised all class participants that they were not to provide any type of controlled substance to any of the test subjects.

See type written transcript for further information regarding the interview with Deputy Andrew Mahowald.

Swanson/tla/2012-429-R02

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/2

Report Date: 05/11/2012

Primary Information

Report Number: 2012-429/2
Report Date: 05/11/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Michael Anthony Bounds
Occurrence From: 05/11/2012 12:30
Occurrence To: 05/11/2012 12:44
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/31/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 11, 2012 at 1230 Hrs, SA Swanson and SSA Evans located Michael Anthony Bounds in Peavey Plaza in downtown Minneapolis. Bounds was a person appearing in several U-Tube videos alleging he had been give marijuana by law enforcement officers attending the DRE training over the past week. SA Swanson and SSA Evans identified him by his photo taken from the U-Tube Videos. SA Swanson and SSA Evans conducted a digitally recorded interview of Bounds in SA Swanson's state vehicle. As a result of this activity, exhibit 2012-429/2.1 was acquired.

Subject #1 - WITNESS #1 - Bounds, Michael Anthony

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Bounds, Michael Anthony
Sex: Male
Birth Date: [REDACTED]
Age: 20 YEAR(S)
Juvenile: NO

Related Telephones

Telephone Number
(612) 965-8201

Relationship
CELLULAR PHONE

Subject #2 - MENTION IN REPORT #1 - Adams, Jay

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Adams, Jay
Sex: Male
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/2

Report Date: 05/11/2012

Subject #3 - MENTION IN REPORT #2 - Jungers, Michael

Primary Information

Race: White
Record Type: Person
Subject Name: Jungers, Michael
Sex: Male
Juvenile: NO

Employment Information

Employed: YES
Occupation: Security Director Mpls Parking

Related Addresses

<u>Address</u>	<u>Relationship</u>
33 N 9th St B-50 #B-50 Hawthorne Security Command Center, Minneapolis, Minnesota 55403 , United States	BUSINESS LOCATION

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(612) 343-7275 x25	BUSINESS WORK PH#

Property #1 - CD containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD containing dss file of the interview
Property Status: BCA / HQ
Status Date: 05/11/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/14/2012 08:47
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/31/2012 12:03

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 11, 2012, SA Swanson reviewed several YouTube videos involving allegations that Minnesota law enforcement officers had provided members of the public with marijuana during a drug recognition expert training program held in the Twin Cities. During the review of these YouTube videos, SA Swanson was able to identify one of the people making the allegations as Michael Anthony Bounds. SA Swanson looked up information on Bounds in the DVS database and secured a photograph of Bounds from the YouTube video.

On May 11, 2012, at 1230 hours, SA Swanson and SSA Evans traveled to Peavey Plaza on the Nicollet Mall in downtown Minneapolis and located Michael Anthony Bounds at that location. Bounds is a member of the Occupy Minnesota movement and was present with other Occupy Minnesota activists at that location.

SA Swanson and SSA Evans identified themselves to Bounds and asked if he would be willing to give agents a tape recorded statement regarding the allegations he had made on the YouTube videos with reference to him receiving marijuana from law enforcement officers. Bounds agreed to accompany SSA Evans and SA Swanson to SA Swanson's State vehicle, which was parked nearby and provided agents with a tape recorded statement.

Michael Bounds stated that on April 26, 2012, at approximately 5:00 PM, a Dakota County Deputy and a Pine County Deputy driving a Minnesota State Patrol squad car picked him up at 9th and Nicollet and took him to a parking ramp located on 6th Street where they went to the 5th floor. Bounds stated these officers gave him marijuana to smoke and after he was done smoking gave him approximately a quarter of a baggie full of marijuana to be an informant for them. Bounds stated that the officers wanted information on the Occupy Minnesota movement and requested that he contact them with any information in the future that he had regarding that group. Bounds stated he was never asked to do an evaluation after getting the marijuana, and never went anywhere to be evaluated. Bounds stated that the marijuana was kept in a plastic sandwich bag and contained approximately a quarter ounce. Bounds also stated that the officers knew his name prior to him being picked up at 9th and Nicollet.

After the interview with Bounds, SA Swanson and SSA Evans went to the Minneapolis Parking Authority located at 33 North 9th Street, Suite B50, Minneapolis, where agents spoke with a security director identified as Michael Jungers. SA Swanson and SSA Evans requested that Jungers have his security officers check the video for parking ramps A, B and C located in the downtown Minneapolis area for any marked squad cars entering the ramp in the afternoon of April 26, 2012, and going to the upper decks of the ramp.

SA Swanson received a return phone call from Michael Jungers on May 14, 2012 stating that his security officers had in fact checked all of the video for ramps A, B and C for April 26th and were unable to locate any marked squads entering the parking ramps and going to the levels described by Bounds.

See typewritten transcript of the interview with Michael Bounds for further information. A copy of the photo from the YouTube video of Bounds is also attached.

Swanson/sg.2

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/3

Report Date: 05/11/2012

Primary Information

Report Number: 2012-429/3
Report Date: 05/11/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Forest Rainier Oliver
Occurrence From: 05/11/2012 12:53
Occurrence To: 05/11/2012 13:17
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/31/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 11, 2012 at 1253 hours, SA Swanson and SSA Evans conducted a digitally recorded interview of Forest Rainier Oliver in SA Swanson's State vehicle at Peavey Plaza in downtown Minneapolis. Oliver was identified as one of the person's on several U-Tube videos making allegations that they had been supplied with marijuana to smoke by law enforcement officers attending the DRE training. Oliver was located and identified by pictures taken off of U-Tube and confirmed he was the one in the video and agreed to allow BCA Agents to interview him. As a Result of this activity exhibit 429/3.1 was acquired.

Subject #1 - WITNESS #1 - Oliver, Forest Rainier

Primary Information

Race: White
Record Type: Person
Subject Name: Oliver, Forest Rainier
Sex: Male
Birth Date: [REDACTED]
Age: 19 YEAR(S)
Juvenile: NO

Property #1 - CD Containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD Containing dss file of the interview
Property Status: BCA / HQ
Status Date: 05/11/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/3

Report Date: 05/11/2012

Record Status Information	
Record Origination Operator:	Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/14/2012 09:03
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/31/2012 12:38

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 11, 2012, SA Swanson was able to identify one of the individuals on the YouTube video making allegations that he had received marijuana from law enforcement officers in the downtown Minneapolis area. This individual was identified by the interviewer in the YouTube video as Forest Oliver. SA Swanson attempted to find information on Oliver through the Department of Motor Vehicles DVS files and secured a photograph of Oliver from the YouTube video.

On May 11, 2012, at 1253 hours, SA Swanson and SSA Evans located Forest Ranier Oliver at Peavey Plaza on the Nicollet Mall in downtown Minneapolis. Oliver agreed to accompany SA Swanson and SSA Evans back to SA Swanson's State vehicle for the purpose of a digitally recorded interview involving allegations he made on the YouTube video.

Oliver stated that he had been approached and agreed to participate in the DRE program three different times. The first time was Friday, April 27, 2012, where he was allegedly approached by an Anoka County deputy and a Dakota County deputy driving a State Patrol squad car. Oliver stated that the officers gave him eight pipe bowls full of marijuana to smoke and then took him to the testing facility in Richfield to be evaluated.

Oliver stated that the second occasion was on Saturday, April 28, 2012, when he and another individual he identified as Jay Rowland were approached by a Hutchinson police officer and a Kanabec County sheriff's deputy. Oliver stated they were driving a white car with gold lettering and he identified the deputy as first initial N, last name Jacobson by his name tag on his uniform shirt. Oliver stated that these officers allowed him to smoke ten or twelve pipe bowls of marijuana and then also took him to the testing facility in Richfield to be evaluated. Oliver stated that the marijuana came from a black case and the Deputies allowed him to keep a glass pipe.

The third incident involved a Fillmore and Olmsted County deputy, also driving a State Patrol car. Oliver stated he was allowed to smoke in the car in Richfield and upon reaching the testing facility in Richfield that he was not allowed in because the people in the testing facility thought he was connected to the press. On this third occasion, Oliver stated he was allowed to smoke approximately six pipe bowls of marijuana.

Other people that Oliver identified as being participants in this evaluation process were friends of his he identified by only the names of Whea, David, Zac, Wheas's brother, Dustin and Dre. Oliver had no further information as the identity of these people other than the first names or nicknames.

See attached typewritten transcript for further information on the interview with Forest Ranier Oliver. A copy of the photograph taken from the YouTube video of Oliver will be attached to this report.

Swanson/sg.3

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/4

Report Date: 05/15/2012

Primary Information

Report Number: 2012-429/4
Report Date: 05/15/2012
Type Of Report: Investigative Supplement
Description: Attempt to Interview Officer Karl Willers from the Hutchinson Police Dept.
Occurrence From: 05/10/2012 00:00
Occurrence To: 05/15/2012 00:00
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 10th 2012, S/A Swanson made telephone contact with Officer Karl Willers of the Hutchinson Police Department. S/A Swanson and SSA Evans arranged to meet with Willers on May 11, 2012 at 1500 hrs at the Hutchinson Police Department for the purpose of an interview involving a criminal investigation being conducted by the MN BCA. This investigation involved allegations of Police Officers providing marijuana to people they encountered on the street for the purpose of evaluating them for drug effects in a DRE class being sponsored by the Minnesota State Patrol.

Subject #1 - SUBJECT #1 - Mahowald, Andrew James

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Mahowald, Andrew James
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Related Telephones

Telephone Number
[REDACTED]
(651) 775-8782

Relationship
CELLULAR PHONE
BUSINESS WORK PH#

Subject #2 - SUSPECT #1 - Willers, Karl Stephen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/4

Report Date: 05/15/2012

Subject #2 - SUSPECT #1 - Willers, Karl Stephen - Continued

Primary Information - Continued

Subject Name: Willers, Karl Stephen
Sex: Male
Rank/Position: Patrol Officer

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
[REDACTED]	CELLULAR PHONE

Subject #3 - ATTORNEY #1 - Ayers, David L

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Ayers, David L
Sex: Male
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(651) 552-8400	BUSINESS WORK PH#

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/15/2012 09:53
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/29/2012 10:04

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

S/A Swanson contacted Officer Karl Willers at the Hutchinson Police Department on Thursday May 10th 2012 and made arrangements for he and SSA Evans to meet with Willers on Friday May 11, 2012 at the Hutchinson Police Department to be interviewed for this investigation. Willers agreed to meet with S/A Swanson and SSA Evans to be interviewed.

On May 10, 2012 at approx 2000 hours, S/A Swanson received a phone call from Officer Willers canceling the meeting for the interview until he had a chance to meet with an attorney. Willers stated he would contact S/A Swanson as to when he could reschedule the interview.

On Tuesday May 15, 2012, S/A Swanson received a faxed letter from David L Ayers, Attorney with Ayers & Riehm in Mendota Heights, MN stating he was representing Officer Karl Stephen Willers regarding this investigation and that he had instructed Officer Willers to decline all interviews. Mr. Ayers also stated any further contact with Officer Willers be through him.

A copy of this letter is attached.

On Tuesday May 15, 2012 at 1210 hrs, S/A Swanson received a follow-up phone call from David Ayers confirming he was representing Karl Willers and that Willers would not be providing any statement relative to this investigation and that any further contact with Officer Willers should be through him.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/5

Report Date: 05/21/2012

Primary Information

Report Number: 2012-429/5
Report Date: 05/21/2012
Type Of Report: Investigative Supplement
Description: Attempt to interview Officer Mark Hanneman from the Hutchinson Police Department
Occurrence From: 05/21/2012 00:00
Occurrence To: 05/21/2012 00:00
Reporting LEO: Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/21/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 21, 2012 SA Brovold contacted Hutchinson Police Officer Mark Hanneman via telephone in an attempt to schedule an interview with him regarding this investigation. Hanneman refused to be interviewed regarding this case. No evidence was obtained by virtue of this report.

Subject #1 - SUBJECT #1 - Hanneman, Mark Thomas

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Hanneman, Mark Thomas
Sex: Male
Birth Date: 07/13/1987
Age: 24 YEAR(S)
Rank/Position: Patrol Officer
Juvenile: NO

Related Addresses

Address

[REDACTED ADDRESS]

Relationship

HOME ADDRESS

HOME ADDRESS

Related Telephones

Telephone Number

[REDACTED TELEPHONE]

Relationship

CELLULAR PHONE

HOME

Related Telephones

Telephone Number

(320) 587-0664

Relationship

Related

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/5

Report Date: 05/21/2012

Record Status Information	
Record Origination Operator:	Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/21/2012 12:50
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/21/2012 13:25

Reporting LEO	Date	Supervisor	Date
Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 21, 2012 SA Brovold contacted Hutchinson Police Chief Daniel Hatten and obtained contact information for Officer Mark Hanneman for the purpose of scheduling an interview with Hanneman regarding the DRE investigation.

On the same date SA Brovold contacted Hanneman via telephone. SA Brovold advised Hanneman that he would like to schedule an interview with him regarding this investigation. Hanneman stated he had already been in contact with an attorney and was advised not to speak about this matter. SA Brovold advised Hanneman he could have a representative present during the interview and he still refused to grant an interview.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/6

Report Date: 05/21/2012

Primary Information

Report Number: 2012-429/6
Report Date: 05/21/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Chad Lewis Vanhorn at the Lakes Area PD
Occurrence From: 05/21/2012 10:00
Occurrence To: 05/21/2012 10:12
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/31/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 21, 2012, at 1000 Hrs , Minnesota BCA SA Gary Swanson and SA Mike Phill conducted a digitally recorded interview of Officer Chad Van Horn at the Lakes Area Police Department in Lindstrom, Minnesota. (Acquisition of item 6.1)

Subject #1 - SUBJECT #1 - Otterson, Nick

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Otterson, Nick
Sex: Male
Rank/Position: State Trooper
Juvenile: NO

Subject #2 - SUBJECT #2 - Vanhorn, Chad Lewis

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Vanhorn, Chad Lewis
Sex: Male
Birth Date: 04/09/1983
Age: 29 YEAR(S)
Rank/Position: Patrol Officer
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/6

Report Date: 05/21/2012

Property #1 - CD of dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD of dss file of the interview
Property Status: BCA / HQ
Status Date: 05/21/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/21/2012 16:25
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/31/2012 12:40

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 21, 2012, at 1000 Hrs , Minnesota BCA SA Gary Swanson and SA Mike Phill conducted a digitally recorded interview of Officer Chad Van Horn at the Lakes Area Police Department in Lindstrom, Minnesota. Officer Van Horn was a student at the recent Drug Recognition Expert training held in the metro area running from April 2, 2012 through the first week of May.

Prior to agreeing to this interview, SA Swanson explained to Officer Van Horn that this interview was strictly voluntary and was in regards to a criminal investigation. Van Horn was given a copy of the Minnesota BCA Criminal Investigation Warning and after reading through the warning signed it and agreed to give agents a statement.

Officer Van Horn stated that the first part of the training was the classroom portion, which started April 2, 2012 and was held at the White Bear Lake Police Department and ran for approximately nine days. The second part of the training involved the certification portion which was held in the metro area in Minneapolis. Officer Van Horn stated that during the certification portion of the training students were required to do 15 evaluations of individuals they believed to be under the influence of narcotics. Van Horn stated that they were instructed to go to areas in the city such as the Chicago / Lake Street areas and the homeless shelters where known drug users tended to frequent. Officer Van Horn was partnered up with Minnesota State Trooper Nick Otterson. Van Horn stated that they worked out of Trooper Otterson's MSP squad car and he was with Otterson the entire portion of the certification part of the training.

Officer Van Horn stated that they were given instructions by the instructors for the DRE class that when they came across an impaired person that they were to let them remain anonymous and overlook any minor infractions of the law in order to get them to agree to come for an evaluation.

Van Horn stated that he and Otterson did encounter several people in possession of a small amount of marijuana. Vanhorn and Otterson allowed them to leave to go use the marijuana and then come back to go with them to be evaluated. Van Horn stated that at no time did they give anyone marijuana or let anyone use marijuana in their presence.

Officer Van Horn stated there was one individual that they encountered that was activity panhandling in the downtown Minneapolis area. They approached him and advised him what they were looking for as far as the evaluation process and the individual stated that he did have a small amount of marijuana on him. Van Horn stated that this individual agreed to go with them to be evaluated after using the marijuana and they allowed him to leave to go use the marijuana and he left his coat in Otterson's squad car when he left. Upon returning to pick this individual up, he had fled the area and was nowhere to be found. Van Horn stated that the coat, which contained a Gatorade bottle containing a small amount of change, was left at the entrance to the alley where they had first encountered him as they thought he was still in the area.

Officer Van Horn stated that prior to going out on the street to do the certification part of the program, the State Patrol instructors advised students that they were not to provide anybody with drugs and they were not to allow anyone to use drugs in their presence.

A copy of that criminal investigation warning is attached to this report, as well as a typewritten transcript of this interview.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/7

Report Date: 05/21/2012

Primary Information

Report Number: 2012-429/7
Report Date: 05/21/2012
Type Of Report: Investigative Supplement
Description: Olmsted Deputy Michelle Ness Interview
Reporting LEO: Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Oliveto, Tom (1341 / Out State Narcotics / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 21, 2012, SA Schafer and SA Oliveto interviewed Olmsted County Deputy Michelle Ness relating to her actions and observations during DRE training in April and May. A CD containing the audio of the interview is identified as Item 249/8.1.

Address #1 - Occurred #1 - 101 4TH ST SE GOVT CTR

Primary Information

Address: 101 4TH ST SE GOVT CTR, ROCHESTER, Minnesota 55904

Subject #1 - LAW ENFORCEMENT OFFICER #1 - BEARCE, Bryan Scott

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: BEARCE, Bryan Scott
Sex: Male
Birth Date: 07/29/1970
Age: 41 YEAR(S)
Juvenile: NO
LEO ID: SP144

Subject #2 - LAW ENFORCEMENT OFFICER #2 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/7

Report Date: 05/21/2012

Subject #3 - LAW ENFORCEMENT OFFICER #3 - NESS, Michelle Lee

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: NESS, Michelle Lee
Sex: Female
Birth Date: 01/11/1975
Age: 37 YEAR(S)
Rank/Position: Deputy
Juvenile: NO
LEO ID: 1690

Property #1 - dss/wav Audio of Ness Interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: dss/wav Audio of Ness Interview
Property Status: BCA / HQ
Status Date: 05/24/2012 00:00
Quantity: 1
Control Number: 429/8.1
Submitted To PES: YES
Remarks: Released to SA Swanson.

Record Status Information

Record Origination Operator: Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/22/2012 10:38
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/29/2012 10:23

Reporting LEO	Date	Supervisor	Date
Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 21, 2012, SA Schafer and SA Oliveto interviewed Olmsted County Deputy Michelle Ness relating to her actions and observations during DRE training in April and May of 2012. A CD containing the audio of the interview is identified as Item 249/8.1.

Deputy Ness was provided a BCA Criminal Warning which she reviewed and signed. A copy is attached is attached to this report.

Deputy Ness explained she had attended the April/May session which was sponsored by the Minnesota State Patrol, with Sergeant Rick Munoz as the main instructor.

Deputy Ness said she had been partnered with MSP Trooper Bryan Bearce. For the certification part of the class, through verbal instruction, it was explained they were to find people under the influence to complete their evaluations.

In the early stages of finding participants, Deputy Ness had become aware of an incident with MSP Trooper Otterson. Deputy Ness had no first-hand knowledge, nor did she speak with Trooper Otterson about the incident. As a result of that incident, MSP Sgt. Munoz addressed the class advising not to provide or encourage drug use by the participants in order to complete the evaluations.

Deputy Ness explained the instructors provided possible locations to help locate participants. Deputy Ness said they were having difficulty finding enough participants to complete their evaluations from the suggested locations.

Deputy Ness and her partner were the first to notice a large group gathered at the Peavy Plaza in Minneapolis. Many in the group claimed to be with the Occupy Wall Street movement and Deputy Ness found many willing participants wanting to volunteer to be evaluated.

Word spread of the potential for volunteers and many of the DRE students were now locating participants from the Peavy Plaza area.

Deputy Ness clarified she and Trooper Bearce never supplied nor encouraged drug use of their volunteers. Deputy Ness was not present and did not speak with any DRE student who had supplied or encouraged drug use by volunteers.

Deputy Ness said they would offer a meal, pack of cigarettes, or \$10 cash to those who volunteered. Deputy Ness said the compensation was out of their pockets and there was no reimbursement from the DRE program.

Deputy Ness said they were instructed not to ask for real names and the volunteers were usually identified by the ID number on the urine kit used to complete the evaluation.

The above is a summation of an interview with Olmsted County Deputy Ness. Please refer to the attached transcript for additional information.

DTS/1386.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/8

Report Date: 05/22/2012

Primary Information

Report Number: 2012-429/8
Report Date: 05/22/2012
Type Of Report: Investigative Supplement
Description: Olmsted Deputy Nicholas Jacobson Interview
Reporting LEO: Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Oliveto, Tom (1341 / Out State Narcotics / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 22, 2012, SA Schafer and SA Oliveto spoke with Olmsted County Deputy Nicholas Jacobson relating to his actions and observations during DRE training in April and May of 2012. A CD containing the audio of the interview is identified as Item 429/8.1.

Address #1 - Occurred #1 - 101 4TH ST SE GOVT CTR

Primary Information

Address: 101 4TH ST SE GOVT CTR, ROCHESTER, Minnesota 55904

Subject #1 - LAW ENFORCEMENT OFFICER #1 - JACOBSON, Nicholas Allen

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: JACOBSON, Nicholas Allen
Sex: Male
Birth Date: 05/05/1981
Age: 31 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Subject #2 - LAW ENFORCEMENT OFFICER #2 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/8

Report Date: 05/22/2012

Subject #3 - LAW ENFORCEMENT OFFICER #3 - SCHMUTZER, John Roman

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: SCHMUTZER, John Roman
Sex: Male
Birth Date: 07/28/1976
Age: 35 YEAR(S)
Juvenile: NO

Property #1 - dss/wav Audio of Deputy Jacobson Interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: dss/wav Audio of Deputy Jacobson Interview
Property Status: BCA / HQ
Status Date: 05/22/2012 00:00
Quantity: 1
Control Number: 429/8.1
Submitted To PES: YES
Remarks: Released to SA Swanson.

Record Status Information

Record Origination Operator: Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/22/2012 10:40
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/29/2012 10:24

Reporting LEO	Date	Supervisor	Date
Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 22, 2012, SA Schafer and SA Oliveto spoke with Olmsted County Deputy Nicholas Jacobson relating to his actions and observations during DRE training. A CD containing the audio of the interview is identified as Item 429/8.1.

Deputy Jacobson stated he had attended DRE training in April/May 2012. The class was sponsored by the MN State Patrol and Sgt. Rick Munoz was the lead instructor.

During the certification part of the training Deputy Jacobson was partnered with MSP Trooper John Schmutzer. The students were advised by the instructors to find people under the influence and areas to locate volunteers were suggested.

Students were also advised not to use volunteer's real names as it might make them less likely to assist in completing evaluations.

Early during the certification part of the training, Deputy Jacobson had become aware of a situation involving Trooper Otterson. Deputy Jacobson did not witness nor speak with Trooper Otterson about the incident. As a result of the incident, MSP Sgt. Munoz advised not to have volunteers use drugs in order to complete the evaluations. Deputy Jacobson thought that particular instruction "went without saying."

Deputy Jacobson and his partner, Trooper Schmutzer, never supplied or encouraged volunteers to use drugs. Deputy Jacobson did compensate some volunteers with cigarettes which were purchased with personal funds.

Deputy Jacobson added he did not witness or overhear any other DRE students offering drugs or encouraging drug use to complete evaluations.

At the completion of the recording, Agents discussed Deputy Jacobson being featured in a video on YouTube related to the DRE students at Peavy Plaza. A young male also featured in the video was referred to as "Fro" due to his unique hair style. Deputy Jacobson stated "Fro" repeatedly offered to get high in order to be evaluated. Deputy Jacobson refused to work with "Fro."

The above is a summation of an interview with Olmsted County Jacobson. Please refer to the attached transcript for complete information.

DTS/1386

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/9

Report Date: 05/22/2012

Primary Information

Report Number: 2012-429/9
Report Date: 05/22/2012
Type Of Report: Investigative Supplement
Description: Meeting with Hutchinson PD Investigative Assistant Barb Mathwig
Occurrence From: 05/22/2012 00:00
Occurrence To: 05/22/2012 00:00
Reporting LEO: Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/31/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 22, 2012 SA Brovold met with Hutchinson Police Investigative Assistant Barb Mathwig regarding property and evidence protocols at the Hutchinson Police Department.

Address #1 - Occurred #1 - 10 FRANKLIN ST SW

Primary Information

Address: 10 FRANKLIN ST SW Hutchinson Police Department, Hutchinson, Minnesota 55350 , United States
Description: Hutchinson Police Department

Subject #1 - SUBJECT #1 - Hanneman, Mark Thomas

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Hanneman, Mark Thomas
Sex: Male
Birth Date: 07/13/1987
Age: 24 YEAR(S)
Rank/Position: Patrol Officer
Juvenile: NO

Related Addresses

Address

Relationship

HOME ADDRESS

Related Telephones

Telephone Number

Relationship

CELLULAR PHONE

HOME

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/9

Report Date: 05/22/2012

Subject #2 - SUSPECT #1 - Willers, Karl Stephen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Willers, Karl Stephen
Sex: Male
Rank/Position: Patrol Officer
Juvenile: NO

Related Telephones

Telephone Number

Relationship

CELLULAR PHONE

Subject #3 - MENTION IN REPORT #1 - Hatten, Dan

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Hatten, Dan
Sex: Male
Email: dhatten@ci.hutchinson.mn.us
Rank/Position: Police Chief
Juvenile: NO

Related Telephones

Telephone Number

Relationship

(320) 234-4252

BUSINESS WORK PH#

Subject #4 - MENTION IN REPORT #2 - MATHWIG, Barb

Primary Information

Race: White
Record Type: Person
Subject Name: MATHWIG, Barb
Sex: Female
Juvenile: NO

Personal Information

Photo: NO
Deceased: NO

Employment Information

Employed: YES

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/9

Report Date: 05/22/2012

Subject #4 - MENTION IN REPORT #2 - MATHWIG, Barb - Continued

Employment Information - Continued

Occupation: Investigative Assistant

Related Telephones

Telephone Number
(320) 234-4254

Relationship
BUSINESS WORK PH#

Related Telephones

Telephone Number
[REDACTED]

Relationship
Related

Record Status Information

Record Origination Operator: Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/22/2012 14:38
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/31/2012 12:43

Reporting LEO	Date	Supervisor	Date
Brovold, Nathaniel (1387 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 22, 2012 SA Brovold met with Barb Mathwig at the Hutchinson Police Department regarding property and evidence protocols at the department. Mathwig is a Hutchinson Police Investigative Assistant and is also the department's evidence technician.

Mathwig advised SA Brovold that she has been the department's evidence tech for 15 years and that she and Police Chief Dan Hatten are the only two department employees with access to the property and evidence room. The property room is equipped with an alarm and has a restricted key pad access lock on the door. Mathwig is also the employee responsible for the disposal of evidence and contraband including various drugs. She stated that the department previously coordinated with Minneapolis Police for disposal but going forward these items will be incinerated in Alexandria.

SA Brovold spoke with Mathwig about the department's drug kit that is often used for reference for presentations or training. Mathwig showed SA Brovold the drug kit and explained that it is secured in the evidence room. SA Brovold observed that there is a sign-out sheet for the drug kit, however, currently there is not a control log listing the contents or weights of items included in the kit. Mathwig advised that neither Officer Willers nor Officer Hanneman had ever checked out the drug kit.

SA Brovold also requested evidence and property reports regarding occasions where Officer Willers or Officer Hanneman had checked out evidence from the property room. Mathwig researched her records and provided SA Brovold with a property report indicating that Officer Hanneman had checked out drugs and paraphernalia for a court appearance in January 2012. Those items of evidence were returned by Officer Hanneman to Mathwig and the property room that same day. Mathwig confirmed all of the original evidence was accounted for. A property report documenting the chain of custody for those items is attached to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/10

Report Date: 05/18/2012

Primary Information

Report Number: 2012-429/10
Report Date: 05/18/2012
Type Of Report: Investigative Supplement
Description: Interview of MSP Trooper Ricardo Munoz
Reporting LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 18, 2012, SSA Evans and SA Swanson interviewed MSP Trooper Ricardo Munoz at the Minnesota Bureau of Criminal Apprehension (BCA) in St. Paul. (Acquisition of item 10.1)

Address #1 - Occurred #1 - 1430 MARYLAND AVE

Primary Information

Address: 1430 MARYLAND AVE Minnesota Bureau of Criminal Apprehension, St. Paul, Minnesota 55106 , United States
Description: Minnesota Bureau of Criminal Apprehension

Subject #1 - LAW ENFORCEMENT OFFICER #1 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Subject #2 - MENTION IN REPORT #1 - Mahowald, Andrew James

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Mahowald, Andrew James
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/10

Report Date: 05/18/2012

Subject #2 - MENTION IN REPORT #1 - Mahowald, Andrew James - Continued

Related Telephones

Telephone Number

(651) 775-8782

Relationship

CELLULAR PHONE

BUSINESS WORK PH#

Subject #3 - MENTION IN REPORT #2 - Willers, Karl Stephen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Willers, Karl Stephen
Sex: Male
Rank/Position: Patrol Officer
Juvenile: NO

Related Telephones

Telephone Number

Relationship

CELLULAR PHONE

Subject #4 - RELATED #1 - KLOSS, Kevin

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: KLOSS, Kevin
Juvenile: NO

Property #1 - CD Containing the digital recording of the interview with Ricardo Munoz

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD Containing the digital recording of the interview with Ricardo Munoz
Property Status: BCA / HQ
Status Date: 05/18/2012 00:00
Quantity: 1
Control Number: 10.1
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/10

Report Date: 05/18/2012

Record Status Information - Continued

Record Origination Date: 05/23/2012 09:20

Last Update Operator: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)

Last Update Date: 05/30/2012 08:32

Reporting LEO	Date	Supervisor	Date
Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 18, 2012, SSA Evans and SA Swanson met with Minnesota State Patrol Sergeant Rick Munoz for a prearranged interview at the Minnesota Bureau of Criminal Apprehension (BCA). Also present was Trooper Kevin Kloss acting as a union representative for Sgt. Munoz.

The interview was conducted in the BCA library conference room and was recorded on SA Swanson's recorder. A CD was subsequently created containing this recording, which has been labeled item 10.1. A BCA Criminal Investigation Warning form was explained and provided to Sgt. Munoz. He told agents that he understood the form and signed and dated it. A copy of this form is attached to this report.

At SA Swanson's request, Sgt. Munoz provided agents a copy of materials related to this training. A copy of those materials is attached to this report. During the interview with Sgt. Munoz he explained that copies of the student completed evaluation forms were kept by him at his office. He stated the names of the test subjects on the forms were almost all fictitious names, but that he would keep the materials in the event that agents should need copies. He said this was encouraged to gain cooperation of subjects in the program.

Sgt. Munoz told investigations that he is the Drug Recognition Evaluator (DRE) for the Minnesota State Patrol and has been in that position since November of 2011. He stated that he held his first DRE course this spring with the classroom portion being conducted in White Bear Lake and then the evaluation portion being conducted in Minneapolis and then in Richfield at the MNDOT building at that location. Sgt. Munoz told agents that he used numerous instructors from multiple agencies during the training program.

Sgt. Munoz told agents that he never instructed any students that it was permissible to provide drugs to test subjects, nor was he aware of any other instructor doing so. He indicated this would not have been tolerated. Sgt. Munoz indicated this would have been a common understanding among all the instructors.

Sgt. Munoz was aware of a complaint of a Trooper providing marijuana to a subject. Sgt. Munoz indicated he asked each Trooper if they had done such a thing and all denied any wrong doing.

Sgt. Munoz indicated that Andrew Muhowald of the Chisago County Sheriff's Office approached him on the last day of the certification period on May 3, 2012. Deputy Muhowald explained to Sgt. Munoz that his partner, Hutchinson Officer Willers, had provided marijuana to a test subject. Sgt. Munoz explained that he instructed Deputy Muhowald to inform his superiors and Sgt. Munoz indicated he contacted his superiors regarding the incident. Sgt. Munoz indicated that it was decided that Deputy Mahowald would speak with Officer Willers about the report.

For full details of the interview with Sgt. Munoz please refer to the attached transcript.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/11

Report Date: 05/23/2012

Primary Information

Report Number: 2012-429/11
Report Date: 05/23/2012
Type Of Report: Investigative Supplement
Description: Declination for interview by Ofc Troy Kemp
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Fred Bruno, the attorney for Ofc. Troy KEMP, declined to have his client give a statement for this case. An email documenting that decision has been attached to this report. There are no items of evidence associated with this report.

Subject #1 - SUBJECT #1 - Kemp, Troy David

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Kemp, Troy David
Sex: Male
Birth Date: 08/09/1975
Age: 36 YEAR(S)
Rank/Position: Officer, Coon Rapids Police Department
Juvenile: NO

Related Addresses

<u>Address</u> 11155 ROBINSON DR NW, COON RAPIDS, Minnesota 55433	<u>Relationship</u> BUSINESS LOCATION
--	--

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/23/2012 13:23
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/29/2012 10:25

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 16, 2012, Special Agent (SA) Phill was asked by SSA Evans to assist SA Swanson in contacting and interviewing Officer Troy KEMP of the Coon Rapids Police Department. This interview is in furtherance of an investigation into a Drug Recognition and Evaluation (DRE) course conducted in April and May of 2012 by the Minnesota State Patrol.

SA Phill spoke to Captain Ireland of the Coon Rapids Police Department in an effort to contact Officer KEMP and schedule an interview. Captain Ireland was informed that this was a criminal investigation and the interview request was not to be viewed as a compelled request for any other purpose.

On May 22, 2012, SA Phill was called by Attorney Fred Bruno from the legal defense fund representing Officer KEMP. Mr. Bruno wanted to be sure that this was not an administratively compelled request for a statement and SA Phill assured him that it was not. Bruno then said that he and his client respectfully declined to give a statement in the criminal investigation. SA Phill asked Bruno to send a letter or email stating his and KEMP's decision not to give a statement so it could be included in the case file. Bruno emailed a brief statement to SA Phill stating KEMP's refusal.

A copy of that declination email has been attached to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/12

Report Date: 05/25/2012

Primary Information

Report Number: 2012-429/12
Report Date: 05/25/2012
Type Of Report: Investigative Supplement
Description: Interview of Trooper Hibbard on 052512
Reporting LEO: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: HANEGRAAF, Lucas (FOREST LAKE POLICE DEPARTMENT)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Friday, May 25, 2012, at approximately 7:05 AM, SA Wold and SA Hanegraaf of the MN BCA interviewed Trooper Mark Ronald Hibbard, DOB: 1-29-79, relative to the Drug Recognition Expert investigation being conducted by the BCA. (Acquisition of Exhibit 12.1, one CD containing interview of Mark Ronald Hibbard on 5-25-12.)

Subject #1 - WITNESS #1 - Hibbard, Mark Ronald

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: Hibbard, Mark Ronald
Sex: Male
Birth Date: 01/29/1979
Age: 33 YEAR(S)
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(763) 591-4680	Related

Property #1 - One CD containing the interview of Trooper Hibbard on 052512

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: One CD containing the interview of Trooper Hibbard on 052512
Property Status: BCA / HQ
Status Date: 05/25/2012 00:00
Quantity: 1
Control Number: 12.1
Submitted To PES: YES

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/12

Report Date: 05/25/2012

Record Status Information	
Record Origination Operator:	Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/25/2012 10:05
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/29/2012 13:27

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

SA Wold had been requested by SA Swanson, the case agent of the Drug Recognition Evaluator (DRE) investigation to assist in interviews of various individuals who attended the DRE training. SA Wold set up an interview with Trooper Mark Ronald Hibbard at the Golden Valley District 2500 Offices in Golden Valley, Minnesota. SA Wold had made contact with Trooper Hibbard via email and set up a meeting for 7:00 AM on Friday, May 25, 2012.

On Friday, May 25, 2012, SA Wold and SA Hanegraaf arrived at the District 2500 Headquarters in Golden Valley at 2005 North Lilac Drive in Golden Valley and met with Trooper Mark Lund, a union representative, as well as Trooper Mark Ronald Hibbard, DOB: 1-29-79. SA Wold provided Hibbard a criminal investigative warning in which he reviewed and subsequently signed. SA Wold and SA Hanegraaf went through the type of training Hibbard received through the drug recognition class and what types of activities he participated in while involved in the course. Hibbard denied giving any drugs or observing anybody using any drugs during the course of his training. He stated all of the individuals he came in contact with had been using controlled substances prior to his contact with them.

Trooper Hibbard stated that he was partnered up with an Officer McCuen of the Worthington Police Department. Trooper Hibbard stated he did not observe any type of wrongdoing by Officer McCuen during the course of their training. Trooper Hibbard further stated that none of the instructors involved in the drug recognition class advised them that they could give drugs to any of the participants involved. (For specific details regarding the interview with Trooper Hibbard see attached transcript.) The interview with Trooper Hibbard was concluded at approximately 7:25 AM.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/13

Report Date: 05/25/2012

Primary Information

Report Number: 2012-429/13
Report Date: 05/25/2012
Type Of Report: Investigative Supplement
Description: Interview of Trooper Bremer on 052512
Reporting LEO: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Hanegraaf, Luke (1389 / Special Operations / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/29/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Friday, May 25, 2012, at approximately 7:50 am, SA Wold and SA Hanegraaf interviewed Trooper Theresa Lynn Bremer, DOB: 4/10/1985, relative to the Drug Recognition Expert investigation being conducted by the BCA. The interview was conducted at the State patrol District 2500 Headquarters in Golden Valley, Minnesota. (Acquisition of exhibit 13.1, one CD containing the interview of Trooper Bremer on 5/25/2012.)

Subject #1 - WITNESS #1 - Bremer, Theresa Lynn

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: Bremer, Theresa Lynn
Sex: Female
Birth Date: 04/10/1985
Age: 27 YEAR(S)
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(763) 591-4680	Related

Property #1 - One CD containing the interview of Theresa Bremer on 052512

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: One CD containing the interview of Theresa Bremer on 052512
Property Status: BCA / HQ
Status Date: 05/25/2012 00:00
Quantity: 1
Control Number: 13.1

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/13

Report Date: 05/25/2012

Property #1 - One CD containing the interview of Theresa Bremer on 052512 - Continued

Primary Information - Continued

Submitted To PES: YES

Record Status Information

Record Origination Operator: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Origination Date: 05/25/2012 10:08

Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Last Update Date: 05/29/2012 15:26

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

SA Wold was requested to assist SA Swanson in follow-up interviews of the Drug recognition Expert investigation being conducted by the BCA. SA Wold made arrangements with Trooper Theresa Bremer to conduct an interview with her at the State Patrol Golden Valley Offices located at 2005 North Lilac Drive in Golden Valley, Minnesota.

At approximately 7:50 AM, Trooper Bremer accompanied by Union Representative Trooper Mark Lund met SA Wold and SA Hanegraaf in an interview room located in the District 2500 Offices. During this time SA Wold informed Bremer or presented to her a criminal investigative warning which she reviewed and subsequently signed. Trooper Bremer during the course of the interview indicated that she was partnered up with an individual identified as Dustin Roemeling from Nobles County.

Trooper Bremer stated that during the course of the Drug recognition Expert course none of the instructors informed her or any of the other students that it was okay to provide any participants in the course with any illegal drugs. Trooper Bremer denied ever giving any illegal drugs to any participants and never observed any other students doing so. Trooper Bremer stated that during the course of finding participants to be evaluated that she was driving her state patrol issued vehicle and Deputy Roemeling was a passenger. (See attached transcript for specific details regarding the interview of Trooper Theresa Bremer.) The interview with Trooper Bremer was concluded at approximately 8:04 AM.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/14

Report Date: 05/25/2012

Primary Information

Report Number: 2012-429/14
Report Date: 05/25/2012
Type Of Report: Investigative Supplement
Description: Interview of Maple Grove Officer Matthew Olson on 052512
Reporting LEO: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Hanegraaf, Luke (1389 / Special Operations / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Friday, May 25, 2012, at approximately 8:40 AM, SA Wold and SA Hanegraaf met with Maple Grove Officer Matthew Scott Olson, DOB: 12/10/85 at the Holiday Station located in Maple Plain, Minnesota at Highway 12 and County Road 29, relative to the DRE investigation being conducted by the BCA. (Acquisition of exhibit 14.1, one CD containing the interview of Matthew Olson on 5/25/2012.)

Subject #1 - WITNESS #1 - Olson, Matthew Scott

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: Olson, Matthew Scott
Sex: Male
Birth Date: 12/10/1985
Age: 26 YEAR(S)
Juvenile: NO

Property #1 - One CD containing the interview of Officer Matthew Olson of the Maple Grove PD

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: One CD containing the interview of Officer Matthew Olson of the Maple Grove PD
Property Status: BCA / HQ
Status Date: 05/25/2012 00:00
Quantity: 1
Control Number: 14.1
Submitted To PES: YES

Record Status Information

Record Origination Operator: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/14

Report Date: 05/25/2012

Record Status Information - Continued

Record Origination Date:	05/25/2012 10:11
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/30/2012 12:35

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

SA Wold had been requested by SA Swanson the Case Agent of the DRE investigation to conduct follow-up interviews of participants in the class. SA Wold was assigned to interview Officer Matthew Scott Olson of the Maple Grove Police Department. SA Wold had made arrangements through the Chief of Police of Maple Grove to interview Matthew Olson and made arrangements to meet with him in the City of Maple Plain at the Holiday gas station of Friday, May 25, 2012.

At approximately 8:40 am, Officer Olson arrived at the Holiday gas station and met SA Wold and SA Hanegraaf. Officer Olson took a seat in SA Hanegraaf's state vehicle and at this time a recorded interview with Olson was conducted. Officer Olson indicated that he was a participant in the Drug Recognition Expert class being put on by the State Patrol. He stated during the course of the class he was partnered up with an individual identified as Joshua Lawrenz of the Chaska Police Department. Officer Olson denied that any of the instructors in this course advised any of the students that it was okay give illegal drugs to any participants. Officer Olson also indicated that both Officers used each of their squads on various days as they tested individuals within the class. (For specific details regarding the interview of Officer Matthew Olson see attached transcript.) The interview with Matthew Olson was concluded at approximately 8:53 AM on May 25, 2012.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/15

Report Date: 05/23/2012

Primary Information

Report Number: 2012-429/15
Report Date: 05/23/2012
Type Of Report: Investigative Supplement
Description: Download of streaming videos from Youtube.com
Reporting LEO: O'Donnell, William (1378 / Special Operations / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 11th, 2012, SA Swanson requested SSA O'Donnell to download eight videos that had been uploaded to youtube.com. DVD containing the videos was marked as item 15.1.

Property #1 - DVD containing 8 videos downloaded from Youtube.com

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: DVD containing 8 videos downloaded from Youtube.com
Property Status: BCA / HQ
Status Date: 05/23/2012 00:00
Quantity: 1
Control Number: 15.1
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: O'Donnell, William (1378 / Special Operations / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/29/2012 08:44
Last Update Operator: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/30/2012 08:33

Reporting LEO	Date	Supervisor	Date
O'Donnell, William (1378 / Special Operations / Minnesota Bureau of Criminal Apprehension)		Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 11th, 2012, SA Swanson requested SSA O'Donnell to download eight videos that had been uploaded to youtube.com.

On May 14th, 2012 SSA O'Donnell captured 8 streaming videos from youtube.com that had to do with the Drug Recognition Program. These videos were all downloaded as flash (.flv).

On May 23rd, 2012, SSA O'Donnell converted all flash videos to .wmv so they can easily be played with windows media player.

It should be known that several of these videos contain some of the same footage. All videos were then copied to a DVD which was marked as item # 15.1.

On May 29th, 2012, SSA O'Donnell signed item 15.1 over to SA Swanson.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/16

Report Date: 05/29/2012

Primary Information

Report Number: 2012-429/16
Report Date: 05/29/2012
Type Of Report: Investigative Supplement
Description: Declination for interview by Bryce Schuenke
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Deputy Bryce Schuenke of the Dakota County Sheriff's Office, refused to give a statement to the BCA beyond the 2 page narrative he typed up for his own agency when this case became public. The typed statement and email from his attorney are attached. No evidentiary items gathered in connection with this report.

Subject #1 - SUBJECT #1 - Schuenke, Bryce Frank DEP

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Schuenke, Bryce Frank DEP
Sex: Male
Birth Date: 05/12/1987
Age: 25 YEAR(S)
Rank/Position: Deputy, Dakota County Sheriff's Office
Juvenile: NO

Related Addresses

Address	Relationship
1580 Highway 55, Hastings, Minnesota 55033 , United States	BUSINESS LOCATION

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/29/2012 10:06
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/30/2012 12:36

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 16, 2012, Special Agent (SA) Phill was asked by SSA Evans to assist SA Swanson in contacting and interviewing Deputy Bryce SCHUENKE of the Dakota County Sheriff's Office (DCSO). This interview is in furtherance of an investigation into a Drug Recognition and Evaluation (DRE) course conducted in April and May of 2012 by the Minnesota State Patrol.

SA Phill obtained a two page statement SCHUENKE provided to his own agency when news of this investigation became public in early May. The statement was produced for the DCSO and had nothing to do with the BCA; it was completed prior to SA Phill contacting DCSO management.

Larry Rappaport is SCHUENKE's attorney and he advised him not to give any further statement to the BCA or anyone else in a criminal investigation. SA Phill asked Rappaport to provide a letter or email stating that his client declined to meet with the BCA. The email and the Dakota County statement have been attached to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/17

Report Date: 05/29/2012

Primary Information

Report Number: 2012-429/17
Report Date: 05/29/2012
Type Of Report: Investigative Supplement
Description: Declination for interview by Ofc Peter Zajac
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Officer Peter Zajac, through his attorney, Paul Engh, declined to give a statement in furtherance of this investigation. The email stating this fact has been attached. No other items of evidence are associated with this report.

Subject #1 - SUBJECT #1 - Zajac, Peter James

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Zajac, Peter James
Sex: Male
Birth Date: 04/29/1984
Age: 28 YEAR(S)
Rank/Position: Officer
Juvenile: NO

Related Addresses

<u>Address</u>	<u>Relationship</u>
19500 MUNICIPAL DR, Farmington, Minnesota 55024 , United States	BUSINESS LOCATION

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/29/2012 11:38
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/30/2012 14:57

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 16, 2012, Special Agent (SA) Phill was asked by SSA Evans to assist SA Swanson in contacting and interviewing Farmington Police Department Officer Pete ZAJAC. This interview is in furtherance of an investigation into a Drug Recognition and Evaluation (DRE) course conducted in April and May 2012 by the Minnesota State Patrol.

SA Phill advised the Farmington Police Chief's office that the BCA was requesting an interview with their officer, Pete ZAJAC. SA Phill was then contacted by Attorney Paul Engh by phone and email. Engh advised that he was recommending that ZAJAC not provide a statement to the BCA in any criminal investigation.

SA Phill asked Engh to provide an email or letter officially stating that he was advising ZAJAC not to talk so it could be included in the file. The subsequent email from Engh has been attached to this report. No further action taken by SA Phill with regards to Officer ZAJAC.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/18

Report Date: 05/29/2012

Primary Information

Report Number: 2012-429/18
Report Date: 05/29/2012
Type Of Report: Investigative Supplement
Description: Interview of Chaska Police Officer Joshua Lawrenz on 052912
Reporting LEO: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Tuesday, May 29th, 2012, at approximately 7:50 A.M., SA Wold interviewed Officer Joshua Lawrenz of the Chaska Police Department in the Applebee's parking lot located at Highway 169 and Marshal Road in Shakopee, Minnesota relative to the State Patrol DRE investigation. (Acquisition of Exhibit 18.1, one CD containing the interview of Officer Joshua Lawrenz on 05-29-2012.)

Address #1 - RELATED #1 - Two City Hall Plaza

Primary Information

Address: Two City Hall Plaza, Chaska, Minnesota , United States

Subject #1 - WITNESS #1 - Lawrenz, Joshua Dean

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: Lawrenz, Joshua Dean
Sex: Male
Birth Date: 09/28/1978
Age: 33 YEAR(S)
Juvenile: NO

Property #1 - One CD containing the interview of Officer Joshua Lawrenz on 052912

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: One CD containing the interview of Officer Joshua Lawrenz on 052912
Property Status: BCA / HQ
Status Date: 05/29/2012 00:00
Quantity: 1
Control Number: 18.1
Submitted To PES: YES

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/18

Report Date: 05/29/2012

Record Status Information

Record Origination Operator:	Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/29/2012 12:30
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/30/2012 14:59

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

SA Wold was requested to assist SA Swanson in follow up investigations of the Drug Recognition Expert investigation being conducted by the BCA. SA Wold made arrangements with Chaska Officer Joshua Lawrenz to meet at the Applebee's Restaurant located at Hwy 169 and Marshal Road in Shakopee, Minnesota on Tuesday, May 29th, 2012 at approximately 8:00 A.M.

At approximately 7:50 A.M. SA Wold met with Officer Lawrenz in the parking lot of Applebee's.

During this time, SA Wold presented a criminal investigative warning to Officer Lawrenz to review which he subsequently signed. SA Wold conducted a recorded interview with Officer Lawrenz and the interview is contained on a CD marked Ex. 18.1. Officer Lawrenz stated that during the course of his time in the DRE program, at no time did he or his partner at the time identified as Officer Matthew Olson of the Maple Grove Police Department, give any illegal drugs to any participants in the course. He further denied observing anyone giving any illegal drugs to any of the participants and also stated that none of the instructors told any of the students that it was allowable to give any drugs to the participants.

SA Wold asked Officer Lawrenz if he had seized any evidence during the course of his time in the DRE course. Lawrenz stated that neither he nor Officer Olson seized any property including money and/or drugs from any of the participants that they tested. (For specific details regarding the interview of Officer Lawrenz see attached transcript.)

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/19

Report Date: 05/23/2012

Primary Information

Report Number: 2012-429/19
Report Date: 05/23/2012
Type Of Report: Investigative Supplement
Description: Interview of Trooper Nicholas Otterson
Reporting LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 23, 2012, SSA Evans and SA Swanson interviewed Trooper Nick Otterson at the BCA. (Acquisition of item 19.1)

Address #1 - Occurred #1 - 1430 MARYLAND AVE

Primary Information

Address: 1430 MARYLAND AVE Minnesota Bureau of Criminal Apprehension, St. Paul, Minnesota 55106 , United States
Description: Minnesota Bureau of Criminal Apprehension

Subject #1 - SUBJECT #1 - Otterson, Nick

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Otterson, Nick
Sex: Male
Rank/Position: State Trooper
Juvenile: NO

Subject #2 - SUBJECT #2 - Vanhorn, Chad Lewis

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Vanhorn, Chad Lewis
Sex: Male
Birth Date: 04/09/1983
Age: 29 YEAR(S)
Rank/Position: Patrol Officer
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/19

Report Date: 05/23/2012

Subject #3 - RELATED #1 - SHORT, Kevin J

Primary Information

Race: White
Record Type: Person
Subject Name: SHORT, Kevin J
Sex: Male
Juvenile: NO

Related Addresses

<u>Address</u> 150 5TH ST S #3260, Minneapolis, Minnesota 55402 , United States	<u>Relationship</u> BUSINESS LOCATION
--	--

Related Telephones

<u>Telephone Number</u> (612) 333-9006	<u>Relationship</u> BUSINESS WORK PH#
---	--

Property #1 - CD Containing the Digital Recording of the Interview with Nick Otterson

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD Containing the Digital Recording of the Interview with Nick Otterson
Property Status: BCA / HQ
Status Date: 05/23/2012 00:00
Quantity: 1
Control Number: 19.1
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	05/29/2012 13:06
Last Update Operator:	Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	05/30/2012 12:39

Reporting LEO	Date	Supervisor	Date
Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 23, 2012 at approximately 0940 hrs, SSA Evans and SA Swanson met with Minnesota State Patrol Trooper Nick Otterson at the Minnesota Bureau of Criminal Apprehension (BCA) in St. Paul for a prearranged interview. Also present was Trooper Otterson's attorney, Kevin Short.

A BCA Criminal Investigation Warning form was explained and presented for review. After reviewing the form with his counsel, Trooper Otterson signed and dated the form. The interview was recorded on SSA Evans digital recorder. This recording has subsequently been transferred to a CD, which has been labeled item 19.1.

Trooper Otterson explained that he was hired in November of 2010 and attended a Drug Recognition Evaluator (DRE) training in April and May of 2012. Trooper Otterson was partnered with Officer Chad Vanhorn of the Lakes Area PD, who was also interviewed in this matter. Trooper Otterson told agents that the instructions provided to him were vague, but no instructors ever indicated it was acceptable to provide drugs to test subjects.

During this evaluation phase, Trooper Otterson and Officer Vanhorn picked up a vagrant male who was aggressively panhandling. Trooper Otterson noted that during a pat-down of this subject they felt what they believed was a small amount of marijuana. They told the test subject he could go use the marijuana and then come back to them to be evaluated. Trooper Otterson noted that this party, who was never identified by them, had a jacket and a Gatorade type bottle with money in it from panhandling. They put this jacket and money in the trunk of Trooper Otterson's car. They then drove this male to an area near 35W and 35/36th Street where they let him out in an ally. This male never returned to be tested. Trooper Otterson indicated they looked for him for some time-period, but they could not locate him. Trooper Otterson indicated that he decided to put the jacket and change back where they first encountered the male as he felt there was no other way to get the property back to him as they had not identified him. He returned the coat and change to the area where he first saw this male.

Trooper Otterson indicated they found one other male during the training that had a small amount of marijuana in his possession. He indicated this male went and smoked the marijuana and then returned to be tested.

Trooper Otterson indicated he never witnessed anyone using drugs and denied ever providing drugs to anyone.

For full details of the interview with Trooper Otterson please refer to the attached transcript.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/20

Report Date: 05/30/2012

Primary Information

Report Number: 2012-429/20
Report Date: 05/30/2012
Type Of Report: Investigative Supplement
Description: Attempt to Interview Deputy Daniel Lewis of the Kanabec County Sheriff's Office
Occurrence From: 05/17/2012 00:00
Occurrence To: 05/29/2012 00:00
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 05/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Thursday May 17, 2012, S/A Swanson contacted Deputy Daniel Lewis of the Kanabec County Sheriff's Office after receiving his contact information from Sheriff Steve Schulz. S/A Swanson explained to Deputy Lewis that the MN BCA was conducting a criminal investigation into allegations that law enforcement officers attending the MN state Patrol's DRE training provided the public with marijuana for the purpose of testing these people during the certification portion of the training. Deputy Lewis was told that the BCA was interviewing all students in the class and that there was currently no allegation of misconduct on his part. No evidence was obtained by virtue of this report.

Subject #1 - LAW ENFORCEMENT OFFICER #1 - Lewis, Daniel

Primary Information

Exempt From Disclosure: Yes
Race: Unknown
Record Type: Law Enforcement Official
Subject Name: Lewis, Daniel
Sex: Male
Rank/Position: Deputy Sheriff
Juvenile: NO

Subject #2 - LAW ENFORCEMENT OFFICER #2 - Schulz, Steve

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Schulz, Steve
Sex: Male
Rank/Position: Sheriff of Kanabec County
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/20

Report Date: 05/30/2012

Subject #3 - ATTORNEY #1 - Ellis, Deb

Primary Information

Race: White
Record Type: Person
Subject Name: Ellis, Deb
Sex: Female
Juvenile: NO

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/30/2012 10:09
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 05/30/2012 15:00

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On Thursday May 17, 2012, MN BCA SA Gary Swanson made phone contact with Deputy Daniel Lewis of the Kanabec County Sheriff's Office. Deputy Lewis had recently attended the MN State Patrol's DRE training in the metro area.

SA Swanson explained to Deputy Lewis that the MN BCA was conducting a criminal investigation into allegations that law enforcement officers attending the MN State Patrol's DRE training provided marijuana to members of the public for the purpose of testing these people during the certification portion of this training.

SA Swanson told Deputy Lewis that no allegation of misconduct had been received regarding his participation in the DRE class but that the BCA was interviewing all of the students in the class for the purpose of conducting a thorough investigation.

SA Swanson requested an appointment with Deputy Lewis for the purpose of conducting a recorded interview with him. Deputy Lewis stated he had already contacted a MPPOA Legal Defense Attorney and stated before he scheduled an interview with SA Swanson he wanted to speak further with his attorney.

Later in the afternoon of May 17, 2012, SA Swanson received a phone call from MPPOA LDF Attorney Deb Ellis. Ellis stated she was representing Deputy Lewis and that Deputy Lewis would not be providing an interview to SA Swanson until she had an opportunity to meet with him. Ellis stated this would not occur until after May 28, 2012.

On May 29, 2012, SA Swanson received a phone call from Deb Ellis stating she had met with Deputy Lewis and was told that Lewis had already gave a voluntary statement to Kanabec County Sheriff Steve Schulz and completed a written report on this matter. Ellis felt that that was sufficient and that her client would not be giving another interview.

SA Swanson contacted Sheriff Schulz and obtained a copy of Deputy Lewis's report. Deputy Lewis's report is attached to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/21

Report Date: 05/30/2012

Primary Information

Report Number: 2012-429/21
Report Date: 05/30/2012
Type Of Report: Investigative Supplement
Description: Interview of Trooper Bryan Bearce.
Occurrence From: 05/30/2012 09:57
Occurrence To: 05/30/2012 10:30
Reporting LEO: Jaeche, Eric (1338 / BRO General / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/05/2012
Approved By: Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 30, 2012, at approximately 0957 hours, S/A Jaeche completed a recorded interview with Minnesota State Trooper Bryan Bearce at the Little Falls Police Department regarding this investigation. See transcribed interview with Trooper Bearce for further details.

Address #1 - Business #1 - 207 NE 1ST ST

Primary Information

Address: 207 NE 1ST ST, Little Falls, Minnesota , United States
Description: Little Falls Police Department

Address #2 - Business #2 - 7694 INDUSTRIAL PARK RD

Primary Information

Address: 7694 INDUSTRIAL PARK RD MN DOT/State Patrol Building, Baxter, Minnesota 56425-8096 , United States

Subject #1 - WITNESS #1 - BEARCE, Bryan Scott

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: BEARCE, Bryan Scott
Sex: Male
Birth Date: 07/29/1970
Age: 41 YEAR(S)
Rank/Position: State Trooper
LEO ID: SP144

Related Addresses

Address	Relationship
7694 INDUSTRIAL PARK RD MN DOT/State Patrol Building, Baxter, Minnesota 56425-8096 , United States	BUSINESS LOCATION

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/21

Report Date: 05/30/2012

Subject #1 - WITNESS #1 - BEARCE, Bryan Scott - Continued

Related Telephones

Telephone Number
(218) 828-2400

Relationship
BUSINESS WORK PH#

Subject #2 - MENTION IN REPORT #1 - NESS, Michelle

Primary Information

Exempt From Disclosure: **Yes**
Race: **White**
Record Type: **Law Enforcement Official**
Subject Name: **NESS, Michelle**
Sex: **Female**
Juvenile: **NO**

Related Telephones

Telephone Number
(218) 828-2400

Relationship
Related

Record Status Information

Record Origination Operator: **Jaeché, Eric (1338 / BRO General / Minnesota Bureau of Criminal Apprehension)**
Record Origination Date: **05/30/2012 13:54**
Last Update Operator: **Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)**
Last Update Date: **06/05/2012 10:53**

Reporting LEO	Date	Supervisor	Date
Jaeché, Eric (1338 / BRO General / Minnesota Bureau of Criminal Apprehension)		Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 17, 2012 at approximately 1300 hours, S/A Jaeche participated in a conference call with SAIC Jeff Hanson, SSA Drew Evans, S/A Gary Swanson and other agents from the Minnesota BCA regarding an ongoing criminal investigation into the Drug Recognition Evaluation course held in the Twin Cities area from approximately April 2012 through May 2012. Agents received a briefing regarding the details of this investigation as well as a request for assistance in interviewing those Officers who had previously attended the DRE training on the above mentioned dates. S/A Swanson assigned S/A Jaeche to complete an interview with Minnesota State Trooper Bryan BEARCE who was said to be stationed out of the Brainerd-Baxter Office.

On May 17, 2012, S/A Jaeche left a telephone message for Trooper BEARCE asking him to contact this agent. On May 18, 2012, Trooper BEARCE contacted S/A Jaeche. S/A Jaeche explained that the MN BCA was leading a criminal investigation into drug related crimes that had allegedly occurred during the DRE training that he had attended between April and May of 2012. S/A Jaeche advised Trooper BEARCE that he was not the subject of the investigation and asked if he would be willing to meet with S/A Jaeche for interview purposes. S/A Jaeche further advised Trooper BEARCE that he was busy with a homicide trial that was about to begin and advised that he would re-contact him on or about May 29, 2012 to make arrangements to meet with him at a later date. Trooper BEARCE agreed.

On May 29, 2012, S/A Jaeche left Trooper BEACRE a voice mail message asking him to contact this agent. Trooper BEACRE later contacted S/A Jaeche and ultimately agreed to meet with S/A Jaeche on May 30, 2012, at 1000 hours, at the Little Falls Police Department. S/A Jaeche again advised Trooper BEARCE of the nature and scope of the investigation as it related to his attendance of the DRE training in the Twin Cities metro area.

On May 30, 2012, at approximately 0957 hours, S/A Jaeche completed a recorded interview with Trooper BEARCE at his station office located at the Little Falls Police Department. Prior to beginning the interview, S/A Jaeche read the criminal investigation warning to Trooper BEARCE. Trooper BEARCE stated he understood the warning and signed the document.

Trooper BEARCE stated he did in fact attend the DRE training held in the Twin Cities metro area between the approximate dates of April and beginning of May 2012. Trooper BEARCE stated the classroom portion of the training was held at the White Bear Police Department which lasted approximately two weeks. Trooper BEARCE stated the field training/evaluation portions of the training were split between two sites. Trooper BEARCE said the first DRE evaluation site was held at the Minneapolis Police 5th Precinct Office. Trooper BEARCE said the second DRE evaluation site was held at a MN DOT garage located in the city of Richfield, Minnesota.

Trooper BEARCE stated the DRE class was supervised by MN State Trooper Munoz as well as other unknown law enforcement instructors from around the state of Minnesota. Trooper BEARCE stated that during the evaluation phase of the training they were partnered with a fellow classmate. Trooper BEARCE stated he was partnered with Michelle NESS of the Olmsted County Sheriff's Office. Trooper BEARCE said they were instructed to travel around the Minneapolis-St Paul metro area and make observations of pedestrians who were walking about the city believed to be under the influence of drugs. Trooper BEARCE stated they were instructed to make contact with pedestrians who they suspected of being under the influence of drugs. Trooper BEARCE stated they were instructed to ask the pedestrian(s) if they would be willing to participate in being evaluated by the officers at one of the above mentioned predetermined evaluation sites. Trooper BEARCE stated they would offer to purchase food or cigarettes for the person(s) who would agree to participate in the training exercise.

S/A Jaeche asked Trooper BEARCE if he had any direct knowledge of any Officer's who had provided illegal drugs to any of the test participants who agreed to take part in the evaluation process. Trooper BEARCE stated he never observed any Officer provide drugs to anyone. Furthermore, Trooper BEARCE stated he did not have any indirect knowledge of any Officers who stated they had provided drugs to any of the test participants. S/A Jaeche asked Trooper BEARCE if he had personally provided any illegal drugs to any of the test participants he had solicited during the training exercise. Trooper BEARCE stated he did not provide drugs to anyone.

S/A Jaeche asked Trooper BEARCE if he had ever met with any of his fellow Officers who were involved in the DRE training off duty who may have told him about providing any drugs to the test participants. Trooper BEARCE said he stayed at the Americinn in the metro area and said he had very little contact with other Officers at the hotel. Trooper BEARCE said he never had any knowledge of any Officer(s) providing any test subject with illegal drugs during the DRE training.

S/A Jaeche asked Trooper BEARCE if he had ever observed any Officer in possession of a baggie(s) with red evidence tape on it during the training exercise. Trooper BEARCE said he had not. S/A Jaeche asked Trooper BEARCE if he had ever observed any Officer carrying around a black box or similar black container said to contain drug paraphernalia. Trooper BEARCE said he had not.

See transcribed interview with Trooper BEARCE for further details.

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/22

Report Date: 05/31/2012

Primary Information

Report Number: 2012-429/22
Report Date: 05/31/2012
Type Of Report: Attachment
Description: Custody of evidence reports
Reporting LEO: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/13/2012
Approved By: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Status Information

Record Origination Operator: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 05/31/2012 07:58
Last Update Operator: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/13/2012 10:29

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 29, 2012, SA Wold transferred evidence items 12.1, 13.1, 14.1 and 18.1 to SA Swanson. The change of custody forms are attached to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/23

Report Date: 06/01/2012

Primary Information

Report Number: 2012-429/23
Report Date: 06/01/2012
Type Of Report: Investigative Supplement
Description: Interview of Anoka County Deputy Chris McCall
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 31, 2012, SA Phill and SA Swanson interviewed Deputy Chris McCall at his residence in furtherance of the DRE case. The transcribed interview and Criminal Investigation Warning Letter have been attached to this report. (Acquisition of evidence item 23.1)

Subject #1 - SUBJECT #1 - McCall, Christopher Adam

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: McCall, Christopher Adam
Sex: Male
Birth Date: 03/14/1982
Age: 30 YEAR(S)
Rank/Position: Anoka County Sheriff's Office Deputy

Related Addresses

<u>Address</u>	<u>Relationship</u>
133071 HANSON BLVD NW, Andover, Minnesota 55304 , United States	BUSINESS LOCATION

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
[REDACTED]	CELLULAR PHONE

Subject #2 - MENTION IN REPORT #1 - WILLERS, Kenneth Werner

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: WILLERS, Kenneth Werner
Sex: Male
Birth Date: 07/06/1985

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/23

Report Date: 06/01/2012

Subject #2 - MENTION IN REPORT #1 - WILLERS, Kenneth Werner - Continued

Primary Information - Continued

Age: 26 YEAR(S)
Juvenile: NO

Personal Information

Ethnicity: American
Height: 600
Weight: 165
Eye Color: Hazel
Hair Color: Blond
Hair Length: Shaved
Hair Style: Straight
Complexion: LIGHT/FAIR
Physical Build: THIN
US Citizen: YES
Photo: YES
Deceased: NO

Employment Information

Employed: YES
Occupation: Deputy/ Nobles County

Related Addresses

Address

Relationship

HOME ADDRESS

Property #1 - Audio CD of Interview with Deputy Chris McCall

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: Audio CD of Interview with Deputy Chris McCall
Property Status: BCA / HQ
Status Date: 06/10/2012 00:00
Quantity: 1
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/01/2012 14:40
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/23

Report Date: 06/01/2012

Record Status Information - Continued
--

Last Update Date: 06/12/2012 12:17

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 31, 2012, Special Agents (SA) Phill and Swanson interviewed Anoka County Sheriff's Deputy Chris MCCALL. MCCALL decided to speak without Union representation or a Union attorney present. He did sign the BCA Criminal Investigation Warning letter informing him that he did not have to give a statement and that if he did, it would be voluntary and possibly used to charge someone in a criminal proceeding. The letter also informed MCCALL that the investigation was separate and apart from any Departmental inquiry.

MCCALL said the Drug Recognition and Evaluation (DRE) course started in early April and ended in early May. The classroom portion occurred in White Bear Lake and the field portion was in downtown Minneapolis. MCCALL said the DRE class staff gave them instructions to look for intoxicated or inebriated people to possibly evaluate. If they were just drunk they were not to bring them back for a DRE evaluation; but if they admitted to having been using narcotics or other drugs, they were to ask for permission to evaluate them.

MCCALL said he was paired up with Nobles County Sheriff's Deputy Kenny WILLERS for the entire field portion of the class. For that, they used MCCALL's Anoka County patrol car. He and WILLERS thought the instructions were vague and they found it difficult to find subjects suitable for testing. They were told by class staff that they could use Minneapolis city statutes to gain leverage in getting subjects to cooperate with an evaluation.

MCCALL said they were told that if they had a Felony level crime, they were to forget the evaluation and deal with the crime. Consequently, he and his partner did not make many traffic stops due to the possibility of finding a felony level violation in downtown Minneapolis, where they were unfamiliar and uncomfortable.

MCCALL said that he and WILLERS did make contact with a few pedestrians but they were never successful finding good DRE subjects. He recalled placing one woman in his squad car and taking her for an evaluation but she was not a good candidate so they dropped her off downtown where she asked them to. MCCALL and WILLERS also may have picked up a few others but none panned out as good subjects for the DRE evaluation.

MCCALL said he and WILLERS never provided any narcotics to any subjects. They also did not let any subjects use any drugs in their presence. He also said that no staff ever directed them to do so and he did not know of any other Officers who had provided narcotics to people. MCCALL also said he and WILLERS never took custody of any subject's property.

MCCALL said he spoke to Officer Kemp from Coon Rapids and WILLERS since the news broke that there was an investigation into their DRE class. He did not know the particulars of what the investigation was about and neither did KEMP or WILLERS. An audio CD was created of the interview and submitted as evidence item 429/23.1 for this case report. The interview was concluded at 3:08 PM.

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/24

Report Date: 05/29/2012

Primary Information

Report Number: 2012-429/24
Report Date: 05/29/2012
Type Of Report: Attachment
Description: Property Transfer: Items 19.1 & 10.1 - to SA Swanson
Reporting LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/04/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Status Information

Record Origination Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/04/2012 12:47
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/04/2012 12:49

Reporting LEO	Date	Supervisor	Date
Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/25

Report Date: 06/04/2012

Primary Information

Report Number: 2012-429/25
Report Date: 06/04/2012
Type Of Report: Investigative Supplement
Description: Interview request declined by Deputy Suchy
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/07/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Deputy Mark Suchy declined on his own to give a statement in this investigation. An email stating this has been attached; nothing else of value obtained to accompany this report.

Subject #1 - SUBJECT #1 - Suchy, Mark Andrew

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Suchy, Mark Andrew
Sex: Male
Birth Date: 02/04/1969
Age: 43 YEAR(S)
Rank/Position: Ramsey County Sheriff's Deputy

Related Addresses

<u>Address</u> 1400 PAUL KIRKWOLD DR, Arden Hills, Minnesota 55112, United States	<u>Relationship</u> BUSINESS LOCATION
--	--

Related Telephones

<u>Telephone Number</u> [REDACTED] (651) 767-0640	<u>Relationship</u> CELLULAR PHONE BUSINESS WORK PH#
---	--

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/04/2012 15:36
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/07/2012 17:35

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 16, 2012, Special Agent (SA) Phill was asked by SSA Evans to assist SA Swanson in contacting and interviewing Deputy Mark SUCHY of the Anoka County Sheriff's Office. This interview is in furtherance of an investigation into a Drug Recognition and Evaluation (DRE) course conducted in April and May of 2012 by the Minnesota State Patrol.

SA Phill contacted Deputy SUCHY through his evening patrol Sergeant with the request that SUCHY call SA Phill. Over a few weeks, SA Phill continued attempting to interview Deputy SUCHY if he was so willing.

On Friday, June 1, Deputy SUCHY sent an email to SA Phill declining to be interviewed for the case file. He clarified that it was his decision and not on advice of legal counsel.

SA Phill thanked SUCHY for replying to the request and attached the email to this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/26

Report Date: 06/01/2012

Primary Information

Report Number: 2012-429/26
Report Date: 06/01/2012
Type Of Report: Investigative Supplement
Description: Interview of Trooper John Schmutzer #138 D2600
Occurrence From: 06/01/2012 14:32
Occurrence To: 06/01/2012 14:32
Reporting LEO: McDonald, Kenneth (1355 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 6-1-12 SA McDonald obtained a recorded interview from Trooper John Schmutzer marked as item 26.1

Subject #1 - WITNESS #1 - SCHMUTZER, John

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: SCHMUTZER, John
Sex: Male
Email: John.Schmutzer@state.mn.us
Rank/Position: Trooper
Juvenile: NO
LEO ID: 138

Subject #2 - SUBJECT #1 - WILLERS, Kenneth Werner

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: WILLERS, Kenneth Werner
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)

Related Addresses

Address

Relationship

HOME ADDRESS

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/26

Report Date: 06/01/2012

Subject #3 - MENTION IN REPORT #1 - JACOBSON, Nicholas Allen

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: JACOBSON, Nicholas Allen
Sex: Male
Birth Date: 05/05/1981
Age: 31 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Subject #4 - MENTION IN REPORT #2 - MICHALEK, Trooper

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: MICHALEK, Trooper
Sex: Male
Juvenile: NO

Subject #5 - MENTION IN REPORT #3 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Subject #6 - MENTION IN REPORT #4 - Tiffany, NIELSON

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Tiffany, NIELSON
Sex: Female
Juvenile: NO

Subject #7 - MENTION IN REPORT #5 - WILLERS, Karl Stephen

Primary Information

Race: White
Record Type: Person

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/26

Report Date: 06/01/2012

Subject #7 - MENTION IN REPORT #5 - WILLERS, Karl Stephen - Continued

Primary Information - Continued

Subject Name: WILLERS, Karl Stephen
Sex: Male
Birth Date: 09/26/1986
Age: 25 YEAR(S)
Juvenile: NO

Personal Information

US Citizen: YES
Photo: YES
Deceased: NO

Related Addresses

Address

Relationship

HOME ADDRESS

Related Telephones

Telephone Number

Relationship

Subscriber

Property #1 - Recorded interview with Trooper Schmutzer 6-1-12

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: Recorded interview with Trooper Schmutzer 6-1-12
Property Status: Field Office / Remote Bin Location
Status Date: 06/05/2012 00:00
Quantity: 1
Control Number: 26.1
Submitted To PES: YES
Remote Bin: Alexandria Field Office

Record Status Information

Record Origination Operator: McDonald, Kenneth (1355 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/05/2012 08:50
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/12/2012 12:26

Reporting LEO	Date	Supervisor	Date
McDonald, Kenneth (1355 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On 06-01-12, at 2:32 P.M., SA McDonald met with Minnesota State Trooper John Schmutzer at the Buffalo Police Department in Buffalo, Minnesota and obtained a digitally recorded statement from him. Prior to turning on the recording SA McDonald did advise Trooper Schmutzer that he did not have to provide a statement and that it was strictly voluntary. SA McDonald also presented the BCA criminal investigation warning. Trooper Schmutzer reviewed the warning and signed it in the presence of SA McDonald. This was also documented on the recording.

Trooper Schmutzer is assigned to the St. Cloud District #2600. He did acknowledge that he did go through Drug Recognition Expert training in approximately April to May of 2012. The classroom portion was in White Bear Lake and the field practice was in the 5th precinct area of the Minneapolis Police Department. Trooper Schmutzer thought there was approximately twenty-six students within the class and could not remember all of their names. The primary instructor was Trooper Munoz. Some assistant instructors were Trooper Michalek and Trooper Nielson.

Trooper Schmutzer said that the instructors never taught them to provide controlled substances to subjects for testing. Trooper Schmutzer said that on the last day of class certifications he was going to lunch and an officer got into his squad car. This was shortly after they had a discussion in class about the postings on U-tube of officers allegedly giving subjects controlled substances to consume for the purpose of testing. The officer who Trooper Schmutzer identified by a DVS photo was Kenneth Willers a Deputy of Nobles County. Willers made a comment to Trooper Schmutzer "I don't know what the big deal is I just gave them marijuana it's not like I hurt anybody." Trooper Schmutzer took that comment as an admission that he had provided marijuana to people for testing.

Trooper Schmutzer did not personally see any officer providing narcotics to subjects during his training. Trooper Schmutzer said that during his training he did encounter individuals that had controlled substance on them. They were questioned if they had intentions of consuming the controlled substance themselves. If they acknowledged that they had that intention the subjects were allowed to consume the controlled substances, not in their presence, and later be examined for training purposes.

Trooper Schmutzer was aware that there were two Willers, brothers in the training. SA McDonald did show a photograph of both Karl Willers and Kenneth Willers in which Trooper Schmutzer identified Kenneth Willers as the individual that made the comment to him. Trooper Schmutzer said that his field training partner was Deputy Nick Jacobson from Olmsted County. See attached copy of transcribed statement for complete details.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/27

Report Date: 05/31/2012

Primary Information

Report Number: 2012-429/27
Report Date: 05/31/2012
Type Of Report: Investigative Supplement
Description: Interview with Worthington PD Officer Joshua Mccuen.
Occurrence From: 05/31/2012 10:30
Occurrence To: 05/31/2012 10:51
Reporting LEO: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/07/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 05/31/12, SA Anderson and SA Woodford conducted a digitally recorded interview with Officer Joshua Mccuen of the Worthington Police Department. The interview was conducted in reference to the ongoing criminal investigation into allegations that officers enrolled in the State Patrol Drug Recognition Evaluation (DRE) training had provided marijuana to individuals. Evidence Item Number 2012-429/27.1 a compact disc of the interview and 2012-429/27.2 a signed Criminal Investigation Warning were acquired. (Please see narrative report for additional details).

Address #1 - Occurred #1 - 1530 AIRPORT RD

Primary Information

Address: 1530 AIRPORT RD, Worthington, Minnesota , United States

Subject #1 - SUBJECT #1 - Mccuen, Joshua William

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Mccuen, Joshua William
Sex: Male
Birth Date: 09/02/1981
Age: 30 YEAR(S)
Rank/Position: Officer
Juvenile: NO

Subject #2 - MENTION IN REPORT #1 - Hibbard, Mark Ronald

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/27

Report Date: 05/31/2012

Subject #2 - MENTION IN REPORT #1 - Hibbard, Mark Ronald - Continued

Primary Information - Continued

Subject Name: Hibbard, Mark Ronald
Sex: Male
Birth Date: 01/29/1979
Age: 33 YEAR(S)
Juvenile: NO

Property #1 - Compact Disc of Interview with Officer Mccuen.

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: Compact Disc of Interview with Officer Mccuen.
Property Status: Field Office / Remote Bin Location
Status Date: 06/05/2012 00:00
Quantity: 1
Submitted To PES: YES

Property #2 - Criminal Investigation Warning signed by Mccuen.

Primary Information

Property Class: Evidence
Property Type: Documents
Description: Criminal Investigation Warning signed by Mccuen.
Property Status: Field Office / Remote Bin Location
Status Date: 06/05/2012 00:00
Quantity: 1
Submitted To PES: YES

Record Status Information

Record Origination Operator: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/05/2012 12:56
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/07/2012 17:42

Reporting LEO	Date	Supervisor	Date
Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

At approximately 1030 hours on 05/31/12, SA Anderson and SA Woodford conducted a digitally recorded interview with Officer Joshua Mccuen at the Prairie Justice Center in Worthington, MN. The interview was conducted in reference to the ongoing criminal investigation related to allegations that officers enrolled in the MN State Patrol Drug Recognition Evaluation (DRE) program had provided marijuana to individuals.

In the interview, SA Anderson explained the purpose of the interview and read the Criminal Investigation Warning to Officer Mccuen. Officer Mccuen signed the criminal investigation warning and consented to a voluntary interview regarding this matter. (Please see attached copy of Criminal Investigation Warning).

Office Mccuen acknowledged that he had recently attended the MN State Patrol DRE training program which started on April 2nd, 2012. Mccuen also stated that he participated in conducting field evaluations in the weeks after the classroom portion of the training. Mccuen stated that his partner for the field evaluations was MN State Patrol Trooper Mark Hibbard.

Mccuen further explained that during the field evaluations, he and Hibbard used Hibbard's State Patrol squad car and that he thought they tried to pair outstate officers with metro officers that knew their way around the twin cities. Mccuen also stated that the instructors explained to them to go out and attempt to locate individuals who are under the influence of illegal substances and if they would agree to bring them in for evaluations. Mccuen also stated that the instructors provided some locations where they were likely to find persons under the influence such as the Salvation Army location near Target Field.

SA Anderson then questioned Mccuen about how many people he and his partner brought in for evaluations and Mccuen stated that they brought in four or five individuals. SA Anderson then asked Mccuen if he was familiar with the video posted by Occupy Minnesota and Mccuen stated that he had seen the video and was familiar with the allegations that have been made. Mccuen then explained that he and his partner had not brought in any individuals associated with the Occupy group. Mccuen further stated that he and his partner stayed away from the Peavey Park area, which is where that group was located.

Officer Mccuen further stated that he did recall seeing one of the individuals from the video at the airport being evaluated; however, he maintained he did not evaluate this individual. Mccuen stated that the individual is the male from the video that has a bushy style hairdo and that while the individual was being evaluated at the airport the individual was talking about being a protester.

Officer Mccuen further reiterated that he and his partner did not bring in any protesters, nor did they evaluate any, or transport any back downtown. SA Anderson asked Officer Mccuen if he and his partner had provided anything to any of their subjects to motivate them to cooperate with the evaluation and Mccuen stated that they had provided cigarettes, pop and had taken at least one subject to a drive through and got him some food. SA Anderson asked Mccuen if he or his partner provided any drugs to anyone and he stated that they had not. Mccuen further stated that of the four or five subjects they brought in for evaluation, they did not find any of them in possession of any drugs.

SA Anderson also questioned Mccuen about the instruction they were given regarding motivating individuals to be evaluated and Mccuen stated that they had told them it was ok to provide food, cigarettes, or cash but that it was out of their own pockets not provided by the class.

SA Anderson asked Mccuen if they had told him what they should do if they found anyone in possession of any drugs and Mccuen stated that they didn't specifically say what to do, but that he remembered them telling them "not to do anything illegal". SA Woodford asked Mccuen if he heard of anyone allowing someone to use drugs that were found on the person and Mccuen stated that he hadn't heard of that happening.

Mccuen then stated that the only subject that he was aware of that had drugs on them was an individual that was arrested by Minneapolis PD for the possession so they never were allowed to evaluate the individual and Minneapolis PD took the drugs as evidence.

SA Woodford asked Mccuen if he ever saw any other officers in the training with a black box with evidence tape on it or anything to that effect and Mccuen stated that he had not.

SA Anderson also confirmed with Mccuen that each of the individuals that he and his partner evaluated were documented on contact sheets and that both he and the instructors kept copies.

At approximately 1051 hours, SA Anderson and SA Woodford concluded their digitally recorded interview with Officer Joshua Mccuen. (Please see attached transcript for additional details of interview).

SA Anderson subsequently copied the audio file to a Compact Disc (CD) and identified it as Evidence Item Number 2012-429/27.1. The signed Criminal Investigation Warning was identified as Evidence Item Number 2012-429/27.2. Both items were maintained in the custody of SA Anderson pending their transfer to SA Swanson.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/28

Report Date: 05/31/2012

Primary Information

Report Number: 2012-429/28
Report Date: 05/31/2012
Type Of Report: Investigative Supplement
Description: Interview with Nobles County Deputy Dustin Roemeling.
Occurrence From: 05/31/2012 11:01
Occurrence To: 05/31/2012 11:29
Reporting LEO: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/07/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 05/31/12, SA Anderson and SA Woodford conducted a digitally recorded interview with Deputy Dustin Roemeling of the Nobles County Sheriff's Department. The interview was conducted in reference to the ongoing criminal investigation into allegations that officers enrolled in the MN State Patrol Drug Recognition Evaluation (DRE) training had provided marijuana to individuals. Evidence Item Number 2012-429/28.1 a compact disc of the interview and Item 2012-429/28.2 a signed Criminal Investigation form were acquired. (Please see narrative report for additional details).

Address #1 - Occurred #1 - 1530 AIRPORT RD

Primary Information

Address: 1530 AIRPORT RD, Worthington, Minnesota , United States

Subject #1 - SUBJECT #1 - Roemeling, Dustin Lee

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Roemeling, Dustin Lee
Sex: Male
Birth Date: 09/11/1987
Age: 24 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Subject #2 - MENTION IN REPORT #1 - Bremer, Theresa Lynn

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/28

Report Date: 05/31/2012

Subject #2 - MENTION IN REPORT #1 - Bremer, Theresa Lynn - Continued

Primary Information - Continued

Subject Name: Bremer, Theresa Lynn
Sex: Female
Birth Date: 04/10/1985
Age: 27 YEAR(S)
Juvenile: NO

Property #1 - Compact disc of recorded interview with Roemeling.

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: Compact disc of recorded interview with Roemeling.
Property Status: Field Office / Remote Bin Location
Status Date: 06/05/2012 00:00
Quantity: 1
Submitted To PES: YES

Property #2 - Criminal Investigation Warning signed by Roemeling.

Primary Information

Property Class: Evidence
Property Type: Documents
Description: Criminal Investigation Warning signed by Roemeling.
Property Status: Field Office / Remote Bin Location
Status Date: 06/05/2012 00:00
Quantity: 1
Submitted To PES: YES

Record Status Information

Record Origination Operator: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/05/2012 13:05
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/07/2012 17:46

Reporting LEO	Date	Supervisor	Date
Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

At approximately 1101 hours on 05/31/12, SA Anderson and SA Woodford conducted a digitally recorded interview with Deputy Dustin Roemeling at the Prairie Justice Center in Worthington, MN. The interview was conducted in reference to the ongoing criminal investigation related to allegations that officers enrolled in the MN State Patrol Drug Recognition Evaluation (DRE) program had provided marijuana to individuals.

In the interview, SA Anderson explained the purpose of the interview and read the Criminal Investigation Warning to Deputy Roemeling. Deputy Roemeling read the criminal investigation warning and consented to a voluntary interview regarding this matter. (Please see attached copy of Criminal Investigation Warning).

Roemeling acknowledged that he recently attended the DRE training program in the twin cities, including the classroom and field evaluations. Roemeling stated that for the field evaluations he was paired up with MN State Patrol Trooper Theresa Bremer. Roemeling also acknowledged that he was aware it was acceptable to provide food, cigarettes and small amounts of cash to individuals in exchange for their cooperation in the evaluation process.

SA Anderson then asked Roemeling how many people he and his partner had brought in for evaluations and he stated they brought in approximately four or five. SA Anderson also asked Roemeling if he was aware of the video circulating on the internet and the allegations that have been made and Roemeling stated that he was. SA Anderson then asked Roemeling if he and his partner had brought in any of the individuals on the video and Roemeling stated that he recalled seeing some of those individuals, but that he and his partner had not brought any of them in for evaluations.

SA Anderson then asked Roemeling if he and his partner had brought anyone in from the group of protesters and Roemeling stated that they had. Roemeling then explained that on one occasion, they were in the area near Peavey Plaza and several individuals came up to them and told them they were "high" and wanted to go get evaluated. Roemeling stated that they ended up transporting one male and one female to the Richfield location for an evaluation. SA Anderson then asked Roemeling if they provided these two individuals any food or anything and Roemeling stated that he couldn't really remember but that they might have bought them a hamburger after the evaluation.

SA Anderson then asked Roemeling to describe these two individuals and Roemeling stated that they were both in their early 20's. Roemeling stated that the female was "heavier set" and that he couldn't really remember the male. Roemeling further explained that the individuals had claimed they were high on marijuana. However, Roemeling stated that they did not find any drugs on the individuals nor did he or his partner provide any drugs to the individuals. SA Anderson asked Roemeling if they exhibited signs consistent with being high on marijuana and Roemeling stated that they were not "showin' very good clinical signs".

SA Anderson then questioned Roemeling about the other individuals he and his partner brought in for evaluations and Roemeling stated that he recalled giving other individuals food. However, Roemeling stated that he did not find any individuals in possession of any illegal drugs, nor did he or his partner provide anyone with any drugs.

Deputy Roemeling then explained that they did have one "legal" encounter in which he found some marijuana in the subject's vehicle.

Roemeling stated in that incident, his partner Trooper Bremer actually arrested the individual for driving under the influence and therefore she seized the drugs as evidence and secured them in her vehicle.

SA Anderson then asked Deputy Roemeling if at any other times he observed people other than this arrest having drugs on them. Deputy Roemeling then replied, "I don't want to answer that". SA Anderson then asked Roemeling if he had given anyone any drugs and he stated that he had not. SA Anderson then asked Roemeling if his partner had given anyone any drugs and Roemeling stated that she had not either. SA Anderson then explained to Roemeling that he was confused about his reluctance to answer the early question and SA Anderson asked Roemeling if he observed anybody give anyone any drugs during this program and Roemeling stated that he did not.

SA Anderson then asked Roemeling if he observed anyone provide any alcohol as a motivator and Roemeling stated that he had not. SA Anderson then questioned Roemeling about the instructions that were given if they found someone in possession of illegal drugs. Roemeling stated that he didn't know if they were specifically instructed on that issue. However, he stated he has heard from other DRE's that it is routine to give individuals who are found in possession of drugs a pass on the arrest or citation in lieu of their cooperation to be evaluated. Deputy Roemeling acknowledged that was not an issue for him as he and his partner only came across one individual in possession of drugs and he was arrested by his partner.

SA Anderson then clarified with Deputy Roemeling that the question he didn't want to answer about seeing someone in possession of drugs was not about an officer, but that it was in fact about a subject on the street. SA Anderson then confirmed with Roemeling that he did not see any officers provide any drugs to anyone nor did he hear anyone talking about giving someone drugs.

SA Anderson then questioned Deputy Roemeling about the video that has been airing related to this investigation and Roemeling indicated that he had seen the video and recognized a couple of the individuals. Roemeling maintained that he and his partner had not picked any of those individual up for evaluations but that he observed them at the Richfield location being evaluated.

SA Anderson then asked Roemeling if during the evaluations anyone had made any comments to him about the police providing them drugs and Roemeling stated that he had not been told that. SA Anderson also asked Roemeling if any of the subjects asked him for drugs and he stated that no one had. SA Anderson then asked Roemeling if it was implied that it would be appropriate to give someone drugs and Roemeling stated that was not and to the contrary they were told not to give anyone drugs. SA Woodford asked Deputy Roemeling if he ever saw any officers allowing individuals to use the drugs they had on them and Roemeling stated that he had not. SA Woodford also asked Roemeling if he ever saw a black box or item with evidence tape on it and Roemeling stated that he had not.

SA Anderson then clarified again with Deputy Roemeling that he did not see or hear of any officer giving anyone any drugs during the program and Roemeling indicated that was the case. SA Anderson also clarified with Deputy Roemeling that the question he didn't want to answer had to do with a subject and not an officer. Roemeling indicated that was correct that he did not observe any officer in possession of drugs. At approximately 1129 hours, SA Anderson and SA Woodford concluded the digitally recorded interview with Deputy Dustin Roemeling. (Please see attached transcript for complete details).

SA Anderson subsequently copied the audio recording of the interview to a Compact Disc (CD) and identified it as Evidence Item Number 2012-429/28.1. The signed Criminal Investigation Warning was identified as Evidence Item Number 2012-429/28.2. Both items were maintained in the custody of SA Anderson until they can be turned over to SA Swanson.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/29

Report Date: 06/06/2012

Primary Information

Report Number: 2012-429/29
Report Date: 06/06/2012
Type Of Report: Investigative Supplement
Description: Interview with Trooper Derek Schneider
Occurrence From: 05/30/2012 00:00
Occurrence To: 05/30/2012 00:00
Reporting LEO: Museus, Chad (1356 / BRO General / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Rogers, Mark (1377 / BRO Narcotics / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/06/2012
Approved By: Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)

Synopsis

On May 30, 2012, S/A Museus and S/A Rogers interviewed Trooper Derek SCHNEIDER at the Thief River Falls District Office. The interview was recorded and a transcript will be attached to this report. Acquisition of Exhibit 29.1.

Subject #1 - MENTION IN REPORT #1 - SCHNEIDER, Derek Brian

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: SCHNEIDER, Derek Brian
Sex: Male
Birth Date: 06/23/1987
Age: 24 YEAR(S)
Rank/Position: Trooper
Juvenile: NO

Property #1 - 29.1 - Interview Audio of Trooper Schneider Interview on 5-30-2012

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: 29.1 - Interview Audio of Trooper Schneider Interview on 5-30-2012
Property Status: BCA / Bemidji
Status Date: 05/30/2012 00:00
Quantity: 1
Submitted To PES: YES

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/29

Report Date: 06/06/2012

Record Status Information	
Record Origination Operator:	Museus, Chad (1356 / BRO General / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	06/06/2012 08:53
Last Update Operator:	Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	06/06/2012 11:02

Reporting LEO	Date	Supervisor	Date
Museus, Chad (1356 / BRO General / Minnesota Bureau of Criminal Apprehension)		Newhouse, Don (1344 / BRO General / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

In May 2012, S/A Museus was assigned to assist S/A Swanson and SSA Evans in a conflict investigation involving an April 2012 Drug Recognition Evaluator Course. S/A Museus was assigned to interview Trooper Derek SCHNEIDER who is stationed in Thief River Falls.

S/A Museus initially called Trooper SCHNEIDER to schedule an appointment for the interview but an exact date and time was not established until he could speak with the Legal Defense Fund Attorney assigned the case.

On May 29, 2012, S/A Museus received a phone call from Legal Defense Fund Attorney Deborah Ellis indicating that she would allow S/A Museus to interview Trooper Derek SCHNEIDER.

S/A Museus arranged to meet Trooper SCHNEIDER at approximately 9:30 a.m. on May 30, 2012, at the Thief River Falls State Patrol District Office. Upon arrival at the District Office, S/A Museus and S/A Rogers met with Trooper SCHNEIDER in a conference room. S/A Museus presented Trooper SCHNEIDER with a BCA Criminal Investigation Warning and explained that the BCA was conducting a criminal investigation, which was separate from any internal investigation that may or may not occur at the conclusion of the criminal investigation. S/A Museus explained to Trooper SCHNEIDER that he had every right afforded to him that any other normal citizen would have in regards to self incrimination. Trooper SCHNEIDER stated he understood the Criminal Investigation Warning and agreed to speak with agents.

Trooper SCHNEIDER stated he began working for the State Patrol in February 2011 and is currently assigned to the Thief River Falls District. Trooper SCHNEIDER stated he attended the Drug Recognition Evaluator School in April 2012 and his partner was Mark SUCHY, a Ramsey County Deputy. Trooper SCHNEIDER stated he did work for approximately three or four hours with a Chaska Police Officer by the first name of Josh, that S/A Museus believes to be Officer Josh LAWRENZ. Trooper SCHNEIDER stated he and Officer LAWRENZ did not make contact with anyone who was willing to submit to an evaluation.

Trooper SCHNEIDER stated during the time that he and Deputy SUCHY were partnered, they did evaluate several individuals and on three occasions did allow individuals to smoke marijuana in the presence of law enforcement. Trooper SCHNEIDER stated he initially felt uncomfortable about this and discussed it with a DRE instructor over dinner.

Trooper SCHNEIDER stated during these three occasions, the test subjects possessed their own marijuana and at no time did Trooper SCHNEIDER witness or supply any individual with drugs of any kind. Trooper SCHNEIDER stated of these three occasions, two were acquaintances of Deputy SUCHY's and the third was a call for service that Deputy SUCHY intercepted regarding a man with a

misdemeanor warrant who was in possession of a small amount of marijuana. Deputy SUCHY and Trooper SCHNEIDER allowed the man to be evaluated in the training program in exchange for the man not being arrested on the misdemeanor warrant at that time. Trooper SCHNEIDER stated during the training program, he overheard discussions about "Pete's box" that he assumed was a box containing some type of drugs belonging to another officer by the first name of Pete. Trooper SCHNEIDER stated he never saw the box in question, but overheard discussions about "Pete's box" being almost empty.

Trooper SCHNEIDER stated he was never given any directions by DRE instructors that it was okay to provide drugs to citizens.

The interview of Trooper SCHNEIDER was recorded and a transcript will accompany this report.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/30

Report Date: 06/06/2012

Primary Information

Report Number: 2012-429/30
Report Date: 06/06/2012
Type Of Report: Investigative Supplement
Description: Interview of Deputy Troy Lake
Occurrence From: 06/06/2012 00:00
Occurrence To: 06/06/2012 00:00
Reporting LEO: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Mueller, Scott (1349 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Deputy Troy Lake was interviewed at the L.E.L.S. office in St Paul by Agents Phill and Mueller. The transcribed interview and signed Criminal Investigation Warning Letter are attached to this report. (Acquisition of evidence item 30.1)

Subject #1 - SUBJECT #1 - Lake, Troy Allen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Lake, Troy Allen
Sex: Male
Birth Date: 11/18/1971
Age: 40 YEAR(S)
Rank/Position: Deputy

Related Telephones

Telephone Number

Relationship

CELLULAR PHONE

Subject #2 - SUBJECT #2 - Connor, Adam John

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Person
Subject Name: Connor, Adam John
Sex: Male
Birth Date: 12/03/1984
Age: 27 YEAR(S)

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/30

Report Date: 06/06/2012

Subject #2 - SUBJECT #2 - Connor, Adam John - Continued

Primary Information - Continued

Juvenile: NO

Employment Information

Occupation: Lyon County Deputy Sheriff

Property #1 - Audio recording of interview with Deputy Troy Lake

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: Audio recording of interview with Deputy Troy Lake
Property Status: BCA / HQ
Status Date: 06/10/2012 00:00
Quantity: 1
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/06/2012 10:09
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/12/2012 15:53

Reporting LEO	Date	Supervisor	Date
Phill, Charles (1385 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On June 6, 2012, at about 9am, Special Agents (SA) Phill and Mueller interviewed Washington County Sheriff's Deputy (Dep) Troy LAKE at 327 York Av in St Paul. Dep LAKE was present for the meeting with his legal representative, Kim Sobieck. Dep LAKE was given a criminal investigation warning and signed it with Sobieck acting as a witness.

Dep LAKE decided to answer the questions of SA Phill and Mueller regarding his Drug Recognition and Evaluation (DRE) course put on by the Minnesota State Patrol in April and May of 2012.

Dep LAKE said that the class portion started in later March or early April and was held in White Bear Lake. After a few weeks, the class moved to the field portion of the class to be held in downtown Minneapolis. The students were paired off and instructed to look for suitable candidates for a drug use evaluation based on their present state of inebriation.

Dep LAKE was paired with Deputy Adam Connor of the Lyon County Sheriff's Office for the duration of the field portion of the DRE class. They mainly drove Dep Connor's car but they sometimes drove a Washington County Sheriff's squad car.

Dep LAKE said there were little to no instructions on how to approach street subjects and what to do with them. They were just told to find people, allow them to use fake names, talk them into allowing themselves to be observed, and bring them to the evaluation area for observation. LAKE found the instructions vague and the entire process difficult to navigate successfully.

Dep LAKE said that he and Connor attempted to find good candidates for the class but they were mostly unsuccessful. He said they brought about six people back to the evaluation area but they did not pan out as good test subjects. He and Connor obtained their DRE field training by using other subjects brought in by other students.

Dep LAKE said that he never provided narcotics to anyone nor did he let anyone use narcotics in front of him. Further, he stated that he did not hear about any other Officers or Deputies providing drugs. He did say that he heard a lot of joking and jabbing from Officers concerning the subjects and drugs but he took it as jokes. LAKE had no knowledge of any Officers in particular doing anything illegal.

Dep LAKE said he and Connor never took custody of any property from any subjects they took in for evaluations. The interview concluded at 9:33am. The transcript of the interview has been attached to this report and the recorded audio of the interview was entered as evidence item 429/30.1.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/31

Report Date: 06/07/2012

Primary Information

Report Number: 2012-429/31
Report Date: 06/07/2012
Type Of Report: Investigative Supplement
Description: Interview of Deputy Kenneth Willers
Occurrence From: 05/31/2012 09:30
Occurrence To: 05/31/2012 10:10
Reporting LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/13/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 05-31-2012, at approximately 0930 hours, SA Derek Woodford and SA Mike Anderson took a digitally recorded interview from Nobles County Sheriff's Deputy Kenneth Willers about the DRE training that he attended for the month of April and first week of May 2012.

Address #1 - Occurred #1 - 1530 AIRPORT RD

Primary Information

Address: 1530 AIRPORT RD, Worthington, Minnesota , United States

Subject #1 - SUBJECT #1 - WILLERS, Kenneth Werner

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: WILLERS, Kenneth Werner
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Related Telephones

Telephone Number
(507) 372-2136

Relationship
BUSINESS WORK PH#

Subject #2 - MENTION IN REPORT #1 - McCall, Christopher Adam

Primary Information

Exempt From Disclosure: Yes
Race: White

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/31

Report Date: 06/07/2012

Subject #2 - MENTION IN REPORT #1 - McCall, Christopher Adam - Continued

Primary Information - Continued

Record Type: Law Enforcement Official
Subject Name: McCall, Christopher Adam
Sex: Male
Birth Date: 03/14/1982
Age: 30 YEAR(S)
Rank/Position: Anoka County Sheriff's Office Deputy
Juvenile: NO

Related Addresses

<u>Address</u> 133071 HANSON BLVD NW, Andover, Minnesota 55304 , United States	<u>Relationship</u> BUSINESS LOCATION
---	--

Related Telephones

<u>Telephone Number</u> [REDACTED]	<u>Relationship</u> CELLULAR PHONE
---------------------------------------	---------------------------------------

Related Telephones

<u>Telephone Number</u> [REDACTED]	<u>Relationship</u> Related
---------------------------------------	--------------------------------

Property #1 - CD of a digitally recorded interview with Kenneth Willers

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD of a digitally recorded interview with Kenneth Willers
Property Status: Field Office / Remote Bin Location
Status Date: 06/11/2012 00:00
Quantity: 1
Submitted To PES: YES
Remote Bin: Marshall Field Office

Record Status Information

Record Origination Operator: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/07/2012 13:46
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/13/2012 13:22

Reporting LEO	Date	Supervisor	Date
Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On 05-31-2012, at approximately 0930 hours, SA Derek Woodford and SA Mike Anderson took a digitally recorded interview from Nobles County Sheriff's Deputy Kenneth Willers about the DRE training that he attended for the month of April and first week of May 2012.

Deputy Willers indicated to SA Woodford and SA Anderson that there was a classroom portion and a field training portion where he would go out and find impaired individuals to do the DRE testing.

Deputy Willers explained to SA Woodford and SA Anderson that they had to attempt to get fifteen tests of different individuals and he and his partner Chris McCall from the Anoka County Sheriff's Office were only able to find three individuals for testing.

SA Woodford asked Deputy Willers what the DRE instructors talked to the officers about when it involved the field portion of the training. Deputy Willers indicated that they were supposed to go out and look for impaired individuals and you could offer them food or cigarettes so they could provide testing for the officers. Deputy Willers indicated you also could offer them money for cooperation however the food, cigarettes or money would all have to come out of the officers own pocket.

SA Woodford asked Deputy Willers if he knew about any officer giving out money or drugs or alcohol and Deputy Willers indicated no on the money and drugs but thought someone might have gave someone some beer.

SA Woodford and SA Anderson asked Deputy Willers if he had provided anyone any drugs during the training and Deputy Willers indicated no and did not even see any drugs up there.

SA Woodford asked Deputy Willers if someone had illegal drugs on them if he felt they were allowed to let them use the drugs and then provide a test for the officers for this DRE program. Deputy Willers indicated to SA Woodford and SA Anderson that it seemed perfectly fine if an officer patted someone down and they had drugs on them to give them the option to either use the drug and then go with them or go to jail.

SA Woodford asked Deputy Willers if he ever felt throughout the program that he had to do something to make him feel uncomfortable and Deputy Willers indicated no.

For complete details refer to the transcribed statement taken by SA Woodford and SA Anderson with Deputy Kenneth Willers of the Nobles County Sheriff's Office.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/32

Report Date: 06/07/2012

Primary Information

Report Number: 2012-429/32
Report Date: 06/07/2012
Type Of Report: Investigative Supplement
Description: Interview of Deputy Adam Connor
Occurrence From: 05/31/2012 14:47
Occurrence To: 05/31/2012 15:16
Reporting LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 05-31-2012, at approximately 1448 hours, Lyon County Sheriff's Deputy Adam Connor arrived at the Lyon County Sheriff's Office Building. SA Derek Woodford took a digitally recorded interview with Deputy Adam Conner about the DRE Program he attended for the month of April 2012 to the first week of May 2012.

Address #1 - Occurred #1 - 611 West Main Steet,

Primary Information

Address: 611 West Main Steet,, Marshall, Minnesota 56258 , United States

Subject #1 - SUBJECT #1 - Connor, Adam John

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Connor, Adam John
Sex: Male
Birth Date: 12/03/1984
Age: 27 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Related Telephones

Telephone Number
(507) 537-7666

Relationship
BUSINESS WORK PH#

Subject #2 - MENTION IN REPORT #1 - Lake, Troy Allen

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/32

Report Date: 06/07/2012

Subject #2 - MENTION IN REPORT #1 - Lake, Troy Allen - Continued

Primary Information - Continued

Subject Name: Lake, Troy Allen
Sex: Male
Birth Date: 11/18/1971
Age: 40 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Related Telephones

Telephone Number	Relationship
[REDACTED]	CELLULAR PHONE

Related Telephones

Telephone Number	Relationship
[REDACTED]	Related

Property #1 - CD of a digitally recorded interview with Adam Connor

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD of a digitally recorded interview with Adam Connor
Property Status: Field Office / Remote Bin Location
Status Date: 06/11/2012 00:00
Quantity: 1
Submitted To PES: YES
Remote Bin: Marshall Field Office

Record Status Information

Record Origination Operator: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/07/2012 13:48
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/12/2012 15:55

Reporting LEO	Date	Supervisor	Date
Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On 05-31-2012, at approximately 1448 hours, Lyon County Sheriff's Deputy Adam Connor arrived at the Lyon County Sheriff's Office Building. SA Derek Woodford took a digitally recorded interview with Deputy Adam Connor about the DRE Program he attended for the month of April 2012 to the first week of May 2012.

SA Woodford read Deputy Connor a criminal investigation warning before conducting the interview. Deputy Connor reviewed the criminal investigation warning, signed it and agreed to speak with SA Woodford.

SA Woodford verified with Deputy Connor that the DRE Program he attended was for most of the month of April and first week of May 2012. Deputy Connor indicated to SA Woodford that there was a classroom portion of his training and a portion where they would go out in the field to do sobriety testing.

SA Woodford asked Deputy Connor about the instruction they were given when they went out into the field and Deputy Connor indicated there wasn't a whole lot of instruction except that they needed to go out to do evaluations, find people under the influence to do testing and talk about maybe some spots to locate people for the testing.

SA Woodford asked Deputy Connor if instructors ever indicated to them what things should not be done during this process, Deputy Connor stated there was conversation about things that have been done in the past like smoking in the back of the cars or smoking nearby the Officers. Connor indicated they did not really say to do that, it was just kind of brought up and described it as a wink, wink nod, nod.

Deputy Connor indicated his partner for the evaluations was Washington County Deputy Troy Lake. Connor indicated to SA Woodford that he was going to keep the same morals he had when he works as a Deputy in Lyon County when he was working in the metro area and indicated his partner felt the same way.

SA Woodford asked Deputy Connor if instructors ever indicated to them to provide individuals with drugs to get them high for the testing and Deputy Connor indicated no.

SA Woodford asked Deputy Connor if instructors ever talked about subjects being found with drugs on them and to allow the subject to use the drug or smoke it up so they could be evaluated and Deputy Connor indicated that it wasn't really said but knew it had happened in the past.

SA Woodford asked Deputy Connor if he and his partner ever gave any of the individuals they evaluated anything and Deputy Connor indicated that he either bought them McDonalds or a bottle of pop or got them Popeye's.

SA Woodford asked Deputy Connor if he ever heard or saw an officer give anybody any drugs while he was up at the DRE Program and Connor indicated no.

Deputy Connor did indicate he had heard someone joke once that they had a bag of marijuana but did not remember who it was and also heard him say they got a bag of marijuana in the trunk and they were going to go down and get some people to use. Deputy Connor indicated that everybody laughed and he thought it was taken as a joke.

Deputy Connor indicated to SA Woodford that he and his partner did make a stop and found some marijuana on the individuals and two of the individuals were allowed to smoke up the marijuana they had so they could use them for evaluations.

For complete information refer to the transcribed statement taken by SA Woodford with Lyon County Sheriff's Deputy Adam Connor.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/33

Report Date: 06/07/2012

Primary Information

Report Number: 2012-429/33
Report Date: 06/07/2012
Type Of Report: Investigative Supplement
Description: 2nd Interview of Deputy Kenneth Willers
Occurrence From: 06/06/2012 19:50
Occurrence To: 06/06/2012 20:10
Reporting LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/13/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 06-06-2012, at approximately 1950 hours, SA Derek Woodford met Deputy Kenneth Willers at the Nobles County Sheriff's Office in Worthington, Minnesota to conduct a second interview regarding information that had came up about something Deputy Willers could have said to another officer at the DRE program.

Address #1 - Occurred #1 - 1530 AIRPORT RD

Primary Information

Address: 1530 AIRPORT RD, Worthington, Minnesota , United States

Subject #1 - SUBJECT #1 - WILLERS, Kenneth Werner

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: WILLERS, Kenneth Werner
Sex: Male
Birth Date: 07/06/1985
Age: 26 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Related Telephones

Telephone Number
(507) 372-2136

Relationship
BUSINESS WORK PH#

Related Telephones

Telephone Number
[REDACTED]

Relationship
Related

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/33

Report Date: 06/07/2012

Property #1 - CD of a diditally recorded interview of Kenneth Willers. (2nd Interview)

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD of a diditally recorded interview of Kenneth Willers. (2nd Interview)
Property Status: Field Office / Remote Bin Location
Status Date: 06/11/2012 00:00
Quantity: 1
Submitted To PES: YES
Remote Bin: Marshall Field Office

Record Status Information

Record Origination Operator: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/07/2012 13:50
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/13/2012 13:24

Reporting LEO	Date	Supervisor	Date
Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On 06-06-2012, at approximately 1950 hours, SA Derek Woodford met Deputy Kenneth Willers at the Nobles County Sheriff's Office in Worthington, Minnesota to conduct a second interview regarding information that had came up about something Deputy Willers could have said to another officer at the DRE program.

SA Woodford explained the Criminal Investigation warning again to Deputy Kenneth Willers and Deputy Willers indicated to SA Woodford that he understood the warning and would provide another statement to SA Woodford.

SA Woodford asked Deputy Kenneth Willers if he had made a comment to a trooper after getting in a squad car to go to lunch on the day that the instructors talked to the class about the Youtube video. Deputy Willers indicated to SA Woodford that the day the instructors talked to the class about the Youtube video he did not go to lunch and that he had just taken his written test and had to leave because he wanted to get home [REDACTED]

SA Woodford indicated to Deputy Willers that the trooper indicated he made the comment "I don't know what the big deal is I just gave them marijuana, it's not like I hurt anybody." Deputy Willers indicated to SA Woodford "absolutely not" and that he was a hundred percent sure he did not say that.

Deputy Willers indicated to SA Woodford that every time except for once he went to lunch with his partner and the other time he remembered going to lunch with someone else he was with Josh Mccuen and Mark Hibbard.

For complete details refer to the transcribed statement taken by SA Woodford with Deputy Kenneth Willers of the Nobles County Sheriff's Department.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/34

Report Date: 06/07/2012

Primary Information

Report Number: 2012-429/34
Report Date: 06/07/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Lt Tiffani Nielson MSP
Occurrence From: 06/07/2012 14:44
Occurrence To: 06/07/2012 14:58
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Hanegraaf, Luke (1389 / Special Operations / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On Thursday June 7, 2012 at 1444 hours, MN BCA S/A Gary Swanson and S/A Luke Hanegraaf interviewed Lt. Tiffani Nielson of the Minnesota State Patrol in a conference room at the MN BCA in St Paul, MN. Lt Nielson was an instructor at the DRE training reference this investigation. As a result of this activity, exhibit 429/34.1 was acquired.

Subject #1 - LAW ENFORCEMENT OFFICER #1 - Nielson, Tiffani

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Nielson, Tiffani
Sex: Female
Birth Date: 11/12/1978
Age: 33 YEAR(S)
Rank/Position: Lt
Juvenile: NO

Subject #2 - LAW ENFORCEMENT OFFICER #2 - Otterson, Nick

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Otterson, Nick
Sex: Male
Rank/Position: State Trooper
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/34

Report Date: 06/07/2012

Property #1 - CD Containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD Containing dss file of the interview
Property Status: BCA / HQ
Status Date: 06/07/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/11/2012 09:26
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/12/2012 12:19

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On June 7, 2012 at 14:44 hours Minnesota BCA SA Gary Swanson and SA Luke Hanegraaf conducted a digitally recorded interview of Lieutenant Tiffani Nielson of the Minnesota State Patrol. Nielson was one of the instructors in the recent Drug Recognition Expert Class held in the metro area reference this investigation.

Nielson went over the dates of the class and the location where it was held. She explained that the certification portion of the training involved the officers going out and interacting with the public in order to find people to evaluate for the certification. She told them that they could find individuals who were in violation of city ordinances and use that as the reason to stop and talk to them. Lieutenant Nielson also stated that she warned all the students to stay away from the Occupy Minnesota protestors in Peavey Plaza in downtown Minneapolis due to the fact that there were problems interacting with them the week prior with the Minneapolis Park Police.

Lieutenant Nielson stated that the object of the certification portion of the training was to locate individuals under the influence of narcotics and bring them in for a voluntary evaluation. Lieutenant Nielson stated that the officers could allow these individuals to remain anonymous and could use their discretion on whether or not to arrest people that they encountered that had violated minor offenses.

Lieutenant Nielson stated that none of the students were given specific instructions on what to do if they encountered people that had narcotics on them and that it was up to their discretion on whether or not to make an arrest or allow these individuals to come in for the evaluation and then release them.

Lieutenant Nielson stated that no instructions were given to the students as to whether or not they should allow use of drugs in their presence but Lieutenant Nielson stated that she did not observe or hear of anyone using drugs in any officer's presence and was not aware of anyone giving drugs to people to be evaluated.

Lieutenant Nielson stated that it was her understanding that Sergeant Rick Munoz addressed the class shortly after it came out in the media that officers were providing citizens with marijuana and that Munoz specifically addressed the class on this and that they should not be giving things to people.

Lieutenant Nielson stated that she was made aware of the allegations against Trooper Nick Otterson after the fact and that she spoke to Nick but had no contact with the individual that had made the allegation.

See type written transcript of the interview with Lieutenant Tiffany Nielson for further information.

Swanson/tla/2012-429-R06

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/35

Report Date: 06/11/2012

Primary Information

Report Number: 2012-429/35
Report Date: 06/11/2012
Type Of Report: Investigative Supplement
Description: Fillmore Deputy Hadland Interview
Reporting LEO: Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Oliveto, Tom (1341 / Out State Narcotics / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 6/11/2012 SA Schafer and SA Oliveto interviewed Fillmore Deputy Michael Hadland relating to his observations and participation in a DRE class. A CD containing the dss/wav audio of the interview is identified as Item 429/35.1. A signed BCA Criminal Warning is identified as Item 429/35.2.

Address #1 - Occurred #1 - 101 4TH ST SE GOVT CTR

Primary Information

Address: 101 4TH ST SE GOVT CTR, ROCHESTER, Minnesota 55904

Subject #1 - LAW ENFORCEMENT OFFICER #1 - HADLAND, Michael David

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: HADLAND, Michael David
Sex: Male
Birth Date: 05/21/1969
Age: 43 YEAR(S)
Juvenile: NO
LEO ID: 2313

Subject #2 - MENTION IN REPORT #1 - Munoz, Rick

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Munoz, Rick
Sex: Male
Rank/Position: Sergeant
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/35

Report Date: 06/11/2012

Subject #3 - MENTION IN REPORT #2 - Schuenke, Bryce Frank DEP

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Schuenke, Bryce Frank DEP
Sex: Male
Birth Date: 05/12/1987
Age: 25 YEAR(S)
Rank/Position: Deputy, Dakota County Sheriff's Office
Juvenile: NO

Related Addresses

<u>Address</u>	<u>Relationship</u>
1580 Highway 55, Hastings, Minnesota 55033 , United States	BUSINESS LOCATION

Property #1 - dss/wav Audio of Deputy Hadland Interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: dss/wav Audio of Deputy Hadland Interview
Property Status: Field Office / Remote Bin Location
Status Date: 06/11/2012 00:00
Quantity: 1
Control Number: 2012-429/35.1
Submitted To PES: YES
Remote Bin: Rochester Field Office

Property #2 - Signed BCA Criminal Warning

Primary Information

Property Class: Evidence
Property Type: Documents
Description: Signed BCA Criminal Warning
Property Status: Field Office / Remote Bin Location
Status Date: 06/11/2012 00:00
Quantity: 1
Control Number: 2012-429/35.2
Submitted To PES: YES
Remote Bin: Rochester Field Office

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/35

Report Date: 06/11/2012

Record Status Information	
Record Origination Operator:	Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	06/11/2012 11:11
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	06/12/2012 12:24

Reporting LEO	Date	Supervisor	Date
Schafer, David (1386 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.
--

On 6/11/2012 SA Schafer and SA Oliveto interviewed Fillmore Deputy Michael Hadland relating to his observations and participation in a DRE class. A CD containing the dss/wav audio of the interview is identified as Item 429/35.1. A signed BCA Criminal Warning is identified as Item 429/35.2.

Deputy Hadland originally expressed a desire to have an LELS attorney present, Deb Ellis present for his interview. SA Schafer previously contacted Deb Ellis to arrange an interview. On 6/7/2012 Deputy Hadland contacted SA Schafer and arranged an interview at 10:00 AM on 6/11/2012. Deputy Hadland arrived without representation and stated he wished to provide a statement without Ellis. Prior to the interview Deputy Hadland was given a copy of the BCA Criminal Warning which he stated he understood and signed.

Deputy Hadland stated he has been with the Fillmore County Sheriff's Office for 14 years and as part of his employment, attended a DRE Class sponsored by the Minnesota State Patrol in April and May of 2012. The lead instructor was MSP Sgt. Munoz and the course was instructed by several law enforcement officers from various jurisdictions.

After two weeks of classroom instruction, Deputy Hadland was teamed with Dakota County Deputy Bryce Schuenke to complete the evaluation portion of the class.

During the initial part of the evaluations, Deputy Hadland became aware of an incident with a Trooper resulting in an instruction to the class "not to cause problems". Deputy Hadland did not speak with the Trooper about the incident and he did not have any firsthand knowledge of the incident.

Deputy Hadland said overall, there was no specific instruction of what to do and not do to in recruiting volunteers for the evaluations. Students were instructed to observe volunteers but not to arrest them. Students were also told of locations to find volunteers.

Deputy Hadland said volunteers were not asked their actual names to protect their identity and they did not want to know if there were warrants out on the volunteer.

Deputy Hadland explained he and Deputy Schuenke never asked nor encouraged any volunteer to use drugs in order to participate, though some offered to get high. Deputy Hadland said they never provided nor did he and Deputy Schuenke possess any drugs during the evaluation portion of the training. Deputy Hadland added he was not aware nor did he witness other DRE students providing drugs or encouraging drug use by the volunteers.

Deputy Hadland said three volunteers he used did drugs in his presence, recalling them as "Ray Charles," "James," and "Jose."

Deputy Hadland said he and Deputy Schuenke did provide volunteers with cigarettes or food at the conclusion of an evaluation and these items were paid with their personal funds.

Deputy Hadland told Agents he and his partner had been at the Peavy Plaza on two occasions. On the second, they were met by individuals with cameras asking a lot of questions. The images of Deputy Hadland were posted on the YouTube video.

The above is a summation of an interview with Deputy Hadland. Please refer to the attached transcript for complete information.

DTS/1386

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/36

Report Date: 06/12/2012

Primary Information

Report Number: 2012-429/36
Report Date: 06/12/2012
Type Of Report: Attachment
Description: Property Release/Disposal Reciept evidence for Mccuen interview
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/12/2012
Approved By: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/12/2012 09:34
Last Update Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/12/2012 09:36

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/37

Report Date: 06/12/2012

Primary Information

Report Number: **2012-429/37**
Report Date: **06/12/2012**
Type Of Report: **Attachment**
Description: **Property Release/Disposal Reciept for Roemeling Interview**
Reporting LEO: **Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Approval Status: **Approved**
Approved Date: **06/12/2012**
Approved By: **Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**

Record Status Information

Record Origination Operator: **Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Record Origination Date: **06/12/2012 09:37**
Last Update Operator: **Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Last Update Date: **06/12/2012 09:39**

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/38

Report Date: 05/29/2012

Primary Information

Report Number: **2012-429/38**
Report Date: **05/29/2012**
Type Of Report: **Attachment**
Description: **Criminal Investigative Forms**
Reporting LEO: **Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Approval Status: **Approved**
Approved Date: **06/13/2012**
Approved By: **Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**

Record Status Information

Record Origination Operator: **Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Record Origination Date: **06/13/2012 10:14**
Last Update Operator: **Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
Last Update Date: **06/13/2012 10:18**

Reporting LEO	Date	Supervisor	Date
Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On May 25 and May 29, 2012, SA Wold conducted four interviews of officers who were attending the DRE Training hosted by the State Patrol. Attached to this report are the Criminal Investigative warnings which each of these officers signed.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/39

Report Date: 06/13/2012

Primary Information

Report Number: 2012-429/39
Report Date: 06/13/2012
Type Of Report: Investigative Supplement
Description: Attempts to locate and interview Jay Roland and Donald Turner
Occurrence From: 05/11/2012 00:00
Occurrence To: 06/12/2012 00:00
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/13/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

Starting on May 11, 2012, MN BCA S/A Gary Swanson has attempted to locate Jay Roland and Donald Turner for interviews in this investigation. As of June 13, 2012, both of these individuals have ignored messages to contact S/A Swanson and relayed messages through other people that they did not wish to cooperate in this investigation. No evidence was obtained by virtue of this report.

Subject #1 - COMPLAINANT #1 - Roland, Jay

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Roland, Jay
Sex: Male
Juvenile: NO

Subject #2 - WITNESS #1 - Turner, Donald Steven

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Turner, Donald Steven
Sex: Male
Birth Date: 08/02/1992
Age: 19 YEAR(S)
Juvenile: NO

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/13/2012 13:33
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/13/2012 15:09

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/39

Report Date: 06/13/2012

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

Early in this investigation, MN BCA S/A Gary Swanson identified two individuals affiliated with the Occupy Minnesota Movement that gave statements to the media in this case.

These two individuals were identified through the stories in the news as Jay Roland and Donald Turner.

S/A Swanson was able to find a DVS record on Turner but nothing on Jay Roland. No current information was located through various database checks.

S/A Swanson, assisted by sever MN BCA Special Agents, made multiple (6) trips from May 11, 2012 to June 12, 2012 to Peavey Plaza in downtown Minneapolis and spoke with other members of the Occupy Minnesota Movement and explained that we needed to talk to Mr. Turner and Mr. Roland.

S/A Swanson explained to these people that Turner and Roland were not in any trouble and were considered witnesses in this case. S/A Swanson left business cards with contact information with several people and asked these associates of Turner and Roland to get a message to them to call S/A Swanson.

Other area checked for Turner and Roland was the Minneapolis Public Library, the Hennepin County Jail, The Hennepin County Government Center and Turners listed address on his DVS printout, (doesn't live there any longer).

At one point, S/A Swanson was told by several Occupy Minnesota Protesters at Peavey Plaza that neither Turner or Roland wished to cooperate with this investigation and they were purposely avoiding S/A Swanson.

On the evening of June 12, 2012 from 19:30 until 22:00, S/A Swanson and S/A Mueller went to Peavey Plaza and again attempted to locate Turner and Roland. Agents talked to numerous Occupy Minnesota Protesters and remained in the area for over 2 hours and were unsuccessful in locating Turner or Roland.

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/40

Report Date: 06/14/2012

Primary Information

Report Number: 2012-429/40
Report Date: 06/14/2012
Type Of Report: Attachment
Description: MN BCA Criminal Investigation Warning for interview with Fillmore Co Deputy Michael Hadland
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/14/2012
Approved By: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/14/2012 11:15
Last Update Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/14/2012 11:19

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension

ACISS TELEPHONE SUBSCRIBER SUBPOENA RESPONSE Report 2012-429/41

Report Date: 06/14/2012

Primary Information

Report Number: **2012-429/41**
 Report Date: **06/14/2012**
 Type Of Report: **TELEPHONE SUBSCRIBER SUBPOENA RESPONSE**
 Reporting LEO: **Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
 Approval Status: **Approved**
 Approved Date: **06/14/2012**
 Approved By: **Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
 Source: **AT&T**

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(612) 414-6395	---

Record Status Information

Record Origination Operator: **Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
 Record Origination Date: **06/14/2012 11:44**
 Last Update Operator: **Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)**
 Last Update Date: **06/14/2012 11:52**

Reporting LEO	Date	Supervisor	Date
Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Meiers, Kathryn (Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/42

Report Date: 06/15/2012

Primary Information

Report Number: 2012-429/42
Report Date: 06/15/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Donald Steven Turner
Occurrence From: 06/15/2012 10:45
Occurrence To: 06/15/2012 11:05
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Mueller, Scott (1349 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/18/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On the morning of Friday June 15, 2012, S/A Swanson received a phone call from Donald Steven Turner. Turner stated he had been given information that S/A Swanson wished to talk to him. S/A Swanson asked if Turner would be willing to talk to BCA Agents about his involvement in the DRE class certification program and Turner agreed to provide a recorded statement. S/A Swanson and S/A Mueller went to 1212 Raymond Ave. in St Paul, MN and met with Donald Turner and secured a recorded statement from him. As a result of this activity, exhibit 42.1 was acquired.

Address #1 - RESIDENTIAL #1 - 1212 RAYMOND AVE

Primary Information

Address: 1212 RAYMOND AVE, St Paul, Minnesota , United States

Subject #1 - WITNESS #1 - Roland, Jay

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Roland, Jay
Sex: Male
Juvenile: NO

Subject #2 - WITNESS #2 - Turner, Donald Steven

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Turner, Donald Steven
Sex: Male
Birth Date: 08/02/1992
Age: 19 YEAR(S)
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/42

Report Date: 06/15/2012

Subject #3 - MENTION IN REPORT #1 - Bounds, Michael Anthony

Primary Information

Race: Unknown
Record Type: Person
Subject Name: Bounds, Michael Anthony
Sex: Male
Birth Date: [REDACTED]
Age: 20 YEAR(S)
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
[REDACTED]	CELLULAR PHONE

Subject #4 - MENTION IN REPORT #2 - Day, Weya

Primary Information

Race: American Indian
Record Type: Person
Subject Name: Day, Weya
Sex: Female
Juvenile: NO

Subject #5 - MENTION IN REPORT #3 - Oliver, Forest Rainier

Primary Information

Race: White
Record Type: Person
Subject Name: Oliver, Forest Rainier
Sex: Male
Birth Date: [REDACTED]
Age: 19 YEAR(S)
Juvenile: NO

Property #1 - CD containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD containing dss file of the interview
Property Status: BCA / HQ
Status Date: 06/15/2012 00:00
Quantity: 1
UCRDamaged: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/42

Report Date: 06/15/2012

Property #1 - CD containing dss file of the interview - Continued

Primary Information - Continued

Submitted To PES: YES

Remote Bin: Locker

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Origination Date: 06/15/2012 11:38

Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Last Update Date: 06/18/2012 15:01

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On June 15, 2012, at approximately 10:00 AM, SA Swanson received a phone call from a Donald Steven Turner. SA Swanson had been trying to locate Turner for the past month regarding this investigation. SA Swanson had left numerous messages with people throughout the metro area that were known associates of Turner's, requesting him to call.

Upon receiving the phone call from Donald Turner on June 15, 2012, arrangements were made between SA Swanson and Turner to meet at his current residence at 1212 Raymond Avenue, St Paul, Minnesota, for the purposes of a recorded interview.

On June 15, 2012, at 1045 hours, SA Swanson and SA Scott Mueller interviewed Donald Turner at his residence at 1212 Raymond Avenue, St Paul, Minnesota, regarding this investigation.

Turner stated that he was an active member of the Occupy Minnesota Movement and also one of the people who volunteered to be evaluated for the Drug Recognition Expert program that had taken place in early April and May in and around the Metro area. Turner stated that he been recruited by a State Trooper near Peavey Plaza in Downtown Minneapolis and taken to a garage in Richfield by the airport for the purposes of being evaluated after smoking marijuana.

Turner stated that at no time did any police officer offer him drugs and that the only thing he was offered was a pack of cigarettes after the evaluation. Turner stated that the marijuana he consumed was his own and he had it with him when he was approached by the officers with the request for the evaluation.

Donald Turner stated he is heavily involved in the Occupy Minnesota Movement and is familiar with other people involved in the movement that were interviewed by the media regarding this investigation. Turner mentioned individuals Michael Bounds, Forest Oliver, Weia Day and Jay Rowland as being other individuals that he knew of that had taken part in the evaluation process for the DRE program and were also Occupy Minnesota protesters.

Turner stated that Forest Oliver lied in his interview regarding information he gave the media about the DRE program and officers providing him with drugs. He also stated that Jay Rowland, who he stated he knows as James Oliphant, also lied to the media about being provided with drugs by the police.

Turner stated that the basic reason for these individuals lying about the police supplying them with drugs was to gain their minute of fame in the news media and also to further the political intentions of the Occupy Minnesota Movement.

When questioned by SA Swanson and SA Mueller, Turner stated that at no time did he see any police officers offer anyone drugs in this Drug Recognition Program and that he knows for a fact that individuals did lie in news media stories regarding Minnesota police officers supplying individuals with drugs.

See typewritten transcript of the interview with Donald Steven Turner for further information.
The transcript will be attached to this report.

Swanson/sg.R07

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/43

Report Date: 06/18/2012

Primary Information

Report Number: 2012-429/43
Report Date: 06/18/2012
Type Of Report: Investigative Supplement
Description: Digitally Recorded Interview of Mark Suchy at the MN BCA on 06182012
Occurrence From: 06/18/2012 08:37
Occurrence To: 06/18/2012 08:53
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Backup LEO: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/19/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On June 18, 2012 at 0830 hours, S/A Gary Swanson and SSA Drew Evans conducted a digitally recorded interview of Ramsey County Deputy Mark Andrew Suchy at the MN BCA in St Paul, MN. As a result of this activity, exhibit 2012-429/43.1 was acquired.

Subject #1 - LAW ENFORCEMENT OFFICER #1 - Jacobson, Nicholas Allen

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Jacobson, Nicholas Allen
Sex: Male
Birth Date: 05/05/1981
Age: 31 YEAR(S)
Rank/Position: Deputy
Juvenile: NO

Subject #2 - LAW ENFORCEMENT OFFICER #2 - Schneider, Derek Brian

Primary Information

Exempt From Disclosure: Yes
Race: Unknown
Record Type: Law Enforcement Official
Subject Name: Schneider, Derek Brian
Sex: Male
Birth Date: 06/23/1987
Age: 24 YEAR(S)
Rank/Position: Trooper
Juvenile: NO

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/43

Report Date: 06/18/2012

Subject #3 - LAW ENFORCEMENT OFFICER #3 - Suchy, Mark Andrew

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: Suchy, Mark Andrew
Sex: Male
Birth Date: 02/04/1969
Age: 43 YEAR(S)
Rank/Position: Deputy Sheriff
Juvenile: NO

Related Addresses

<u>Address</u>	<u>Relationship</u>
1400 PAUL KIRKWOOD DR, Arden Hills, Minnesota 55112 , United States	BUSINESS LOCATION

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
[REDACTED] (651) 767-0640	CELLULAR PHONE BUSINESS WORK PH#

Subject #4 - LAW ENFORCEMENT OFFICER #4 - Zajak, Pete

Primary Information

Exempt From Disclosure: Yes
Record Type: Law Enforcement Official
Subject Name: Zajak, Pete
Sex: Male
Rank/Position: Officer
Juvenile: NO

Property #1 - CD containing dss file of the interview

Primary Information

Property Class: Evidence
Property Type: CD, DVD, DISC, TAPE
Description: CD containing dss file of the interview
Property Status: BCA / HQ
Status Date: 06/18/2012 00:00
Quantity: 1
UCRDamaged: NO
Submitted To PES: YES
Remote Bin: Locker

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/43

Report Date: 06/18/2012

Record Status Information

Record Origination Operator:	Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date:	06/18/2012 09:01
Last Update Operator:	Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date:	06/19/2012 12:40

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On June 18, 2012 at 0837 hours, MNBCA SA Gary Swanson and SSA Drew Evans conducted a digitally recorded interview of Mark Andrew Suchy, DOB: 02-04-1969 at the Minnesota BCA Headquarters in St. Paul. Suchy's address is 1411 Paul Kirkwold Drive in Arden Hills, Minnesota 55112, phone number 651-266-7300. This interview was in relation to a investigation being conducted by the Minnesota BCA involving the recent Minnesota Drug Recognition Expert program that was put on in the metro area in early April and into the month of May of 2012. Suchy was a student in that program and was teamed up with Minnesota State Patrol Trooper Derek Schneider.

Deputy Suchy was given the Minnesota BCA Criminal Investigation Warning form to review and after reviewing said document Suchy did agree to talk to us and signed the document. SA Swanson and SSA Evans explained to Deputy Suchy that he was not required to talk with us and that any interview would be strictly voluntary and he could end the interview at any time. After Suchy examined and signed the criminal investigation warning form he did agree to speak with SA Swanson and SSA Evans.

SA Swanson and SSA Evans asked Suchy to describe the instructions that he was given by the instructors of the DRE class prior to the certification portion of the training. Suchy stated that instructors gave them certain locations to go check to locate individuals that were under the influence of narcotics. Suchy stated that he and Schneider checked several of these areas and through checking those areas and making several phone calls to people that Suchy knew through contact on the street that they were able to locate people to bring in for evaluation for the certification portion of the training.

Suchy stated that he contacted a couple people that he knew used marijuana and did obtain two people to evaluate after they used a small amount of marijuana. Suchy stated that these two individuals did use marijuana in his presence but what they possessed was a small amount and it was not provided by him or Schneider. Suchy also stated that they did not allow these people to smoke marijuana in any squad cars and required them to sit on a curb outside of the testing facility and use the marijuana there.

Suchy stated that at no time did he see any police officers provide test subjects with any types of drugs nor did he see any police officers in possession of drugs. Suchy stated that two officers he identified as Pete Zajak and Nick Jacobson did have a bag containing cigarettes and lighters and other items to provide the testing candidates with after testing was done but Suchy stated that to his knowledge there was no illegal items in that bag that were presented to any people that participated in the program.

When SA Swanson and SSA Evans questioned Suchy regarding specific instructions provided to him by the instructors of the DRE program with regards to individuals in possession of any types of drugs or individuals that had committed any types of crimes. Suchy stated that they were encouraged to arrest anyone for criminal activity but were allowed to use discretion regarding minor violations in order to get people to agree to be evaluated.

Suchy stated that all of the individuals he had contact with that were in possession of drugs were only in possession of a minor amount of marijuana which would be a petty misdemeanor.

See typewritten transcript of the interview with Deputy Mark Suchy which is attached to this report.

Swanson/R43

Minnesota Bureau of Criminal Apprehension

ACISS Attachment Report 2012-429/44

Report Date: 06/13/2012

Primary Information

Report Number: 2012-429/44
Report Date: 06/13/2012
Type Of Report: Attachment
Description: Evidence Change of Custody Receipt CD of dss file of Schmutzer Interview
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 06/19/2012
Approved By: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 06/19/2012 09:48
Last Update Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 06/19/2012 09:57

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/45

Report Date: 07/30/2012

Primary Information

Report Number: 2012-429/45
Report Date: 07/30/2012
Type Of Report: Investigative Supplement
Description: Follow up regarding Nobles County Evidence Room.
Occurrence From: 07/26/2012 10:00
Occurrence To: 07/26/2012 10:30
Reporting LEO: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 07/30/2012
Approved By: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Synopsis

On 07/26/2012 SA Derek Woodford received a call from SA Gary Swanson regarding some additional follow up that needed to be done with the DRE case that he was assigned.

SA Swanson indicated to SA Woodford that because of a possible statement made by Deputy Kenneth Willers to Trooper John Schmutzer regarding marijuana during the DRE training, SA Swanson asked if SA Woodford could check to make sure no marijuana was missing from the Nobles County evidence room.

Address #1 - Occurred #1 - 1530 AIRPORT RD

Primary Information

Address: 1530 AIRPORT RD, Worthington, Minnesota , United States

Subject #1 - WITNESS #1 - SCHMUTZER, John

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official
Subject Name: SCHMUTZER, John
Sex: Male
Email: John.Schmutzer@state.mn.us
Rank/Position: Trooper
Juvenile: NO
LEO ID: 138

Subject #2 - SUBJECT #1 - WILLERS, Kenneth Werner

Primary Information

Exempt From Disclosure: Yes
Race: White
Record Type: Law Enforcement Official

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/45

Report Date: 07/30/2012

Subject #2 - SUBJECT #1 - WILLERS, Kenneth Werner - Continued

Primary Information - Continued

Subject Name: WILLERS, Kenneth Werner
Sex: Male
Birth Date: 07/06/1985
Age: 27 YEAR(S)
Juvenile: NO

Related Telephones

<u>Telephone Number</u>	<u>Relationship</u>
(507) 372-2136	BUSINESS WORK PH#

Record Status Information

Record Origination Operator: Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 07/30/2012 10:54
Last Update Operator: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 07/30/2012 11:46

Reporting LEO	Date	Supervisor	Date
Woodford, Derek (1368 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)		Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)	9/25/2012

Narrative begins on the following page.

On 07/26/2012 SA Derek Woodford received a call from SA Gary Swanson regarding some additional follow up that needed to be done with the DRE case that he was assigned.

SA Swanson indicated to SA Woodford that because of a possible statement made by Deputy Kenneth Willers to Trooper John Schmutzer regarding marijuana during the DRE training, SA Swanson asked if SA Woodford could check to make sure no marijuana was missing from the Nobles County evidence room.

SA Woodford contacted Chief Deputy Chris Heinrichs and asked him if he could make sure nothing was missing from their evidence room. Heinrichs stated he would contact their evidence tech and Detective Lonnie Roloff and get back to me.

On 07/26/2012 Chief Deputy Chris Heinrichs contacted SA Derek Woodford and stated he spoke with Det. Lonnie Roloff and all evidence was accounted for.

Minnesota Bureau of Criminal Apprehension
ACISS Investigative Supplement Report 2012-429/46

Report Date: 10/02/2012

Primary Information

Report Number: 2012-429/46
Report Date: 10/02/2012
Type Of Report: Investigative Supplement
Description: Case Closure Memorandum from the Hennepin Co Atty and Richfield City Atty refusing prosecution
Occurrence From: 05/08/2012 00:00
Occurrence To: 10/02/2012 00:00
Reporting LEO: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Approval Status: Approved
Approved Date: 10/03/2012
Approved By: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)

Synopsis

Case Closure

Record Status Information

Record Origination Operator: Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)
Record Origination Date: 09/25/2012 13:06
Last Update Operator: Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)
Last Update Date: 10/03/2012 09:25

Reporting LEO	Date	Supervisor	Date
Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)		Hansen, Jeff (1306 / St. Paul Regional Office / Minnesota Bureau of Criminal Apprehension)	10/3/2012

Narrative begins on the following page.

On September 25, 2012, MN BCA SA Gary Swanson and SSA Drew Evans received a written memorandum from Gail Baez and Emery Adoradio, Senior Assistant Hennepin County Attorneys declining prosecution on felony level charges in this case. Their reasoning along with suggestions to the Commissioner of Public Safety for concerns on how the program is administrated were explained in detail in the memorandum. This memorandum is attached.

Baez and Adoradio stated during meetings with S/A Swanson and SSA Evans that another option should felony level charges not be possible was to submit the case to the Richfield City Attorney for review for Gross Misdemeanor or Misdemeanor charges.

On Tuesday October 2, 2012, S/A Swanson had telephone contact with Richfield City Attorney Martin Costello. Mr. Costello stated he had already conferred with the Hennepin County Attorney's Office on this case and agreed with their assessment. Mr. Costello came to the same conclusion that this case was not a prosecutable case for gross misdemeanor or misdemeanor charges.

Due to the fact that the Hennepin County Attorney and the Richfield City Attorney will not be going forward with criminal charges, this case can be closed as no further investigative activity is anticipated.

No evidence was obtained by virtue of this report.



Police/Emergency Management Services

10 Franklin Street SW
Hutchinson, MN 55350-2464
320-587-2242/Fax 320-587-6427

May 10, 2012

MN Bureau of Criminal Apprehension
Attn: Superintendant Wade Setter
1430 Maryland Ave E
St. Paul, MN 55106

RE: Investigation Request

Dear Superintendant Setter,

This letter serves as a formal request to the Minnesota BCA to conduct an investigation into allegations potentially involving members of the Hutchinson Police Department during a DRE training program conducted by the Minnesota State Patrol.

This letter also serves as documentation of our conversation that took place on Tuesday, May 8, 2012 in which I made a verbal request for an investigation into the above mentioned allegations. Should you have any further questions, please do not hesitate to contact me.

Respectfully,

Daniel T. Hatten
Hutchinson Police Chief

2012 DRE School Student Roster

Nick Otterson, MSP 2500

Mark Hibbard, MSP 2500

Bryan Bearce, MSP 2800

Chris McCall, Anoka Co SO

Andrew Mahowald, Chisago Co SO

Pete Zajac, Farmington PD

Mark Hanneman, Hutchinson PD

Daniel Lewis, Kanabec Co SO

Adam Connor, Lyon Co SO

Dustin Roemeling, Nobles Co SO

Michelle Ness, Olmsted Co SO

Mark Suchy, Ramsey Co SO

Joshua McCuen, Worthington PD

Thercesa Bremer, MSP 2500

John Schmutzer, MSP 2600

Derek Schneider, MSP 3200

Joshua Lawrenz, Chaska PD

Bryce Schuenke, Dakota Co SO

Michael Hadland, Fillmore Co SO

Karl Willers, Hutchinson PD

Chad Vanhorn, Lakes Area PD

Matt Olson, Maple Grove PD

Kenny Willers, Nobles Co SO

Nicholas Jacobson, Olmsted Co SO

Troy Lake, Washington Co SO

Troy Kemp, Coon Rapids PD

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

05/10/2012
Date

Witness

5/10/12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 10, 2012	BCA CASE	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	2012-429/1.1
INTERVIEW OF:	Andrew Mahowald (AM)	INTERVIEWED BY:	SA Gary Swanson (GS) SSA Drew Evans (DE)
REVIEWED BY:	S/A Swanson		

GS This is gonna be a digitally recorded interview. The date is May 10th, 2012. The time is 1305 hours. This is an interview of Andrew James...

AM Mahowald.

GS Mahowald, M A H O W A L D, date of birth 7-6 of '85. Ah address is 313 North Main Street, Suite 100, Center City, Minnesota 55012. Andrew is a Deputy Sheriff with the Chisago County Sheriff's Office. His work number 651-775-8782, his home cell phone [REDACTED]. This interview is being conducted within the ah library at the ah headquarters Minnesota BCA in St. Paul. Present for the interview are Minnesota BCA SA Gary Swanson and SSA Drew Evans. Um Andrew this interview is with regards to ah an incident that has arisen out of the um recent ah drug recognition ah training that was put on by the Department of Public Safety, State Patrol here within the last couple weeks in ah in the metro here. Were you ah, um student in that class?

AM I was.

GS Okay what, what was the date that that training started?

AM Oh geez um, I believe the classroom portion started I want to say April 2nd and went for nine classroom days, Monday through Friday and then the subsequent Monday through Thursday of the following week. That was at ah White Bear.

GS Okay.

DE Andrew and, just even before we get started um prior to turning the tape on um Agent Swanson had you ah read and review a criminal investigation warning form is that right?

AM That's correct.

DE And did you understand everything in that form?

AM I did.

DE And you understood through that form that we are not conducting an internal affairs investigation but we've asked to ah conduct a criminal investigation on some of the activities around this class.

AM Yes I understand that.

DE And, and you unders, and you volunteered to provide a statement to us at this time right?

AM I did, yep.

DE Okay. (inaudible)

GS So the classroom portion of this was conducted ah starting April 2nd at White Bear Lake PD?

AM Yeah I, I'm pretty sure it was April 2nd.

GS Okay.

AM Almost positive.

GS And was there a subsequent field part of this training?

AM (inaudible)

GS And when did that start?

AM Let's see that would be ah, give me a second I'll look at my calendar.

GS Sure.

AM Phone, at least. Let's see would have been (pause) I think that would have started the 13th of April. Yeah.

GS And where was that held?

AM Um the first couple nights it was the ah 5th precinct in Minneapolis, City of Minneapolis.

GS And was it ah, subsequently changed then or did they have it somewhere else?

AM Yeah um, I think I don't really recall the reason I think there was a double booking um, kinda somebody else had the room reserved or something at 5th precinct. Um so it subsequently got moved out to the MNDOT building out in Richfield and then just out of um kind of convenience and cleanliness um they just ended up staying there.

GS Okay.

AM Little bit nicer facility for...

GS Okay.

AM ...use.

DE Is that the one over by the airport?

AM Yeah.

DE Okay. Could you explain that second portion of the training what, what does that entail?

AM Ah it's what, they refer to as the certification portion. Um basically you apply your um classroom portion and knowledge um that we received over the roughly two weeks um then at that point um you're to go out and find people who would fit ah in intoxicated by whatever means um level um and have them voluntarily if they're willing ah submit to going through an evaluation um to determine if they are under the influence of some type of drug.

GS Ha, how did you go about picking these people?

AM Um, a lot of people just based on um kinda their demeanor that we observed visually. Stumbling most ah, I mean I guess I would compare it to much like many officers can easily ah tell a person who's intoxicated by alcohol.

GS Um-hm.

AM Since that seems to be the most common interaction. Um stumbling um poor coordination, slumping over um stuff like that of a lotta times um ah just get outta your car, walk around and you can hear how people are talking...

GS Um-hm.

AM ...differently than normal and just engage in conversation with 'em.

GS Now you work in Wash or in Chisago County and did you go up to Chisago County to look for people to, to evaluate?

AM No.

GS Where did you go?

AM Um basically the metro area. Majority ah St. Paul or Minneapolis.

GS Okay and did anybody direct you on where to go?

AM Um we, we basically the reason that ah my understanding was, was we should go towards Minneapolis just of the high volume of people therefore high volume of drug activity.

GS Okay. And, and who, who directed ya there?

AM Um, I guess specifically probably the, the instructors um just basically stated this is where you're gonna find these people.

GS Okay and who were the instructors?

AM Ah the coordinator was Rick Munoz um and then he had oh god there was, there was quite a few instructors. Um I guess there would be um,

DE Anybody you were working with?

AM Um, what do you mean by that?

DE Like was there, how did they, divvy up, who they were working with?

AM The instructors um basically they were just there for the point of the classroom.

GS Um-hm.

AM The nine days and then from that point on it went to um basically they would just stay at either the 5th precinct or Richfield and be ah kinda over watch how you conduct your evaluation afterwards to either offer critiques or um compliments whatever.

GS So they didn't go out in the, in the field and look for ah...

AM No.

GS ...people with ya?

AM No.

GS Okay. Did they tell you where to go or what to look for or...

AM Um basic...

GS ...specifically how to do this?

AM Um, not, not really other than you know go out um engage in conversation with people or you know go up and down you know the populated areas downtown Minneapolis and...

GS Um-hm.

AM ...you know the, that was ah pretty much it. Go find people.

GS Okay. But they didn't give you any specific instructions on how to do that?

AM Um, not like a, a procedural thing like you know this, this, this and that I mean a lot of it's um (inaudible)

GS How about informal?

AM Um that was basically yeah go to the, go to the populated areas.

GS Okay.

AM And try to, try to find people.

GS Okay.

DE Were there any instructions if are struggling trying to find people as to what to do?

AM Um you could either give them a call. They, they offered some, they offered some you know hot, they I don't want to use this as a quoted cuz I don't think it was a direct quote but like a hot spot or a hot bed of area like um you know maybe the homeless shelters or stuff like that because drug abuse is more prevalent there and um there was a few basically addresses thrown out like that um the one that resonates is 1010 Currie which is like ah Salvation Army over there which is a highly populated area and quite a few people over there were abusing some type of drug.

DE Okay.

AM Just weren't very cooperative with wanting to do

GS Okay so you, you when then went out and looked for these people is that right?

AM Yeah, yep.

GS Did you go by yourself?

AM Ah no.

GS Who, who'd you go with?

AM Ah we ended up getting designated partners.

GS Okay.

AM Um and the person I got paired up with was an officer from Hutchinson Police Department.

GS What was his name?

AM Ah Karl Willers.

DE Do you know how he spells that?

AM Ah he spells his first name with a K um I think ah and then W I L L E R S?

DE Okay.

GS Okay. So tell us about ah what happened then. You went out looking for, people in the what the downtown Minneapolis area?

AM Yeah more or less we stopped over at St. Paul a few times but um just weren't having ah much luck at all and especially with construction it was, not really worth the time.

GS Okay.

AM Um yeah basically went out um spoke with you know a few people um you know eh I remember the, the first guy we ended up seeing, much like you were inquiring on how we determine it, the first guy was stumbling all over and I remember the exact intersection it was like 5th and Franklin. Um that was our first guy and he was an admitted crack user um...

GS Um-hm.

AM ...basically at that point ah was more than happy to volunteer to, go do a test for us.

DE Do they have to sign a form or?

AM No.

DE Do you have to record that they consent to this?

AM No.

DE No? Do you have to get them anything or buy them anything?

AM No you don't have to do anything. Anything um you know basically if they request something for their time like you know a, a cigarette or a you know maybe they haven't eaten in a while...

DE Um-hm.

AM ...I'll you know, you could you know take 'em to McDonalds or something but that's all up to the personal officer.

DE Okay.

AM Cuz there, there's no funding for that.

GS Uh-huh.

AM That's just kind of a...

DE (inaudible)?

AM Yeah it's, it's up to your prerogative basically as the officer if you want to, to do that.

GS Okay. So um what happened with this first guy?

AM Um he came in and he ah he basically ah...

GS Did you identify him?

AM Um, he didn't have a driver's license on him or anything like that. He said his name was Ray.

DE Do you have to fill out any paperwork yourselves as to who you were with?

AM Um as far as the person we, we pick up or meet, um we have to do um basically go through the whole face sheet of our evaluation, what we're observing through you know the vital signs, the pupil test stuff like that. Um any more information than a name is basically all that we're you know, we're not even required to get that. Many of the people didn't want to give a real name. Um nobody, basically don't, don't sweat 'em about it.

GS Um-hm.

AM It wasn't a, or wasn't a necessary thing really.

DE What do you do with those evaluation forms? Are they just for you to keep or?

AM Yeah they're basically just ah at, you go through the evaluation and the instructor who observes your evaluation then wants you to go through your face sheet and turn it in and they see if it coincides with the traditional signs of the drug category that you're calling. So,

DE So did they keep it or?

AM As far as I know I think...

DE Did you turn it into them?

AM We, we turn it in to them because then it has to um pass their whether or not it coincides and then X amount of evaluations are needed to get certified by the IACP.

DE Okay.

GS So this ah, this Ray.

AM Um-hm.

GS How did he come out on your evaluation?

AM Ah we called a positive for CNS stimulants.

GS Okay.

AM Um, not a if I recall not it was, it was pretty fast acting I think he stated he had been using crack for many-many years so the effects basically had burned out ah his tolerance had actually started to eliminate some of the clinical signs which they state even if you're tolerant to a drug you should still have the clinical indicators and but yeah he um, we ended up ah we just dropped him back off. I think we ah gave him a few Newports and that was, that was it.

GS Um-hm.

AM That was all he asked for so, dropped him back off and he was content with that.

GS Okay.

DE Did you guys have to when you're like picking these guys up ah log anything like or call out a ra, on a radio frequency or?

AM Um-um, no a lot of the jurisdictions and including mine aren't on 800 yet so there wasn't really a mutual channel that everybody, I mean I think they set up like an L-tac or something but

DE You didn't have it?

AM Yeah I, I had ah a portable and I had it on there but the, there was no communication over it anyway.

DE (inaudible) require you to talk when you were...

AM Nope.

DE ...(inaudible) the guy or whatever?

AM Nope, nothing.

GS And this guy here did you take him to the 5th precinct?

AM Yes.

GS Okay.

AM Yep.

DE How many more of these type a, that scenario did you pick up before?

AM What do, do you mean people?

DE Yeah.

AM Total? I think, I think I had, I had thirteen evaluations, personally.

DE Okay.

GS Between you and your partner or just you?

AM I don't, know exactly how many he had because there was I ended up moving into my house um over this time so there was I think one or two days where I came late and I think he may have had other evaluations that he jumped in on so I don't, I can't speak for exactly how many he had but I would guess it'd be pretty close...

GS Um-hm.

AM ...to thirteen. I think the cap was fifteen.

GS Okay.

AM So,

GS Um did all the other thirteen evals that you did pretty much go the same way?

AM Um there was some, ah what do you mean the same way?

GS That you'd find people that were, you'd believe were under the influence of ah drugs and they volunteered to go back to either the 5th precinct or to the DOT building with you?

AM Everything was voluntary um nobody was forced or handcuffed or...

GS Um-hm.

AM ...you know um taken against their will. Um, but I mean I guess ah they weren't all as probably clear cut as that instance I would say.

GS What do you mean by clear cut?

AM Um,

GS In what way?

AM Just the, the obvious intoxication level of some of our people like that, the majority of them um of the Ray who I was telling you about um there was some other ones that were admitted users of some type of drug however um may have felt that they weren't ah in their own mind high at that time.

GS Um-hm.

AM Um,

GS Did, when you picked these people up did you search 'em before you put 'em in your car?

AM Um, most of 'em didn't have much on 'em um you know we'd do like, you know like a, a weapons check maybe ah you know a quick pat down I mean obviously it wasn't ah, you know anything that we were looking to pull anything off of them. They weren't um committing any crimes at that point...

GS Um-hm.

AM ...that um,

GS But before you put 'em in your car you searched 'em right?

AM Ah, I don't believe so.

GS Okay.

AM No. No there was nothing like that.

GS Okay. But you patted 'em down for weapons?

AM Um not all of 'em.

GS Okay.

AM But ah the majority I mean the...

GS Okay.

AM ...ones with baggier clothing or something if or if we felt a, ah I guess I shouldn't say we, I felt um if there was a, a safety concern or something but,

GS Okay did you ever take any ah property or any evidence off of any of 'em?

AM Ah me personally no.

GS Okay.

AM Nope.

GS Did you ever see anybody else?

AM No, (inaudible) no uh-uh.

GS Okay.

AM I mean other than ah you mean like specifically these people's property and then take something (inaudible)

GS No, no-no-no I mean, you're gonna put 'em in your car.

AM Right.

GS You're gonna pat 'em down for weapons or whatever.

AM Right.

GS And say you found something on 'em during that pat search.

AM Yep.

GS Did you take, did you ever take anything off of them and then either give it back or

AM The, the, the only thing um where there was like an exchange of property is if there was not enough room in the back seat, I'd put like a backpack or something in my trunk.

GS Uh-huh.

AM Once the evaluation was done we dropped 'em back off gave it right back to 'em.

GS Did you ever find narcotics on any of 'em?

AM Um, not I don't believe that they had any um at that point like after you know um I know that there was some that had recently used narcotics.

GS Uh-huh.

AM And stated that they didn't have any left on them.

GS Uh-huh.

AM And basically at that point I took it as face value. I never found any ah, narcotics that ah that we ended up confiscating or anything like that. And eh, like I said that's, that's my um remembrance of it.

GS Uh-huh.

AM Ah as far as other people I mean I can't, I think there was like twenty-five, twenty-six officers so I don't know what their policy or procedure or...

GS Uh-huh.

AM ...personal preference was and how they were doin' it.

GS Okay. Did, did at any time did you ever offer any of these individuals drugs?

AM Me personally?

GS Yes.

AM Absolutely not.

GS Did you ever observe any other officers offer any of these people drugs?

AM Yes.

GS Okay why don't you tell us about that.

AM Um,

GS The specific incident

AM The specific incident um

GS And if there was more than one then those incidents.

AM The specific incident um that I think that has caused kind of the ruckus through the ah, through the U-Tube video um that I was ah, a part of the video not a part of the offering or distribu, distribution of drugs um we were down near ah Nicollet Mall by the Peavey Plaza. And at that point I believe there was two officers out already talking with a group of people um near there.

GS Do you remember which day this was?

AM (sigh) do you care if I look in my phone?

GS Nope.

AM Might help me out. I want to say it was a Friday. (pause) I would eh my best guess is the 27th of April.

GS Okay

AM Um,

GS Time of the day?

AM Oh geez,

GS Just generally.

AM Ah well we started, we usually started at ah 1500 so I would estimate between I'd say somewhere between roughly 1800.

GS Okay.

AM Give or take a few hours I guess I

DE What time would you normally work 'til?

AM Um depending on the evaluations and if we had multiple um it could be anywhere from as early as about 9:00 or 10:00 to as last at 1:00 or 2:00 just depending on the people coming in or whatever.

GS Okay so um what was the, circumstances?

AM Basically um we dro, we were driving down Nicollet Mall approaching Peavey Plaza and we ended up passing two officers who were talking to a group of people. Pulled off onto the next street I couldn't remember if I had a map in front of me, parked our car and this was after my partner said should we go see what they're up to or see if they you know got anybody to do evals. I'm like okay. So pulled off to the side of the road. Both exited out of my vehicle. Went up towards them and I started speaking with one of the officers who was there. And he said something to the sort that there's a lotta people here that are admitted users but nobody seems to be either willing to do an eval or they're not high right now. Um, there was two individuals that were hanging out down there to my left that I saw my, partner who we got partnered up with Karl go over and was talking to them. I didn't hear the whole conversation because there was a lotta people out there a lotta people yelling at us. Basically

they weren't too happy that anybody ah law enforcement was down there. But the one person I don't recall his name ah he was one of the people that Karl was talking to admitted to I believe taking methadone that, that morning and was an admitted heroin user. And then the other person that was standing there I don't recall either of their names but he was in that U-Tube video is the one with the big afro. Um he basically admitted to smoking marijuana on a daily basis multiple times. That's,

GS This, this is the, this is ah, ah another person than the first guy? The first guy was the, the one that said he just took methadone and he was a...

AM Yep there's, there's two individuals...

GS Yep, okay

AM ...that, that he's talking to.

GS Okay. And the second guy was ah the guy with the afro that was on the U-Tube?

AM Correct. (coughs) So at that, at that point like I, previously stated I did not hear the whole conversation but what, what I did hear was Officer Willers basically lean in closer to the one, the, the admitted heroin user not the afro guy and basically say from what I, from what I recall actually being said was either what if you had some marijuana to smoke or I might have some marijuana for you to smoke or some, something in the tune of that. And the guy replied then I might be able to come in and do an evaluation and winked. And like I said at this time I was talking to another officer um who had stated that nobody wanted to do an eval or nobody felt high and that was an officer from ah Olmstead County who was just discussing you know talking to the people when we arrived there.

GS Okay.

DE (inaudible) other officer Olmstead County and?

AM Ah, then there was this trooper with him they were partnered up down there.

DE Okay.

GS So did ah, did the Hutchinson officer did he provide this guy with, with drugs then?

AM Yeah.

GS And you saw that?

AM Yep.

GS Where did he get the drugs?

AM That's the one thing that I never, absolutely without a doubt knew. Um what I can tell ya I know for a fact is, little black case almost like a cheap toolkit um I don't think it, eh from what I recall I don't know if it had a brand name on it or anything like that. The only time I saw the contents of it is when I ended up um throwing it away.

GS Okay.

AM I ended up discarding,

GS Where did it come from?

AM He said he got it, I don't know if he got it from another officer in the training or if he brought it from ah I don't I, I mean I can only purely speculate but I, my understanding is that there was another um officer who he worked with at his home department that maybe they had discussed it or whatever. He basically stated that he got it from whoever, little black case and I was pretty much locked up, in shock.

GS Um-hm.

AM That this is the way he was planning on...

GS Um-hm.

AM ...turning this,

GS Which one of these two guys did he give the, the drugs to? The afro guy or the, the methadone guy?

AM Okay it's, I'm trying to think here. So I'm, I'm driver of my squad car. He's front seat passenger, Willers is. (pause) Hhh, a methadone guy is in the back right and afro guy is directly behind me. He had this black case, I don't know if he had it in just my general trunk area in my squad or if it was actually in his bag or what. When I ended up discarding of it, it was still in my trunk like loose so I'm like well that's going in the trash now cuz that's ridiculous. So, he approached on the passenger side so it would have been given to methadone guy and I know both of them ended up smoking it.

GS Did you see 'em smoke it?

AM Yes.

GS Where did, where did they smoke it?

AM They smoked it in Richfield um basically I couldn't even tell ya the side street. It's, it's in relative proximity though to our site location.

GS Was is in your car they smoked it?

AM The door was open and ah it was in basically just to the side of it. I think the one was, they were both leaning out towards the door.

GS But they were sitting in the car?

AM Ah, yeah.

DE So when you, so let's back up. He said you would, he would, if they had something they would smoke it what they would do they'd get it so what did he say get in the car, I mean how did these guys (inaudible) obviously didn't smoke it at Peavey Plaza so how did they, how did this happen?

AM Um yeah basically it eh from my understanding was ah like I stated the proposition by him was made. That's, they apparently agreed to it. All he said to me was they're gonna smoke weed for us. So I didn't know that he was going to you know other than hearing in and out of their conversation like I said you know part of that at the time was totally speculation that that may have been the route he was talking about going with it. But all he told me directly was they were gonna smoke weed for us so at that point I didn't know if they had it in their possession and were willing to go you know smoke it ah to their own accord and then do an evaluation for us. Fine whatever. Um but yeah at that point it ah,

DE So they get in?

AM Yeah.

DE And you guys drive, and then did he tell you to pull over somewhere or how'd you guys decide where to pull over then?

AM Ah I guess um yeah I just looked for um an area that ah apparently they could smoke and at that point it wasn't like a collective decision for you know us to say you know smoke right here at that point I just kinda wanted to, I actually got outta my car, he got it from either in his bag wherever. Provided it with 'em and at this point I just kinda disengaged and kinda walked to the side cuz I just, I, I really couldn't, I, I didn't know what to do I mean I know looking back now if I could do it over again I wouldn't have even heh been remotely, even a witness to what I wish I never would have saw and heard it, any of that. Um but yeah basically I, I don't know what more to elaborate on, on that.

DE This is marijuana?

AM Marijuana correct.

GS What was, what else was in this case other than marijuana?

AM Um I believe just ah, just like a, a glass pipe and maybe some rolling papers. And like I said um I didn't know the contents of it until I discarded all it.

GS Okay.

DE How did these guys smoke it?

AM I think ah I think it was just out of one of the bowls the glass pipe things.

GS Did ah, did they pack the pipe or who?

AM Yeah ah as far as I know I certainly didn't. I, I don't think that Officer Willers did either for 'em.

GS He just, did he, what he hand 'em the case?

AM I think so yeah.

GS Was the marijuana in anything other than the case?

AM It was ah there was like a, and I don't know what, what ah it looked like when he handed over the case to them and they accepted it but when I threw it away there was um the, there was still remnants of ah marijuana in like a small sandwich baggie.

GS Okay.

AM Like not a sealable one just kinda one of the, the fold over.

GS Okay was there any evidence tape or anything like that...

AM No.

GS ...on any of this stuff?

AM No. Um-um.

GS Okay.

AM No and I heard that, um allegation before about something with evidence tape and I think that was the same day and that's, this day was the day that I told Rick Munoz about you know there's, I don't know anything about this evidence tape stuff but I do know something about something else.

GS What did Rick Munoz say?

AM At that point ah he um just let me kinda tell him my story. And it was a relatively brief conversation I mean not nearly as in depth as our conversation right now or as in depth as you know when I reported this to my supervisors. Um but he basically said I'll make a note of it and you know discuss it further if I don't, I don't recall the exact answer he gave me to it. Um but kind of like a, duly noted I think he ended up talking to his direct supervisor I can't recall it might, yeah I couldn't even

GS Okay. Do you have any knowledge of any, any other situations like this where any other officers provided drugs to any of these people?

AM Ah not directly not, not being a, a witness. Not,

GS Have ya heard any other stories from the, (inaudible) fellow classmates that any of this kinda thing went on with anybody else?

AM (sigh) not specifically. Um you know not like a specific name or anything.

GS Um-hm.

AM Um, there's you know there was talk about you know some other officers probably introducing marijuana or whatever to I don't know either get their certs done quicker or whatever they're ah I don't know what their motive was in it um obviously not, a very smart one.

GS Did anybody from the state patrol or any other invest um instructors in this class ever tell you that ah this was acceptable or that you know this, this was another way to get um people to evaluate?

AM I, I don't believe that was ever discussed in that way no.

GS Okay.

AM I think ah the, the most I had heard um prior to entering the class and then um is basically you know um some people may you know smoke marijuana or whatever in front of you. You know it's not gonna be maybe the most comfortable situation due to the fact that we're out there to enforce such laws. Um but for the certification portion because a lot of these drugs are quicker acting in their affects and observable affects it was kind of, discussed that you know if, a lot of these drugs you may need to witness being used in your per, in front of you...

GS Um-hm.

AM ...to be able to do an accurate evaluation.

GS Did you witness any other drugs being used in front of you other than this circumstance, this incident here?

AM Um, yes.

GS Okay were they provided by...

AM No absolutely not they were, they were in the person we talked to possession already.

GS Okay.

AM Yeah.

DE (inaudible) did you watch? What else did you watch?

AM Um a person smoked crack um and then ah I think a, another maybe marijuana.

DE When, you said their, that what you were just describing that this may be hard to watch who was, who was having that conversation?

AM Um I, I can't recall. I mean the instructors...

DE (inaudible)

AM ...were just, yeah they were just kinda saying you know this isn't you know um how most of you have probably you know, been told or have had your career go in the direction where you know now it's acceptable for to turn the other way while people are using illicit substances. But it was just kind of a, you know if, if you want to see the affects of these different variances of drugs, kinda something's gotta give kinda deal.

DE So how, how like for the crack user for example. Explain I mean how does that go. Do you say do you got crack on you, will you smoke it or I mean how does that happen?

AM Yeah or you know um you know basically you try to do it without offending people because you know you end up approaching somebody who's not a drug user but has care, I guess physical characteristics that you know, we approach 'em you know um ask if they use any illicit substances after kinda you know talking with 'em for a bit. If they admit to it you know okay well what's your drug of choice. When's the last time you used it. Um you know how many times a day do you use it. Just basically general questions about their drug usage. And um if they ah, if they did admit to having some on them um you know the, more often than not if the question was posed ah if they were planning on using again frequent or coming up or if they'd be willing to use um you know more often than not well I shouldn't say more often than not, almost all of them were ah more than willing to either smoke marijuana or smoke their drug a choice um

GS Did you guys though when you, when you approached these guys did you encourage them to do that?

AM No it wasn't an encouragement it was basically do you use drugs.

GS Uh-huh.

AM And either are you planning on using again, do you have the means like do you have drugs on you now that would be you know that you're planning on using. And you know basically we give our spiel, this is what we're doing, we're trying to prevent you know drug, drug driving offenses um you know I guess the only thing that would be even closely equated to that would be would you be willing to you know use drugs prior to doing the evaluation that they already had in their presence.

GS Um-hm.

AM Or they already had in their possession I should say. Um but it was never, you know and I'm again just speaking from my personal involvement in the program I can't speak to how other people were doing their business but it was basically a question you know eh if you are an admitted marijuana user and you have marijuana in your possession right now are you planning on using that soon, if so do you feel high right now? No. Okay well if you do end up getting high um you know either ss, you know have 'em get a hold of you, you could either leave you know a business card with a phone number say give me a call on my work phone. If you, you know are planning on getting high and are willing to do a voluntary eval. I mean I guess that's about the, the most direct involvement that I had with, you know any bit of

DE (inaudible) though that smo, you saw smoke crack I mean what is he like yeah I'm gonna do it right now and just...

AM Yeah,

DE ...does it right there or what?

AM Basically either he had it or he went and got it I mean he you know walk around the block and ah get it from his, his dealer or whatever and ah you know he'd end up ah comin' back and ah he'd smoke crack.

GS Right in front ah ya?

AM Yep.

GS Hm. Did um,

DE Do you te, do you guys tell 'em, sorry go ahead.

GS No go ahead.

DE Do you like, I mean when you're doing this are you telling I mean like crack it's a big deal obviously, like you tell 'em you're not in trouble or what do you guys, (inaudible) put 'em at ease that he'll actually smoke crack in front a ya?

AM Um, I mean I guess there wasn't anything you know, basically you know it was, wasn't you know, just trying to think exactly what we said you know. Um, you know I'm sure there was a conversation similar to you know um you know we're not, if you have it in your possession obviously you know it is a felonious crime um but again it goes back to I guess it kinda the, if you wanted to get your evals done sometimes you may have to witness some stuff that you didn't really care to ever see.

GS And, and that was told to you by the instructors the, the troopers that were instructing the, class?

AM Maybe not in that direct quote but it was, it was pretty much reiterated or displayed to the class that you know you will see some people if you want to observe the effects of these drugs some of these people may need to do it in close prox, time proximity and therefore in front of you maybe.

DE Did they discuss as instructors at all I mean what you should do if you come in contact with somebody that's in possession of crack or coke or something that would be a 5th degree possession (inaudible) marijuana?

AM No basically the only time that they ever said anything about um you know kind of arrest procedures would be is if you, you know had a run in traffic and you got a, you got a traffic stop that was legitimate either drug or ah alcohol DWI you know more than likely that's you know on you to follow through with it and affect the arrest and everything. Or if you ended up running a plate or having contact with a person who had some, some you know felony level warrants you know kinda bad day for them type deal then you were kind of encouraged to affect the arrest there but

DE And do, and do what, did they have a procedure? Were you supposed to book 'em in Hennepin or?

AM Ah yeah that was my understanding in, in Hennepin. I eh we, when I was with my partner we never had an instance where we had a either they called it um the legal the actual um legal DWI um or we didn't have any warrants of anybody run but yeah I mean if I would have had a scenario like that um I wouldn't a had a clue I mean I grew up in St. Paul but I've never once been to Hennepin County. I wouldnta, I woulda had to ask some people for sure.

DE Yep, okay.

GS Did ah, did you have conversation with Officer Willerds after he provided the marijuana with the guy? As are did he, did he have a, tell ya where the stuff came from or where he got it or anything?

AM No not really he ah he basically and like I said it'd be pure speculation so I don't want to say something that I'm not a hundred...

GS No we don't, we don't want ya to speculate.

AM Yeah, yeah and I, I-I know that either it came from his I, I don't believe he bought it from anywhere. Um I just know that he acquired it either from someone else in the program or brought it from his home agency or home department.

GS But he didn't tell you where he got it?

AM No.

GS Okay.

DE When and where did you throw that away?

AM Ah I threw that away and, god I, (pause) think ah once I got, once I got um once I got home I recalled that it was still in there so I ended up ah throwing it away in the trash.

DE At your house?

AM At the apartment, yeah I ended up...

DE (inaudible)

AM Yeah well previous residence yeah. I've transitioned since then but yes.

DE When was that?

AM That was I believe...

DE That night?

AM That was that night, yep and actually one of the people in the car, one of those two guys the methadone and the afro guy um basically asked to keep a, one of the metal piece or the metal ah glass pipes out of that case and um I th, Officer Willers was basically gonna allow him to keep the paraphernalia and once they got out of the squad I took it back from him, put it back in there and then discarded of everything.

DE Um-hm, was there still marijuana in that case when you threw it away?

AM The, the only time that was the only time I saw the contents of it is when I threw it away cuz I wanted to see exactly what was in there and there was a little bit left but as far as an estimation on how much I, I guess I wouldn't even have a,

DE Small amount?

AM Small amount definitely. How much was in there to begin with I have no idea.

GS When you guys um brought these individuals back to wherever you were testing them is there any medical people there?

AM Not on site.

GS Okay.

AM Other than you know um few of the officers I believe were also certified as EMT, what level B or I or paramedic I have no idea.

GS Um-hm.

AM Um but there wasn't like a, Healtheast Care System or ambulance service or anything ah on site no.

GS Do you know did Officer, Officers...

AM (coughs)

GS ...from the Minneapolis Police Department did they know you guys were doing this in downtown Minneapolis were they, had they, had they been advised?

AM Ah I don't know what their, their admin had but we got flagged down by I, I couldn't tell you the officers name I never formally met him but we were driving down another area further, I guess I somewhere on Nicollet Mall. I don't know if it runs east, west, north or south but um we basically got flagged down near one of the kinda bus stop area and the one officer just yelled out hey DRE and so we pulled over to the side and they ended up having a person who they witnessed smoking marijuana, wrote him a citation for his offense or whatever, were going to give them, give the person to us to see if he'd want to do an eval and then we inquired about you know what's the circumstances this that and the other thing. He said well he's fifteen. Well we can't do that. They have to be eighteen years or older and voluntary unless it's a legal situation so.

GS Um-hm.

AM Um I know some maybe but he said the only he said something to the sort that um his, his partner normally his normal partner is a DRE so that's why I don't know if he just assumed or what

GS So the street guys knew what you guys were doing down there?

AM Yeah.

GS Okay.

AM I, I mean I guess yeah

GS How about the, were, were any of the, were any of the bosses back at the at 5th precinct? I mean did they have lieutenants?

AM The only, the

GS That knew you were there and, and what you were doing?

AM Ah I mean I, I would assume that they knew the DRE program was being held there cuz I'm sure that Rick maybe needed to reserve the room.

GS Um-hm.

AM Um but as far as there wasn't a whole lotta officers that we saw in that area because when you walk in kinda the, the room where we do the evaluations was directly to the right and kinda right to the left was basically someone working the desk.

GS Um-hm.

AM And that's about all the, officers that I ever saw.

GS Okay. Other than the situation with Officer Willers where you sss, where you saw him give these, these guys the marijuana in the back of your car any of the other evaluations that you did did you guys provide 'em with, with drugs?

AM No I just want to be clear. I didn't provide (inaudible)

GS I, I know I what I'm saying is the...

AM Okay.

GS ...when the when (inaudible)

AM Right.

GS Yep.

AM Um, there let me think um (pause) I believe there was one other instance where he provided marijuana to another person.

GS Okay can ya, can ya tell us about that?

AM That was um basically and this is why I assume that there was a, there was another um, this is why I, I know you don't want me to speculate or assume on here but this is why I think that he may have got it from other officers because,

GS Other officers in the DRE program?

AM I, I think so because eh I mean I ah again I can't say for sure but um he had um known of a person that used to be like live in Hutchinson that he ran into or something like that and was an admitted drug user and he well he came in and did like an evaluation the day before. I'm, ah it wasn't for our group but Karl ended up having conversation with him and um the next day um I ended up getting a call on my phone because he said um that he had some friends that may be willing to um do some drugs and come in and do an eval. He ends up calling my phone and I had no clue who it was. And he identified himself as you know whatever, I don't even remember his name and ah he said I got somebody else who may want to ah come in a do an evaluation. I said okay well where do you want to meet and what time and it was like Loring Park. So like I said this guy before came in high with another group and I didn't even really recognize him. He ended up coming in and then basically

stating that hey I got somebody else who wants to partake in the program or whatever so, he ah also ended up providing them marijuana.

GS Did you see him give them marijuana also?

AM The, the box again yeah.

GS And that was before this one that you just told us about?

AM Yeah eh well it had to have been cuz I got rid of it then.

GS Okay.

AM And I think it was the same day if I recall.

GS Okay.

AM So.

GS So these were, these were people he knew from Hutchinson?

AM (sigh) the one guy was. I don't know who this, this gal was though.

GS Okay.

AM But I believe that was it and that's, that's why I just don't know what was going on behind the scenes cuz he was there this, this subject was there with a different group getting evaluated like the previous day. And then all of a sudden you know we're getting communication from him, this subject that he has knowledge of some kinda shady business going on where he's basically volunteering a friend to partake in this without being high coming to us or anything like that.

GS Um-hm. And those so those were the only two

AM That I recall yeah.

GS That you recall?

AM That I, that I directly witnessed yeah.

GS Okay.

DE After that happened though so you guys, these guys smoke in the car. You go and evaluate 'em.

AM No well with no um

DE The two that smoked in the car?

AM They, they didn't get evaluated.

DE Why?

AM They wouldn't ah allow 'em in, in the building basically.

DE Why?

AM Um they were apparently, gettin' I think the, I don't know what day it was but that's, they apparently were really pushy either against ah other officers or it came back to Rick and Rick didn't want them in there. Um,

DE What came back to Rick, that they just smoked in your car?

AM No-no-no, the afro and the methadone guy...

DE Yep.

AM ...weren't allowed in by Rick and they were also confronted by another officer in the program because these two or at least one of them was prying a lot into the program and um making allegations and stuff against them the day before unbeknownst to us I,

GS With, with the media?

AM Eh they were eh part of that. That scene is actually in that U-Tube video as well. It's actually the Dakota County officer and the Fillmore County officer and um I had no knowledge of that whole instance and that ah basically apparently occurred the, the day before um our conversation or

meeting with these people and basically, like I stated after Officer Willers provided it to them they ended up smoking, went to the evaluation site and um weren't allowed to evaluate those, those people.

GS Okay. And that, and that was Munoz call?

AM I didn't even go in the building but Officer Willers came back out with the, the guy who used the methadone and I stood outside with the other the, the afro guy and um he came back out and said that we couldn't use either of them.

GS Okay. But they didn't say why?

AM Ah not a definite answer I think it was just because of the, the confrontation the day before.

GS The media confrontation?

AM Right.

DE Did ah, okay so then did you guys have a conversation and ah did you ever talk to 'em about this, Willers about?

AM I talked to him after I had talked to Rick. Um,

DE When did you talk to Rick?

AM That night.

DE Okay. And you just told him what happened?

AM I, I gave him a brief rundown like you know this is what I observed today because Rick had made, an announcement kinda to the class like cuz I think that, I don't know how it got back to him but the, the evidence bag or the red tape bag or whatever that there was allegations about which I still don't know anything of, about that even after a few days after it going by nobody was even talking about it.

DE Okay.

AM He made an announcement about that um that you know if anybody's done this, if this is true or whatever you know it either needs to stop or somebody needs to talk to me about it and let me know who's doing this. That night, later on I went to Rick and I said look I have absolutely no knowledge of anybody and this red tape bag however I do have knowledge about something else.

DE Okay.

AM That was a brief conversation that night. He said he would you know make a notation of it and deal with it accordingly if needed. Ends up being you know big media release day where they, they post this video believe it was the last day that I was involved in the program. Let me just check my date again. It would have been (pause) last, a week from yesterday I think was my last, day there for evaluations and that night ah Rick and I kinda talked at length about it. Um a little bit more detailed about what actually had occurred.

DE Okay.

AM And at that time he advised me that he you know knew there was an obligation on his point to report it, what I our conversation had been to his direct supervisor. Um and I stated that I had already ended up contacting mine.

GS So Munoz he encouraged you to report it to your, to your bosses?

AM I had already talked to my bosses...

GS Um-hm.

AM ...about it. Um but, but he did, he, he said you know it, it'd be best if our conversation you notify your bosses cuz I'm going to be notifying mine about the conversation we had. I said well I had already talked to my captain about it.

DE So when did you talk to your captain?

AM (sigh)

DE Earlier in that day?

AM No I think that would have been, I think that was that either Friday the 27th the day that I knew, that was the day of the incident where he gave the marijuana and that our, my squad was videotaped so I ended up calling my captain either that day or the following Monday and saying you know here's the deal, the squad ended up getting videotaped, I think I got videotaped as well personally. Um and then there's some you know allegations of this going around right now.

DE So this I, I guess I'm confused on the times. So this, this smoking in the car happened on the 26th?

AM Twenty-sss, seventh I thought.

DE Which is a Friday.

AM Yep.

DE Okay so on the Friday that's when it happened.

AM Yeah it must have been, must have been the following Monday that I talked to my supervisor then.

DE The following Monday the 30th.

AM Okay.

DE But on the 27th you told Munoz about this briefly that night? The 30th, or the 27th I'm sorry the Friday when, when they actually smoked in your car you notified him then?

AM Yeah I believe so. So I guess,

DE So on the 30th you talked to your captain?

AM Yep.

DE And then it's the 10th now but the last day you were involved was last Friday?

AM Last Thursday.

DE Last Thursday.

AM Yep.

DE Last Thursday and you had a extended conversation with Munoz at that time about it?

AM Correct.

DE Okay.

AM Yes.

DE Just want to make sure I (inaudible)

AM Yep.

GS And that was the, it was the 3rd right?

AM The 3rd yep.

DE (inaudible)

AM And at that point it was when um Munoz had kinda stated to me that he was gonna notify his direct supervisor of the conversation that we had had and just basically said if you haven't yet I would you know...

DE Okay.

AM ..contact yours.

GS But this stuff had already come out on, U-Tube and in the media prior to the 3rd right?

AM I believe it came out the day prior.

GS Okay.

AM The 2nd I think.

GS Okay.

DE Think this is obvious probably but from your conversation with Munoz was it clear to you that and or from any other announcement that that type of activity was unacceptable to him?

AM Ah I believe so yeah.

DE Okay.

AM I mean I, I don't think eh it was never directly encouraged that it is okay to provide drugs to people.

DE You said directly. Was it ever inferred that it was okay to do that?

AM No I don't believe so no.

DE Okay.

GS Have you, have you had any contact with Willers since this all came out?

AM Ah I have not however I don't know I mean um I ended up getting a, text message last night and I have no idea who it's from. Um but if you want to take a look. I mean I kinda take it as threatening.

DE So when you um and I, I think we started to talk so after this happened you had a conversation with Willers what, what went on?

AM Basically at that point Rick Munoz had stated either he would have a conversation with him or I could or we both could.

DE Okay.

GS Okay the, this, this is a text message on your phone here and ah, um that 6395 is that the number the message came from?

AM Yes.

GS Okay and the message, the message says not surprised one bit coming from you and then obviously your response is who is this?

AM Correct.

GS So 612-414-6395 is who this message came from?

AM Yeah and that was just last night.

GS Okay and you don't know who, who's number that is?

AM I have no idea.

GS Okay.

AM I just thought it was a little bit too coincidental with the investigation being publicly advised yesterday and then I end up getting a text message like that so

DE So what did ah Willers, when you had that conversation you said you (inaudible)...

AM Oh sorry.

DE ...that conversation, no it's alright we're interrupting.

AM Um yeah basically at that point I pretty much told him that ah I was, I had talked to Rick at length and basically advised him I said well here's the deal I'm gonna notify my supervisor and probably my union rep um and you know basically I would encourage you to do the same to tell them what occurred. Whether or not he, I, I never specifically said I'm going to tell them that you introduced the drug, you did this, you did that. Um basically left that up to him on whether or not he actually was going to tell his supervisors anything at all or wait for something more to come out. I, I don't know.

DE So what did he say?

AM He said okay. He said...

DE (inaudible)

AM ...he said he was gonna talk to his Lieutenant.

DE So he didn't, did he talk about what he thought, there was nothing wrong with what he did, did he?

AM No the only conversation is ah that, that we had is he said he had talked to some officers and didn't ever give their names but officers that had previously um maybe gone through it or something that stated they had done either the same or maybe worse. But I have no idea who those officers were, what agency they were from or anything like that.

GS And this is Willers telling you this?

AM Yeah.

DE What do you mean by worse? Give 'em heavier drugs?

AM Well that's, I,

DE You don't know?

AM I don't know.

DE Okay.

AM I can, without a doubt that the only drug that I saw offered or provided was marijuana. I never heard of any other rumors or anything going on of anything besides marijuana.

DE When you guys, so you were driving, you drove over towards Richfield and then he told you or you decided or I mean you know that this was gonna happen or what?

AM Well at that point that was, all he told me was they were gonna smoke.

DE Okay.

AM And so I was prepared to you know I guess at that point...

DE You'd already seen people smoke.

AM Right.

DE Okay.

AM So at that point I was like well you know what,

DE Okay.

AM Just ended up picking a kind of a desolate or lighter travelled road and ended up cracking the door, well I didn't crack the door.

DE So then he got, he ah he cracked the door, did he go to your trunk or you went to the trunk or what?

AM I didn't go to the trunk. He, he went to or either I can't recall if I hit the trunk release, he hit it or what but he went to the trunk, went back to the right back passenger side provided it to the methadone guy and those two were in, in the squad basically leaning towards the door. Um and that was just basically because you know didn't want people out in public readily doing this and at this point that's why I wanted to disengage and I literally probably walked about ten, fifteen feet down the road and you know was just, piddling around on my cell phone cuz I, at that point...

DE (inaudible) have at that time?

AM Ah this is probably one of the worst situations I've been put in, a part of. I absolutely wanted nothing more to do, with you know I gotta be completely honest I, I, I still don't want much to do with the DRE program because of the experience I had and this is a program I've been trying to get in for, for two and a half years.

DE Yep.

AM And at that point I just felt like, now I feel like I wish I would have said something sooner to put an end to it before it happened.

DE Um-hm.

AM But, one, once it happened what was going through my head was you know ah this needs to end now. And I, think I did the most I could at that point to end it as quickly, I took the paraphernalia back from him, discarded of it that evening. It was not used or seen or you know proposed with it again and ended up notifying the supervisor of the program and my direct supervisor at my department.

DE So (inaudible) the ah, when, when he took this black thing out or whatever this...

AM Um-hm.

DE ...case I mean did you actually see him open it and give them marijuana? I mean what, how do you know it was from this, I know you saw marijuana in it later but how do you know it came from that and it wasn't stuff they had on 'em?

AM Ah, I guess, I guess I don't one hundred percent because I didn't pat these guys down to see if they had anything on them prior.

DE Okay.

AM Um, but I guess after, yeah looking in it afterwards saw that there was marijuana and ma, marijuana paraphernalia,

DE (inaudible) and part of it he to, and just to clarify that he wanted the bowls was, he wanted to keep it and Willers said that was okay but you took it?

AM Yes.

GS Is it possible that Willers took this plaque, back, this black plastic case off a one of these guys?

AM That's a, a-a possibility I guess. I mean he,

GS So it was their stuff all along is that, is that possible?

AM I guess it's,

DE But, you also had the conversation with him right about any, what I mean what was said in this conversation? Did he say he had it and provided it to 'em?

AM Eh, the, what, what he, he stated in the conversation he had with the one person was that it was, I might have some marijuana...

DE Um-hm.

AM ...if you're willing to come in and do an eval.

DE But when, and also when you confronted him afterwards when you talked to Munoz he, did he tell you that other people have done this and given people stuff so I gave 'em stuff or?

AM Did, did Karl say that?

DE Yes.

AM Um, I don't, recall if anything was that specific about it. I mean I never really questioned his, thinking behind his decision to introduce it or provide it. Um I just basically told him with the brief conversation I had with him was I have talked to Munoz about you know what's going on. I'd encourage you to contact your supervisor cuz I'm gonna do the same. But as far as you know asking him why, why are you doing this, why did you decide to do this, why did you think it was a good idea that it never went to that length.

DE Okay.

GS And you guys never had any conversation during the actual time that he did this about him doing it or about what was going on?

AM No I like I said I, walked away from the car and was literally counting the seconds, felt like hours.

DE Clear but clearly from everything you heard and saw you had the impression that Officer Willers provided them with marijuana that was not theirs?

AM That, that would be correct.

GS And that and you saw that, you saw Officer Willers provide drugs to somebody ah two different occasions is that right?

AM Yes.

GS Both on the same night but two different occasions?

AM I, I can't be for su, I think it was both the same day yeah, yeah. I'm, I'm pretty positive.

GS Okay.

DE And this, the meth (inaudible) guy and the afro guy that was the second set of people?

AM Yes.

DE First one was in a different park at Loring Park?

AM Yes.

GS With somebody that he knew from Hutchinson?

AM Yes.

GS Okay.

DE Did you see him get out the same black box (inaudible)

AM I didn't see anything that time.

DE So how, what did you see then?

AM Ah basically them, the, these the people came over and like I stated before the guy ah said that he had participated in an eval the ah the day before with somebody else. Said he had a friend who was willing to participate in it as well. That point we waited for them at Loring Park. They ended up coming up and ah basically ah, that was yeah at Loring Park ah he went back to the trunk, never saw him retrieve anything outta there at that point um but I know that they were smoking marijuana.

GS How do you know?

AM How do I know? Ah just, that they were smoking marijuana?

GS Um-hm.

AM Ah just based from experience and knowing what burnt marijuana smells like through law enforcement experience.

GS But you, you could see 'em smoking too?

AM Oh yeah.

GS And you could tell it was marijuana by the smell?

AM Right.

GS Okay. Anything else that you want to add?

AM Um, basically I ah I just wanted to come forward and give this voluntary statement just because you know at this point it's been, it's been really hard weighing on whether or not I wanted to give a an actual statement here. Um but I, I felt obligated since I came forward already in telling the truth that I felt that I eh had an obligation to continue...

GS Um-hm.

AM ...telling the truth about this even though it's been hard and like I said I've lost some sleep recently just because of the, this whole ah circumstance and I, I'm just not happy with the situation just because I, I feel like I worked so hard to get in this and with no fault of my own end up getting paired up with somebody that we didn't get to pick that pairing, we got assigned and I ended up getting assigned with somebody who basically took this program and my experience in the program kind of into their hands um and ended up putting a pretty sour taste and ah actually kind of a legal mess into the spin of things so.

GS Other than that text message Andy has anybody tried to contact you from the class, since this broke?

AM Um (pause) I don't believe so. Um, I, I have had a conversation with ah with Rick Munoz since then. Um and that was basically ah I think just yesterday morning um kind of calling me to say um have ya checked the news yet or checked the paper, no. And he basically was just kinda saying that ah this is the route it's taking now with a criminal complaint filed against Officer Willers. I said oh, okay. Wonderful. That was kinda the whole ah,

GS But nobody, nobody's contacted you and told you not to talk or?

AM Absolutely not.

GS Okay.

AM No. And like I stated earlier I, contacted my department to make sure that, and we'd gone over that this is not an internal investigation and...

GS Right, yep.

AM ...um the, that I'll be providing a statement to them later this week or early next week as well and they had absolutely um no issues with me giving a voluntary statement for this so.

GS Okay.

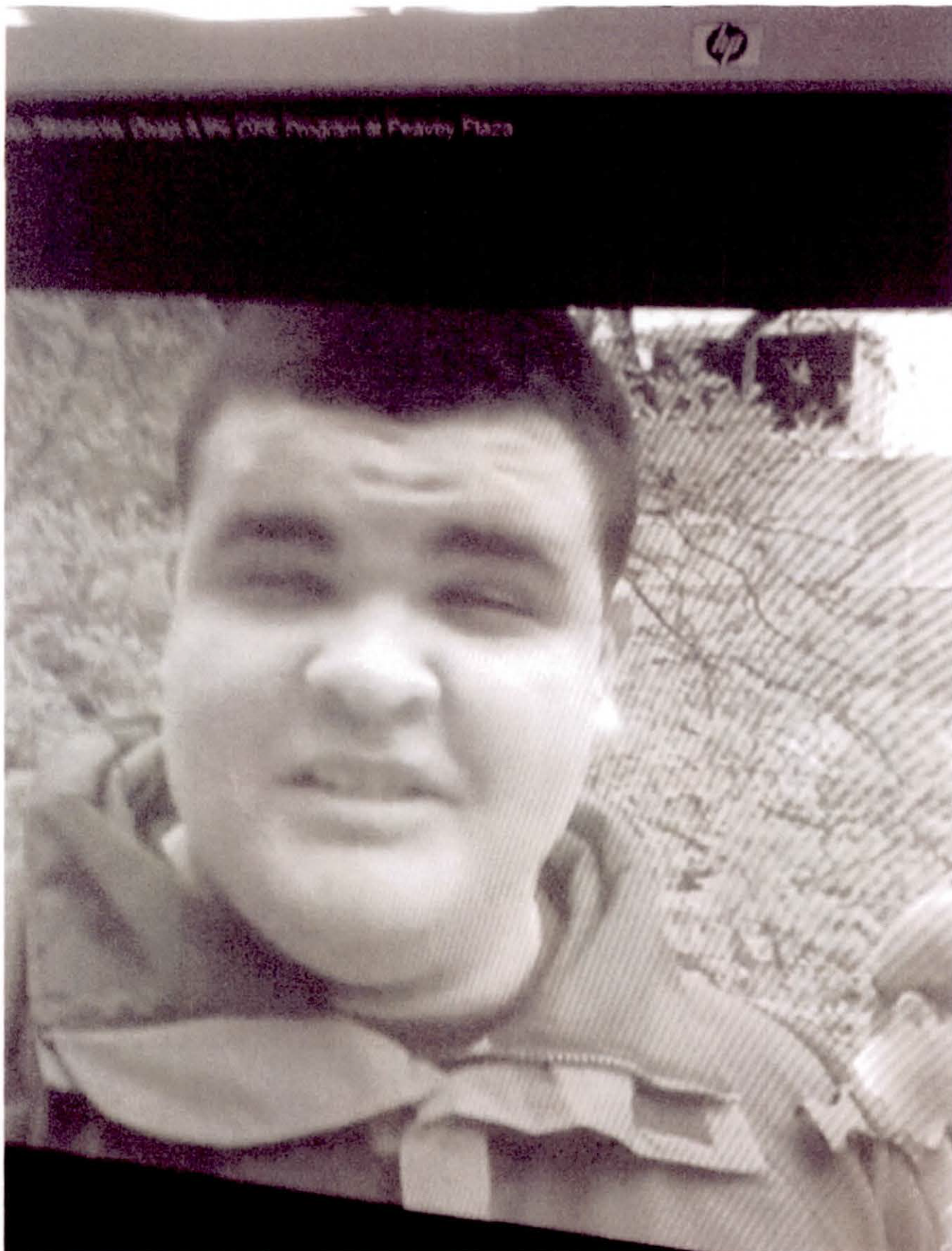
DE Is there any other activities that we discussed that you have concerns about that could be illegal or improper or anything else along the way?

AM No I think I've discussed everything.

DE Okay.

GS Okay. We're gonna end the interview. It is 1415 hours.

RECORDING ENDS.



Michael Antony Bounds
April
7th, 2012 -

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	05/11/2012	BCA CASE #:	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	
INTERVIEW OF:	Michael Anthony Bounds (MB)	INTERVIEWED BY:	SA Gary Swanson (GS) SSA Drew Evans (DE)
REVIEWED BY:	S/A Swanson		

?? ...just asking questions (inaudible)

GS Okay. This is gonna be a digitally recorded interview. The date is May ah 11th, 2012. The time is 1230 hours. Um being interviewed is Michael Anthony Bounds, B O U N D S. Ah Michael is currently homeless but does have a cell phone [REDACTED]. Date of birth is [REDACTED]. This interview is being conducted in ah the state vehicle of SA Swanson ah, ah at Peavey Plaza in downtown Minneapolis. Um, Michael as I told you before we turned on the tape this is a voluntary interview. You don't have to talk to us. You're not under arrest. You're free to leave at any time and you can end this interview anytime you want. Um, what we're doing here is we've been ah, ah assigned to investigate an incident that took place down here during the past couple weeks involving ah numerous police officers from throughout the metro area that were attending a drug recognition class in Richfield and it's come to our attention through um different sources of information and through ah videos that we've viewed on U-Tube that you were part or took part in this um, this drug recognition class as a, as a ah subject that they evaluated is that correct?

MB Yes sir.

GS Okay. Um do you know or do you remember which, who the officer was that ah evaluated you and when that took place?

MB I do not ah remember any specific names but I do remember the counties that they were from.

GS Okay.

MB (inaudible).

?? (coughs)

MB The two counties were Dakota and Pine.

GS Okay Dakota and Pine?

MB Yes sir.

GS Okay. How do you know that they were from Dakota and Pine?

MB I saw it on their ah uniform as a patch.

GS Okay. And did they ever give ya their names?

MB Um I saw there, I saw their tag ah tags and but I cannot remember the name.

GS Okay. Would you be able to recognize these officers if you saw 'em again?

MB I'm certain that I could.

GS Okay. Um during this, was this one time that you were ah involved in this as a um...

MB Yes.

GS ...evaluatee?

MB Yes.

GS Okay.

MB I ah did it initially just to investigate it and because I had heard ah people talking about it and,

GS Uh-huh, what had you heard?

MB I had heard that ah cops would ah give you drugs to smoke.

GS Uh-huh.

MB Such as marijuana um a friend of mine ah said that they gave him heroin. And ah I just got very curious about it of the inethical practices (inaudible) with it.

GS Uh-huh. And this, the night that ah that you did, did this as an evaluatee do you remember when that was?

MB Um, it was on or about the 26th of April.

GS You remember approximately what time?

MB It was in the afternoon.

GS Okay and the, the there was two officers involved and both, one was from Dakota and one was from Pine is that correct?

MB Yes sir.

GS Okay and did they have a squad car?

MB Yes sir.

GS And where did the, where was the squad car from?

MB Wow (pause) I believe it was a state patrol car.

DE What color was it?

MB Sort of a darker orange.

GS A darker orange?

MB Yes.

GS Okay. Um, and there was a ah Dakota County and a Pine County officer in it there wasn't a trooper in it?

MB Yes.

GS Okay. Um, did they pick you up here?

MB They picked me up on Nicollet (inaudible) right across from the Target.

GS Okay.

DE What happened?

MB Um they picked me up saying that ah they were doing a training ah for the drug recognition (inaudible) program and asked me if I was interested in going with 'em. I said ah yes and as you know most of 'em, most of the ah people volunteered because they ended up (inaudible). But I myself was taken to the 6th Street parking garage.

DE Okay, (inaudible) Target Center you mean?

MB Yes.

DE Okay.

MB And ah, they ah smoked some weed with me well they gave me some weed to smoke and um after I was high after a couple a bowls or so they ah, they fronted me a ah a quarter sack of weed and said that they would trade it for my, information in order to be a ah snitch or informant (inaudible).

DE What did, did you do it?

MB Well,
DE I mean what did they want information on?
MB (inaudible)
DE These guys were in uniform?
MB Yes.
DE (inaudible) down here?
MB Yes the, over at Peavey Plaza yes.
DE (inaudible)?
MB I am.
GS What kinda information were they looking for?
MB Um they weren't really specific they said they would contact me when the time was right and I gave them a phone number.
GS Was it your phone number?
MB No.
GS Okay.
MB (inaudible) mine.
GS Okay.
DE (inaudible)
MB Originally yes. I mean I would never (inaudible) I would never, ever betray my friends (inaudible).
GS Did they ah did they do an evaluation on you for ah drugs?
MB No.
GS They just gave you the drugs to smoke and then asked you to be an informant?
MB Yes.
GS Okay.
DE Who is your friend that got heroin?
MB Ah, Jay.
DE Jay? Do you know Jay's last name?
MB Adams?
DE Is he down here right now?
MB He is.
DE Okay.
MB He is the one that was laying down on the ah...
DE Okay.
MB ...by the tree.
DE He's a heroin guy does he use methadone?
MB Um, I'm not sure. I don't really know all the (inaudible), I know that he ah smokes marijuana.
DE So they didn't do any drug recognition? Did they ah look at your eyes or make ya walk or do anything?
MB Well they had to see me walk cuz I had to get (inaudible)
GS But I mean they didn't make ya (inaudible)

MB Well they didn't really test me at all, no.

DE Okay. So you never went to Richfield?

MB No sir.

DE Did you ever go to the police department?

MB That, part I cannot remember.

DE So you, but as far as you know you only went to this ah...

MB Yes.

DE ...parking garage?

MB Yes.

DE And then what did they do once they were done?

MB Ah they,

DE They drive you back?

MB They drove me back to the, they dropped me off at Peavey.

DE Okay.

GS In the, in the state patrol car?

MB Yes.

DE Was it all one color this car or (inaudible) color?

MB All I know is that it's a darker color orange or maybe, maybe even brown (inaudible)

GS Did it have lights on the roof?

MB It did.

GS Okay.

DE Could have been brown though?

MB Right.

DE Was it maroon?

MB My, my colors are really bad but I,

DE Color blind or?

MB I have really bad eyesight.

DE Okay.

MB And,

DE (inaudible) have any glasses or anything?

MB I, I cannot afford glasses.

DE So where did they, like tell us about this weed. Where did they, did they have it or how did they get it or where, where did they hold it?

MB They held it in the ah glove (inaudible)?

DE Of the squad car?

MB Yes.

DE So where did you smoke it? Inside the car? In the parking lot or what?

MB The parking lot yes.

GS In a, in a pipe or in ah rolling papers or?

MB In, in my pipe.
GS In your pipe?
MB Yes.
GS You had a pipe?
MB Yes sir.
GS Okay.
DE So did, did, they gave you, did they give you a bag or what?
MB Ah the officer packed the bowl for himself.
DE He was smoking weed too?
MB No he packed it himself.
DE And then gave it to you?
MB Yes.
DE Okay. What did these guys look like? White guys? Black guys?
MB They were white (inaudible)
DE Males?
MB Males yes.
DE In uniform or dressed like we are?
MB In full uniform.
GS And one was a Dakota County and one is a Pine County?
MB Yes.
GS You're sure a that?
MB Yes.
GS Okay. So they didn't do any kinda um, evaluation on you and they, did they say what kinda information they wanted (inaudible) occupy?
MB They said, they weren't specific at all. They just said, we know who you are and we want, we will give you this if you become an informant.
GS Okay.
DE Did what ah what did the bag look like that was given to you?
MB It was ah, well you guys are officers I guess you know what a weed bag looks like (inaudible)
GS Just like a plastic sandwich bag?
MB Yeah basically.
GS Okay. They have any tape or anything on it?
MB No.
GS Okay.
DE Did they take it out of anything or where did they get this from?
MB I didn't notice the place of origin cuz I was, pretty high I wasn't really paying attention to much.
DE Sure.
GS And you said there was about a quarter ounce in it?
MB Yes.
DE How did they know to grab you on the street?

MB Um I'm not really the most unknown person out there.

DE You're what?

MB I'm not really the most unknown person.

DE You think they knew who you were?

MB Right. I mean they gave me my name.

DE Was this the only time you went with police officers in the last two weeks?

MB Yes.

GS So they knew your name ahead, when they came up to get ya?

MB Yes.

(pause)

MB Sorry my allergies are, bothering me today.

GS That's okay.

DE That time a year.

GS Yeah. But you haven't heard, you haven't heard back from 'em since right?

MB No.

GS Okay. And you did you say you gave 'em a, a phony phone number?

MB Yes.

GS Okay.

(pause)

DE Michael you're a telling us the complete truth today?

MB Yes sir.

DE You wouldn't lie to get police officers in trouble would you?

MB No sir.

DE So, what is your feelings about what these cops did?

MB Um as I said before was really unethical what they did and, (slight laugh) the punishment should fit the crime I guess.

DE Was anybody else with you?

MB No sir.

DE Did anybody else witness you with these police officers?

MB No sir.

DE Anybody, in the parking garage witness what was going on?

MB I really didn't notice anybody else in the parking garage sir.

DE What deck in the parking garage did you go to?

MB 5th.

DE 5th deck?

MB Yes.

DE Did they pay?

MB I really didn't notice if they paid or not.

DE Okay. And this was the afternoon you said?

MB Yes.

DE And they drove the car up to the 5th deck?

MB Yes.

GS Was there a lotta other cars around ya?

MB I noticed a few cars.

DE Okay

GS And did, did you smoke the marijuana right in the back of the police car or did you get out on the parking deck?

MB They asked me to get out.

GS Okay. How much did you smoke?

MB About three bowls worth.

GS Um-hm. And they just sat in the car while you did that?

MB Yes.

GS Okay.

DE When you say afternoon are you thinking like right now or later afternoon?

MB Later afternoon.

DE After, do you think it was after work was let out for the day or?

MB Yeah (inaudible)

GS Like, like five-ish?

MB Um-hm.

DE So I, I'm sure they got video cameras over there, we're gonna see you go into that parking garage with ah those cops huh?

MB Yes.

DE Okay.

GS And, and everything you're telling us is the truth?

MB Yes.

GS Okay if, if later on down the line and I don't get me wrong here I'm not, I'm not saying what you're telling me is not true but if we needed to verify what you're telling us here later on down the line would you be willing to submit to a polygraph?

MB I would.

GS Okay.

DE Well thank you for your time Michael.

MB Um-hm.

DE Is there anything that we haven't asked you that would be important for us to know, knowing what we're investigating about this?

MB Not that I, none that I can think of.

DE Is there anything else that you want to add?

MB No sir.

GS Okay we're gonna end the interview it's 1244 hours.

RECORDING ENDS.

Review Note by S/A Gary Swanson;

During review of this transcript it was discovered that the incorrect date was read into the header as May 12, 2012. This date has been corrected on the typewritten transcript to read the correct date of the interview as May 11, 2012.



Forest Rainier Olivier .

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	05/11/2012	BCA CASE	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	429/3.1
INTERVIEW OF:	Forest Rainier Oliver (FO)	INTERVIEWED BY:	SA Gary Swanson (GS) SSA Drew Evans (DE)
REVIEWED BY:	S/A Swanson		

GS Okay this is gonna be a digitally recorded interview The date is May 11th, 2012. Time is ah 1253. Being interviewed today is fist name Forest, F O R E S T middle name Rainier R A I N I E R last name Oliver, O L I V E R.

FO Yep.

GS Date of birth is [REDACTED] ah contact phone number for Forest is [REDACTED]. His email address [REDACTED] This interview is being conducted in the state vehicle assigned to SA Swanson ah on the Nicollet Mall at Peavey Plaza in Minneapolis. Present for the interview is SA Swanson and SSA Evans. Ah Forest is everything that I read into the tape recorder there is that correct?

FO Yeah.

GS Okay. Um as I told you before we turned the tape on we're doing a investigation regarding allegations that have been made both in the media and on a, ah U-Tube that police officers from various agencies throughout Minnesota were down here in the past couple weeks and ah providing drugs to people for a, a drug recognition course that ah they were attending and...

FO Um-hm.

GS ...we've been given actually we've picked your picture out of a U-Tube video as a person that was involved here, is that correct?

FO (no audible response)

GS You got, you got to answer.

FO Yeah.

GS Okay. Um cuz we're on tape they can't see you're shaking your head so.

FO Um-hm.

GS Anyway um can, can you tell us what, how many times did you, did you participate as a ah...

FO Three times.

GS ...examinee? Three times? And do you remember when they were?

FO Ahhh, I need, I would need a calendar.

GS Okay remember the day of the week?

FO It was on, the first time was like on ah it was either a Friday or sometime on the weekend.

GS Okay.

FO Before May and then um the second time was on Thursday of May 4th or May 3rd I think.

GS Okay. And then what was the third time?

FO Those were the third times. I did it twice on the weekend. Friday and then either Saturday or Sunday on the weekend.

GS Okay.

FO And then I did it on ah the Thursday of next week.

GS So the Friday and Saturday would have been the weekend before the 3rd?

FO Yeah.

GS Okay. So like the 27th or something like that?

FO Something yeah something like that.

DE Thursday was a May 3rd so you think it was May 3rd?

FO Yeah.

DE Okay.

GS Okay and do you remember let, let's start with the first one the Friday one. Um do you remember who the a, ah which department the officers were from?

FO Um the first time?

GS Yeah.

DE Yep.

FO They were from, I think they were from, they were from Anoka uhh Anoka and Dakota, Ramsey.

GS Dakota or?

FO Dakota and Ramsey. Those were all the police that I seen.

GS Okay the, there would have been two officers correct?

FO Yeah there's two officers.

GS And each, so the first time that you had contact that you did this ah one o, one officer was from Anoka where was the other one from?

FO Dakota.

GS Dakota?

FO Um-hm, I can't remember their names though.

GS Okay.

FO The first time.

GS And how about the second time where were they from?

FO Hutchinson and ah, Olmsted I think or a city of Mora, no that was Kanabec. Kanabec, city of Mora that was so Hutchinson and ah Kanabec County was the second time.

GS Okay and how about the third time?

FO Ah Fillmore and Olmsted, County.

GS Okay.

FO (inaudible)

GS Let's start with the first one. The Anoka, the one where, where it was Anoka and then Dakota County.

FO Yeah.

GS Ah what happened?

FO Um basically asked (inaudible) at the plaza then um two of my friends from occupy came back and they were stoned and they told me about like what was goin' on and like told me all about it and it's

like yeah they'll give you free weed and they'll smoke you up. It was like oh really. It was like cuz I didn't believe it at first cuz you know they're cops you know you don't expect cops to do that stuff. But then I went over there and then I talked to them and then it was like okay yeah I guess they'll smoke me up. Um, so then ah I went in their car um

GS What color was the car?

FO It was a sheriff or a state trooper vehicle so it was like purple or white. Purple and white and yellow I guess.

GS Okay so it was a, Anoka County deputy and a Dakota County deputy driving a state trooper car?

FO Ehhh, yep.

GS Okay.

FO Yep. And um yeah they, they um told me all about it like how it was, what they would be doing. Like they'd be smoking me out you know getting me on weed so that I was high and then once they got me high then they would test me.

GS Okay.

FO For about forty-five minutes in their warehouse out near ah right off of 77 and Highway 66, that building.

GS Okay. And did they give you...

FO Yeah they...

GS ...drugs?

FO ...supplied the weed (inaudible)

GS What, what did...

FO ...they gave me a, they gave us...

GS What did they give it to, what'd they give ya?

FO They gave me a bag a, bag a weed and a, and a bowl to smoke it out of and they let me keep the bowl.

GS Okay was it a...

FO And I smoked it (inaudible)

GS What, what'd the bag look like?

FO The bag was just like a clear plastic...

GS Okay.

FO ...Ziploc bag.

GS Okay.

DE Any tape on it?

FO No.

DE Okay.

GS And how many, how many bowls did you smoke?

FO The first time I smoked about like eight bowls and I smoked it with some friends too cuz we picked um two other people up on the way.

GS Okay.

FO It was Weah's brother and the friend of her brothers.

DE (inaudible)

FO Zac and I forgot the other guys name but it's Weah's brother.

DE Who's Weah?

FO Weah she's a occupier down here.

DE How do you spell her name?

FO W E A H.

GS And her brother?

FO I don't know his name. I know his friend's name though was Zac though. He's white, short blonde hair.

DE Where are they?

FO I don't know where they live. I don't know where they are.

DE So you say occupy where are they down at the, at the...

FO Here.

DE ...courthouse?

FO No down here.

DE Peavey?

FO Yep.

DE They're not here right now though?

FO No.

DE When do they come down?

FO I don't know they come down random. It's, random to them but

DE Okay

FO Yeah they've done the testing too.

DE Okay.

FO And that (inaudible) and that was the first time yep. And then they, yeah after we, after they smoked us up on the hills when, of those sand hills out there then they tested us like they did dilated, checked our eyes (inaudible). Gave a urine test. Um breath. Balance test, made us walk a straight line and stuff. Checked our blood pressure, pulse all that.

DE You smoke you up where?

FO Out in Richfield, right off the airfields you know where those sand hills are, those dirt pits. Yep.

DE (inaudible)

FO Think it's right near the building.

GS How about the second time. You said it was a Hutchinson cop and Kan...

FO Kanabec.

GS ...Kanabec deputy?

FO Yeah. And this first name initial was N and his last name was Jacobson.

GS Which one, the Kanabec guy?

FO And, I think it was the Hutchinson guy. It might be Kanabec though I'm not sure it's one of those two commies and it's N Jacobson. You'll see his name like they, they got it on the U-Tube video, on his badge and all that and what, what county he was. But yeah,

GS What happened then, with those two guys?

FO Um

GS They pick you up here too?

FO Yeah they picked me up and a friend ah Jay.
DE Guy that was sleeping?
FO Yeah Jay was the other guy that was sleeping yeah who didn't want to talk to you guys.
GS What's his last name?
FO Ah, think it's Roland but I'm not sure though. Jay Roland and he was another one who smoked, got smoked up. He smoked up twice with the cops. One time before without me ah before when I smoked up with him and then second time he did it with me.
GS Okay.
FO And we smoked ah down in Richfield at the same spot.
GS Okay. And what'd they give ya?
FO Weed. (inaudible)
GS And what was it in?
FO Ah the same thing you know a Ziploc bag. And they didn't smoke us in the exact same area they let us smoke in their car and it was right off ah Highway 77 on the other side, over near Cedar Avenue.
DE In a neighborhood or what?
FO Richfield ah right off of 67th and ah Cedar.
GS What color was the car?
FO It was like the same thing like a sheriff or state trooper car.
GS Okay. It was a state trooper car?
FO Um I think one was a state trooper the other one was a sheriff, car.
GS Okay the, so the second I'm talking about the second one.
FO Yeah the second time, they were two squad cars one was a state trooper and one was a sheriff.
GS There was two squad cars there?
FO Yeah the second time, yeah.
GS Okay.
DE And which one did you ride in?
FO I think it was the sheriff one.
DE Okay.
GS And what color was that one?
FO White with gold letter and a little bit of purple in there I think.
DE You're sure that, what color uniforms? What did they look like?
FO They were just dressed up in um kinda like how most sheriff's dress up.
DE So but they were, the second you said...
FO (inaudible) uniform.
DE ...was Hutchinson and Kanabec right?
FO Kanabec yeah.
DE Um so the Hutchinson how was he dressed?
FO In uniform um
DE Blue? Brown? Red? Green?
FO Brown, kinda brownish, greenish.

DE How about the Kanabec?

FO Same thing.

GS And okay the third time.

FO Yeah it was Fillmore and Olmsted.

GS Um-hm.

FO And then um I can't remember their names but yeah it's, I went out there again you know um but this time they didn't test me though cuz they had more press you know involved from occupy that were filming them and stuff and it was bothering them.

GS Did they give you drugs?

FO Yeah they smoked me up.

GS Where at?

FO They didn't test me though.

GS Where at?

FO In their car. Yeah they smoked me up in their, in their squad car out in the same area in Richfield. And ah but they didn't test me because they thought I was with the press and they thought I was gonna try and blackmail them or something.

DE What do you mean they didn't test you?

FO They didn't...

DE (inaudible)

FO ...they didn't want to, they didn't want to test me but,

DE Did they try to bring you to the building?

FO Yeah they tried to, like they smoked me up cuz they thought they were gonna be able to test me you know but once I got to the building and like, some of the people saw me and I was about to come in and do the testing then they told me no, not to cuz they said I was with the, press. I'm pretty sure that's the reason why they didn't ah test me, that time.

GS Okay. And do you remember which, what kind of squad car you were in the third time?

FO Um, might have been a state trooper.

GS What color was it?

FO Purple.

GS Purp, you sure about that?

FO Yeah I'm pretty sure it was a state trooper, purple.

DE Who gave you the, when it was the second time the Hutchinson and Kanabec who gave you the drugs?

FO Who supplied the drugs? Ah Jacobson (inaudible)

DE What was it in?

FO Deputy.

DE What was it in?

FO What was it in? Um it was in a bag.

DE A bag?

FO Yeah.

DE Did they give ya, a pipe or did you have your own?

FO No they let me, use their pipe and they let me keep it.

DE The second time too? So first and second you kept both pipes?

FO Well it was the same pipe.

DE Oh so what did the pipe look like?

FO They gave it, it's blue.

DE Blue?

FO Yeah with little...

DE Glass?

FO Yeah blue glass, bowl.

DE Um-hm okay.

FO Yeah kinda big.

DE On the third time who gave you the drugs and how did that happen?

FO Ah I can't remember their names from Fillmore and Olmsted but I know they were from those counties though and they um they just smoked me up.

DE Did they give you, was it in the same deal they give you a bag

FO Yeah it was in the same bowl, yeah They gave me a bag and I already had a bowl so the, they just,

GS Was, it was a plastic bag again?

FO Yeah the same Ziploc bag.

GS Was the bag in anything or was, they just hand you the bag?

FO No it was just a bag a weed.

GS Okay.

DE Did you ever see a black case?

FO Black case? Yeah I seen a black case on, on the second one.

DE Second one?

FO The Hutchins one yeah.

DE Tell me about that.

FO And the first one too. I saw the black, it's where they kept their weed.

DE What did it look like?

GS What'd it look like?

FO The black case?

GS Yeah.

FO It was like a small little um you know as big as like a first aid kit something like that but it was a black though like a little black, case.

DE Metal? Plastic?

FO Plastic.

GS It was the same case from the first one and the second one?

FO Yeah it looked the same thing.

DE What was in it?

FO Weed and ah, weed grinder and some pipes and match, and lighters.

DE Okay. That where you got the bowl from?

FO Yeah.

DE Did anybody ever take one of the pipes back from ya that you wanted to keep? (inaudible) buddy?

FO No none a the um cops took anything back no.

DE Okay. How about from your friend? Jay, is it Jay?

FO What?

DE Did they take anything from him?

FO Ah, no.

DE Okay. What did they ss, when you're having these conversations with 'em what did they tell ya like...

FO They just said I'd get like a fake name and stuff for the testing and stuff.

DE They said to give, to give a fake name?

FO Well,

DE Or they just made it up?

FO They said like what's your name and what's your age and then they said like okay you'll be this guy like they gave me a fake name, fake address, fake zip code all that, age.

GS Did they tell you before you got in the car they were gonna give ya marijuana?

FO No they told me once I got in the car.

GS What exactly did they tell you to get you in the car?

FO When I got in the car?

GS Yeah.

FO They told me that like we'll be,

GS No before you got in the car what did they tell ya?

FO They told me like what the DRE was.

GS Uh-huh

FO It's a drug recognition program.

GS Yep.

FO And um like we've been testing people for the past three weeks and ah to see if we can catch or to show us on the people who are under the influence of drugs.

GS Um-hm.

FO So that's what they were doing it for.

GS But did they tell you before you got in the car they were gonna give you drugs?

FO Ummm, no I wasn't sure.

DE Well, were you already high when you got in the car?

FO No. Yeah see the thing, they were looking for people who were already high but since I wasn't high then you know then they obviously got me high then since they couldn't, cuz they wanted to originally find people who were already high. (inaudible)

GS So they didn't tell you before they put you in the car that they were gonna give ya drugs?

FO No.

GS They just told ya after you got in the car?

FO Yes so that people from occupy wouldn't hear.

GS Okay.

FO (inaudible)

DE Did you have any dru, did

FO And they also offered like meth and heroin and cocaine or ecstasy. They offered like harder drugs like oh do you like do you know anybody who takes this drug or do you take this drug so we can test you on that. And I said no um I only smoke weed. I said that.

GS Okay.

FO But they offer like food and cigarettes whatever.

GS Did they offer you meth or heroin?

FO Huh?

GS Did they offer to give you meth or heroin?

FO They offered like I said oh you could smoke this if you want like if you do that.

DE Did you see that?

FO But, no I never saw the meth or heroin though no but they said like they could get it to me though like if I wanted to do the testing on those drugs.

GS Uh-huh.

FO But I said no I only smoke weed. So they only gave me that.

DE Who was with you the third time?

FO Um, I can't remember his name. It's some, some ah...

DE (inaudible)

FO ...someone from occupy.

DE More than one or?

FO Just me and another person.

DE The time where you smoked, the third time where did you smoke it?

FO Richfield, same place.

GS Was it just like...

FO In the, in the car.

DE In the car?

GS Just,

DE You smoked in the car twice?

FO Yeah.

GS Was it just on the, on the street did they just pull over and

FO Yeah right off, on the frontage road off the highway of 77.

GS Okay and did you get out of the car or sit right in the car?

FO No I just sat in the car. They got out of the car and talked while I was smoking.

GS Uh-huh.

DE Did they crack the doors? Leave the doors closed?

FO They left the windows cracked so it'd air out.

DE Both times you smoked in the car or just once?

FO Yeah both times. When I was you know with Jay the second time.

DE That's when you were with Jay they did what?

FO They let us have the windows down.

DE Okay. What did you guys, did you guys what did you guys think when this was going on?

FO We like couldn't believe this was happening. Cuz we, we never knew that cops would do this and stuff. Let us smoke a sub, or give us weed yeah we weren't, we weren't expecting this.

DE When, what did they say about it? Did they say that they shouldn't be doing this or that it was okay for them,

FO What the cops?

GS & DE Yeah

FO The didn't say anything about that though, no.

DE They just said here's the weed.

FO Yeah. They didn't think they were doing anything wrong.

DE Did they tell you where they got the weed from?

FO I think they got it from um pe, from drug dealers who got caught you know and they confiscated their stuff.

DE Okay.

FO That's what I think they got it from.

DE You think that or did they tell you that?

FO Um, they've told me they've gotten some of their weed from confiscated stuff. They've also said they've gotten it from like medical marijuana like so they got it legally I guess.

DE Sure.

FO The medical marijuana.

GS How much did...

FO They told me they get that, I was like,

GS You said you guys smoked eight bowls between you and the other people on the first time?

FO Yeah, the second day ah with Jay we smoked about like ten or twelve bowls.

GS Between the two of ya?

FO Yeah. Yeah we smoked about twelve bowls, me and him.

GS How about how about the third time?

FO Smoked about like six.

GS Okay.

FO Yeah.

DE Did you get cards from any of these guys?

FO Car, get their card?

DE Yeah.

FO No.

DE Okay.

FO I think Jay did. He might of. And he already told like who he, who he knew he already ratted out um his, the deputy sheriff that he can remember.

GS What do you mean ratted 'em out? To who?

FO Well he told 'em on like he said ah in the Star Tribune or he said it on the Pioneer Press when they came to interview him.

GS Um-hm.

FO Already and I think he said it in the U-Tube video too.

GS Okay.

DE Hey are you familiar with anything like ah one of the guys down here lost his coat, when he went with one of these guys?

FO With the cops?

GS & DE Yeah.

FO Um no I don't know who that is.

DE Have you heard that or?

FO Heard about it?

DE Yeah.

FO Um,

DE (inaudible) he said the cops took his coat or?

FO Well I think I heard about that but I didn't know who it was though.

DE You don't know who that is?

FO No.

GS Where'd you hear about that?

FO Just through other occupiers.

GS Okay.

DE Do you think ah it was, did you perceive anything wrong with what was going on?

FO I thought it was wrong like I didn't think it was, legal what they were doing and I thought it was wrong kinda like exploiting the occupy and stuff.

DE Yeah.

FO And just using us.

DE So was it your impression they were doing this just so that they could do their tests or was there anything you had to give them or?

FO They did ask about like what the occupy was and they wanted me, they wanted one of our people to become an informant.

DE Okay. (inaudible)

FO for them and tell like what the occupy,

DE Did anybody do that?

FO Um, I don't think so no.

DE You didn't?

FO I didn't do it no. Panda said he might but I don't think he did though.

GS Okay um, Forest you, you're telling the truth here right? You're not saying...

FO Yeah.

GS ...stuff that isn't true just to get the police in trouble?

FO No.

GS Okay and,

FO It is true.

GS And, and I'm, and I'm not saying I, I don't believe ya but if we, at some point if we wanted you to come in a take a polygraph just to verify what you're saying is true would you be willing to do that?

(short pause)

FO Ahhh,

GS And I'm not saying we're gonna do that...

FO (inaudible)

GS ...I'm just ss, I'm just saying in, in the future if we decide that you know we need to do that to make our case stronger is that something that you would be willing to do?

FO Maybe I'm not sure.

DE Would you pass?

FO I don't know I've never taken ah one of those tests before.

DE Well it determines whether or not you're telling the truth so if you're saying you're telling the truth would you pass?

FO Yeah.

DE Is there anything that we haven't asked you about what happened here that would be important for us to know?

FO Um, no. Unless you guys got any other questions.

DE Well we want to know everything that went on so

FO Yeah.

DE ...if there's anything that we haven't asked or that you need to fill in the blanks let us know.

GS Yeah if there's something we didn't ask you that you think is important that ah you know go ahead and tell us.

FO Um I guess the second time the Hutchinson guy came when ah he was about to take me off um some of the occupy people and the press got angry at him like they confronted him and they wanted to know like what was going on like what was this about and what, who was running it. They wanted to know who all was in charge. And they said it was like Ricardo Munoz or something.

GS Um-hm.

FO Yeah they said that's who was running it.

DE Do you know Ricardo Munoz?

FO Not really.

GS You ever met him?

FO Um, no.

GS Okay so you don't know him at all then?

FO No.

GS Okay.

FO Is it somebody that, that's who running it, who's running it.

DE Who else from your crew down here went with people? Went with,

FO Went with the cops?

DE Yeah.

FO Me, Jay ah Weha um Panda

DE That's the guy we talked (inaudible)?

FO And ah yeah and ah

DE Michael?

FO And who else um there was, David, Zac and ah Weha's brother I forgot her, I forgot his name though and ah who else, Dee and Drey but Dee's real name is Dustin though, Dustin and Drey they hang out a lot.

DE Did any of them talk about getting drugs from the police?

FO Yeah they talked like how the police gave 'em drugs and stuff. They talked about (inaudible)

DE (inaudible) everybody is saying that the police gave 'em drugs?

FO Yeah.

DE Okay.

GS Okay we're gonna end the interview it's ah 1317.

RECORDING ENDS.

Review Notes:

Upon S/A Swanson's review of this transcript it was discovered that the incorrect date of May 12th, 2012 was used as the date of this interview. The transcript was changed to reflect the correct date of the interview as May 11, 2012.



AYERS & RIEHM
PROFESSIONAL ASSOCIATION
LAWYERS

SUITE 100
RIVERWOOD PLACE
880 SIBLEY MEMORIAL HIGHWAY
MENDOTA HEIGHTS, MN 55118-1736

www.ayersriehm.com

FAX: 651-552-2207
TELEPHONE: 651-552-8400

DAVID L. AYERS*
HAROLD H. RIEHM

May 14, 2012

PLEASE DIRECT THIS FAX TO:

Gary Swanson ✓ emailed 5-14
Special Agent
Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

PHONE NUMBER:
651-793-7000

FAX NUMBER:
651-793-7001

FROM :
David L. Ayers

RE:
In Re the Investigation of:
DRE Training Program

NUMBER OF PAGES: 2
Including this page

ADDITIONAL COMMENTS:

Accompanying this fax transmission is a letter, regarding the above-referenced investigation. DLA

The above information contained in this facsimile transmission is a confidential, privileged, attorney-client communication and is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any distribution or copying of this privileged, attorney-client communication is strictly prohibited. If you have received this facsimile by mistake, please notify us by telephone at the above-number. Thank you for your anticipated cooperation.

AYERS & RIEHM
PROFESSIONAL ASSOCIATION
LAWYERS

SUITE 100
RIVERWOOD PLACE
880 SIBLEY MEMORIAL HIGHWAY
MENDOTA HEIGHTS, MN 55118-1736

www.ayersriehm.com

FAX: 651-552-2207
TELEPHONE: 651-552-8400

DAVID L. AYERS*
HAROLD H. RIEHM

May 14, 2012

Gary Swanson
Special Agent
Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

**VIA FAX TO: 651-793-7001
AND U.S. MAIL**

Re: In Re the Investigation of: **DRE Training Program**

Dear Agent Swanson:

This letter is to advise you that I represent **Karl Stephen Willers**, regarding the above-referenced investigation.

At this time, I have instructed Officer Willers to decline all interviews and direct all inquiries to me. Accordingly, I request that any future contact be with me, rather than Officer Willers.

If you intend to proceed with any further action, please notify me. Thank you for your anticipated cooperation.

Yours truly,


David L. Ayers

DLA/pg

cc: Karl S. Willers

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

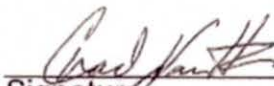
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

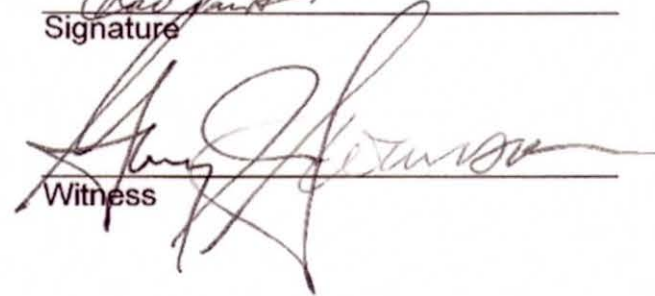
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5-21-12
Date


Witness

5-21-12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 21, 2012	BCA CASE	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	429/6.1
INTERVIEW OF:	Officer Chad Vanhorn (CV)	INTERVIEWED BY:	SA Gary Swanson (GS) SA Mike Phill (MP)
REVIEWED BY:	S/A Swanson		

GS This is gonna be a digitally recorded interview. Today's date is May 21st, 2012. Time is 10:00 A.M. Being interviewed is Officer Chad middle name Louis last name Vanhorn, V A N H O R N date of birth 4-9 of 1983. Chad is a patrol officer with the Lakes Area Police Department in um Chisago County. The address at the police department is 13292 Sylvan Avenue, Lindstrom, Minnesota 55045. Phone number is 651-257-0622. This interview is being conducted within an interview room at the Lakes Area Police Department. Present for the interview are Minnesota BCA SA Gary Swanson and SA Mike Phill and this is in relation to BCA case number 2012-429. Chad is everything that I read into the record there is that correct?

CV Yes.

GS Okay. Ah before we started this interview and turned on the tape I explained to you that we were gonna have you review ah what's commonly called at the BCA is a criminal investigations warning. And basically that warning is telling you that this is a voluntary interview. You don't have to talk to us and ah you reviewed that warning is that correct?

CV Yes.

GS And you understand that this is a voluntary interview and you, you're not required to talk to us?

CV Yes.

GS Okay. Um and you agreed to talk with us after you...

CV Yes.

GS ...ah reviewed that? Okay. Um calling your attention to ah late April ah were you a student at the ah drug recognition experts program put on by the Minnesota State Patrol in the metro area here?

CV Yes.

GS Okay. Can you tell us when did that school start?

CV Ah I think it started on April 2nd.

GS Okay. And there was a...

CV (inaudible) first day.

GS That woulda be, that woulda been the first day?

CV Yeah.

GS And there as obviously a classroom portion to this training?

CV Yep.

GS And how long did that run?

CV It ran for about two weeks ah nine days ended on a Thursday of the second week and then the subsequent day Friday we went down to the metro area in Minneapolis and ah that's when we started doing the certs portion of it.

GS The certification portion?

CV Yep.

GS Okay. What, before you started doing the certification portion or let's say right after you started doing it um and before you went out and ah located any people to be evaluated did the State Patrol give you any ah instructions on how to do that?

CV Ah not much they said to hang around these areas, these are some areas there's a lotta intoxicated people around. They said go out and find anybody that's, looks to be intoxicated.

GS Okay what areas did they tell you to go to?

CV I don't know the area down there very well but it was like Chicago.

GS Uh-huh.

CV Up and down Chicago and, and over in Minneapolis ah like the homeless shelters like 1010 Currie.

GS Uh-huh.

CV Um, those areas.

GS Okay.

CV I, I don't know 'em very well.

GS And were you, were you partnered up with somebody? When you...

CV Yeah.

GS ..when you got sent out to do that and who was your partner?

CV Ah Nick Otterson.

GS Okay. And Nick where does he work?

CV State Patrol.

GS Okay. And did you ah ride in his car or did you ride in your car or?

CV Rode in his car.

GS His car? And was he your partner for the entire portion of the cert ah certification part...

CV Yes.

GS ...of the program? Okay. So they sent ya out to these different areas and what did they tell you to do?

CV They said ah you know if you go out there look for anybody that's ah looks to be intoxicated walking around.

GS Um-hm.

CV Ah get out and speak with 'em.

GS Uh-huh.

CV You know check 'em, check their eyes.

GS Um-hm.

CV Ah you know see if they look impaired.

GS Um-hm.

CV Ah try to get a rapport with 'em ah search 'em and ah they said if they have anything on 'em try to use it as, as leverage.

GS Okay.

CV Ah you know say you can, you can go do that or get a ticket for that or you know if they admit to doing anything try to get 'em to come down with ya.

GS If they, if they had narcotics on 'em ah what were you instructed to do?

CV Ah basically they said to tell 'em ah you know it's their one chance they can go round the corner and use their stuff and then ah...

GS So they, they...

CV ...come down for an evaluation or, or either get a ticket or take 'em to jail.

GS So they told you that if, if they had, if they were in possession of narcotics it was okay to encourage them to go use it as opposed to, to ah seizing it?

CV Yeah.

GS Okay. Um did you, did you guys locate anyone that had narcotics on 'em?

CV Ah we had located a couple that did have ah just a small amount of marijuana on 'em.

GS And what did you instruct them to do?

CV We ah after some talk with 'em we said here's the deal, this is you can go around the corner ah use it or ah get a ticket for it.

GS Uh-huh.

CV One guy we ah, he agreed and we, we said we don't want you to do it right here in the intersection.

GS Um-hm.

CV So took him to the alley and let him out and ah we said we don't wanna see you doing this you know we'll, pick you up at the other end of the alley.

GS Um-hm.

CV And as we went around the block ah he ran. So ah,

GS You never saw him again?

CV Never saw him again.

GS Do you, do you know who he was?

CV No.

GS Did he give ya a name?

CV No.

GS Okay. Can you describe him?

CV No.

GS Okay. Was there any other ah incident where that kind of thing took place? Where ya, where you found somebody to have drugs on their person?

CV Yep. There was another one same thing, little bit of marijuana and that one there, same thing we dropped him off ah we were at a park I don't even know where that was.

GS Uh-huh.

CV And ah he left for about fifteen, twenty minutes and when he came back out to us ah he was willing to come in for an evaluation.

GS Um-hm. And the marijuana that he smoked it was his?

CV Yes.

GS He had it on his possession?

CV Yeah.

GS You located him? And do you know, do you know his name?

CV No.

GS Ah can you describe him?

CV No I can't.

GS Okay.

CV I mean I, ah we picked him up somewhere in Minneapolis.

GS Okay. White male?

CV Yeah.

GS First one was a white male too?

CV Think he was an Indian.

GS Okay.

CV I think he was a native American.

GS Um-hm. Um, any other ones besides those two?

CV Ah no.

GS Okay. How many field evaluations did you guys do? On how many different people?

CV We ah did fifteen ah half those ah were witnessed or we witnessed either somebody else or your partner or ah you know somebody else already had 'em in the, in the building and you just went after they were done.

GS Oh so you, you only brought in half of the fifteen and then the other half you used people that had been brought in by other people?

CV Yes well I don't know exact numbers on how many we brought in...

GS Uh-huh.

CV ...ourselves or but we I know about half of 'em just witnessed other, other people who they had in there.

GS Okay. Um at any time did you witness any officers provide any evaluatees with drugs?

CV No.

GS Okay. At any time did you or Otterson provide anybody with drugs?

CV No.

GS Okay. Um I'm gonna show you a couple pictures here um and I, I just want you to look at 'em and tell me if either one of these fellows was um somebody that you did an evaluation on.

(pause)

CV No.

(pause)

CV No.

GS Okay. Did, was there ah, an incident when you were with ah Trooper Otterson where you ah picked up an individual um that left his jacket in a car?

CV Yeah that's the guy that ran away.

GS That's the guy that ran away?

CV Yep.

GS Okay tell me about that.

CV Ah he was at a ramp...

GS Um-hm.

CV ...is where we picked him up at.

GS You remember where the ramp was?

CV I don't have a clue.

GS Okay.

CV Oh I think it was off a Cedar.

GS Okay.

CV Ah at whatever intersection, I don't know.

GS Uh-huh.

CV Um, he was out walking in the in a where they're coming to a stop at the bottom of the ramp.

GS Um-hm.

CV Walking up to car windows with a sign. A we pulled up ah...

GS With a sign?

CV Yeah he was peddling for...

GS Oh, oh he was for looking for money?

CV Yeah.

GS Okay.

CV I walked up to him at that point ah patted him down ah spoke with him and ah after some conversation ah after he denied everything he started admitting to ah having a little bit of marijuana on him. Using earlier in the day and being a meth addict for the last eighteen years.

GS Um-hm.

CV Ah he volunteered to come. Ah at that time that's when we brought him to the alley. Ah let him out and then he ran ah we circled around looking for him. We couldn't find him.

GS Um-hm.

CV Ah at that time I, I told him you know, you know he left his jacket in the back. Put it right here where we, where we left dropped him off at cuz my assumption would be he's hiding somewhere in the area...

GS Um-hm.

CV ...and he's gonna see it.

GS Yep.

CV And then at that time we left.

GS Okay. And he, he eh the marijuana that he, that you determined he had on him you, you didn't take that from him you, he kept that is that correct?

CV Yeah.

GS Okay.

CV Just patted him down ah didn't take nothing from him.

GS Um-hm.

CV Um he had his jacket laying by his sign.

GS Um-hm.

CV An that we picked up after he said he was willing to come with.

GS Okay

CV Ah told him we're just gonna put that in the back.

GS Uh-huh.

CV Only thing we did is make sure he didn't have any weapons on him.

GS Uh-huh.

CV Ah before we...

GS Did you check the jacket?

CV tt, ah no.

GS Okay.

CV I mean there was a bottle with it that had, like some change in like that that was we put with the jacket.

GS Okay and where did, after he ran what did you do with the jacket?

CV We set it down by the, at the end of the, that alley.

GS Where you picked him up at? Or where he ran from?

CV (inaudible) where he ran from.

GS Okay. And you never saw it again?

CV Um-um.

GS Okay. Um, let's go back and go into a little bit more detail on the instructions that were, were given to you guys before you went out and did these evaluations. What exactly did the State Patrol tell ya?

CV They said ah if they have it on 'em use it as leverage. You know look the other way.

GS Okay.

CV They said ah you know cuz if they said if you, if you ticket it for 'em right away...

GS Uh-huh.

CV ...or if you confiscate from him they're not gonna be willing to come in with ya.

GS Uh-huh. Did you just ask them if they had drugs on 'em or did you search 'em and find the drugs?

CV No you got out, we patted 'em down. Felt something in their pocket and started questioning 'em on it ah

GS Did you have 'em remove that?

CV Not right away.

GS Okay.

CV Ah and then later on you know after, after some talking to 'em...

GS Uh-huh.

CV ...ah explaining to 'em here's the you know we, we don't want to take you in on it you know if you do have it, it's one your one opportunity...

GS Uh-huh.

CV ...you know type thing.

GS So basically go ahead and go smoke it and then ah come with us and we'll, take you to, to be evaluated?

CV Yep.

GS Okay. And that's basically the instructions that were given to you by the State Patrol in ah, ah instructors in how to proceed on this thing?

CV Yeah.

GS Okay.

MP Was any of that ah put in writing (inaudible), flyer or pamphlet something (inaudible) gave you instructions? Just all verbal?

CV No. Yeah.

GS Did they, were they specific about ah did they ever mention to ya about providing drugs to the...

CV Um-um

GS ...students?

CV No not to us anyways.

GS Okay. Was there ever any, conversation during the class from the instructors of allegations that had been made?

CV By?

GS By anybody from outs, you know any members of the public as far as officers providing them with drugs?

CV I mean af, after that guy ran ah that night like six hours later...

GS Uh-huh.

CV ...ah he had called in a complained saying we beat him up.

GS Uh-huh.

CV Left him in the alley, took his stuff you know.

GS Uh-huh.

CV Ah so we, we spoke to, ah Munoz about that and ah and then ah Isackson I think his last name is from State Patrol.

GS Um-hm.

CV Spoke with Otterson ah about the, that incident as well.

GS Um-hm.

CV And ah at that point ah we were told okay it's a done deal and then I didn't hear anything else until the last day that I went down which was the day we took our final exam.

GS Um-hm.

CV That ah there was video out on ah U-Tube.

GS Um-hm.

CV And ah at that time when I went home after that I looked it up.

GS Uh-huh.

CV To see what was going on.

GS Um-hm. Okay but the State Patrol never inquired as to ah if any of the students ah based on the allegations that were made on the U-Tube video the, did any of the instructors ever inquire to any of the students or the students as a group about whether or not this was going on?

CV Ah that day of the test ah they walked out and asked one time. And,

GS What'd they ask ya?

CV They said did anybody give anybody ah drugs.

GS Uh-huh.

CV And nobody raised their hands saying they did so.

GS Okay. Okay. Ah, and you never saw anybody provide any, eh you never saw any of the officers from the class, any of the students in the class provide anybody with drugs?

CV No.

GS Did anybody ever mention to you they had drugs?

CV No.

GS Okay. Um, anything you want to add? Anything we, that we didn't ask you that you want to, you want to let us know?

CV Not that I can think of.

GS Okay. You got any questions?

CV Ah, what you know just where is, where is it going you know.

GS Well it...

CV (inaudible) whole thing.

GS Yeah it's, you know like I ss, like I told you earlier we're doing a, we're doing a criminal investigation.

CV Um-hm.

GS At the request of the commissioner's office. Um and ah you know after we get our investigation completed it'll obviously be ah probably turned over to the Hennepin County Attorney's Office for review. Um but it's you know all we're doing is collecting the information.

CV Um-hm.

GS It's gonna be up to the Hennepin County Attorney as to whether or not any laws were broken here to determine that so.

CV Okay.

GS Appreciate you talking to us and ah if there's nothing further ah we'll end the interview it's ah twelve minutes after 10:00.

RECORDING ENDS.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Mahell L.
Signature

5/21/2012
Date

DAVE J. HAY 1386
Witness

5-21-12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 21, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Olmsted County Deputy Michelle Ness (MN)	INTERVIEWED BY:	SA Dave Schafer (DS) SA Tom Oliveto (TO)
REVIEWED BY:			

DS Okay I've got a recorder going on. Today is May 21st, 2012 ah it's approximately ten after 1:00 in the afternoon. My name is Dave Schafer I'm an agent with the BCA. Also present is ah SA Tom Oliveto and ah we're at the Olmsted County Sheriff's Office and we're speaking with Deputy...

MN Michelle Ness.

DS What's your middle name Michelle?

MN Lee, L E E.

DS And your date of birth?

MN 1-11-75.

DS And what's your work address?

MN Ah 101 4th Street Southeast in Rochester.

DS And that's with the Olmsted County Sheriff's Office correct?

MN Yes it is.

DS And ah your business number?

MN Ah I guess best way to get a hold of me is dispatch the 507-328-6800.

DS And then what's your call number at work?

MN Ah my badge number is 1690 my unit number varies by the assignment...

DS Okay.

MN ...or the day.

DS And ah how long have you been with the Olmsted County Sheriff's Office?

MN Um in about a month in mid, mid June it'll be five years.

DS Okay. And ah recently as part of your ah training as a deputy ah you attended the drug is it drug recognition expert or evaluator or?

MN It's both.

DS Okay.

MN It's they say drug recognition expert but...

DS Okay.

MN ...because of the, think it's court they don't want us to call ourselves experts so we're evaluators.

DS Okay is but it's also either way it's referred to it as (inaudible)

MN DRE

DS DRE program correct?

MN Yep DRE program.

DS And you attended that recently correct?

MN Yes I did.

DS And ah when was that?

MN That was in it started in April, of ah this year 2012.

DS And lasted through?

MN Um end of April I'm not sure if I finished. Ohhh why can't I remember ah looks like the first week in May, May 3rd was my last night.

DS Okay. And ah one thing before we get too far here um prior to turning the tape on you had a chance to read our criminal investigation warning?

MN Yes I did.

DS And you signed off on that?

MN Yes I did.

DS And I just want to clarify you understand this is a criminal investigation warning?

MN Yes.

DS Or a criminal investigation. You specifically are not being targeted. It's just an overall um as a class participant in this DRE class from April and May of this year that you're being spoken with correct?

MN Yes I understand.

DS And here again you understand you don't have to and this is gonna be above or completely separate from any internal investigation that may or may not happen. You understand all that?

MN Yes I understand.

DS Good I just wanted to clarify that. Alright so ah your class was in late April, early May?

MN Ah the classroom portion started April 2nd.

DS Okay.

MN That's for the, two weeks the beginning of April was the classroom portion.

DS So you attended for two weeks. Took a break or explain how that worked.

MN Well really no break we took um it was nine classroom days. It was Monday through Friday the first week. Monday through Thursday the second week and then we started our certifications on April 13th, a Friday.

DS Okay.

MN So there was no, no break in it but

DS And then that lasted into the next week also?

MN Um that went the that Friday, Saturday and then we had Monday, Tuesday off and then we did the cert again the certifications from Wednesday through Saturday.

DS Okay.

MN For the following, following weeks.

DS Okay so in the classroom they talked about ah little bit about ah people, drugs, physiological changes, what to look for?

MN Yep.

DS And then when you talk about certification that's when you're going out and finding people that are under the influence and see if they would voluntarily agree to um submit to some testing to help you determine or get better at identifying what they are on and how they were acting kinda thing?

MN Right. Yep the first two weeks is just going through the, the process how we have to do our twelve step taking blood pressure, checking eyes and learning all about the drugs.

DS Okay.

MN So there's no, meeting anybody I guess you could say for the first two weeks.

DS Okay.

MN And then after that it was going out and finding people that were under the influence.

DS Okay so ah focusing on the, the latter part of it where you're going out to get certified, where you're going out to ah um find these people. How many, was there a requirement?

MN We did um at first we thought there was gonna be twelve then later it turned out there's actually fifteen certifications we have to do and that's um we have to do a minimum of six ourselves and the rest can be as a witness or like your partner is doing them and you're witnessing. So like I would have conducted, I actually conducted seven of them.

DS Okay.

MN Ah, at least. But then my minimum was I had to conduct six.

DS Okay.

MN But I had to be part of fifteen total evaluations. So I could be a witness or um a scribe, kinda keep track of the notes.

DS Okay um from your understanding whether through ah written information that was supplied to or, or verbal classroom instruction what was your state, understanding on how to accomplish this? Guidelines? You know maybe what ah what's allowed what's not allowed?

MN Ah you know we never got anything in writing. Um the first day of the certs we really were never given any specific instruction. It was kind of the hey you know just get out there. Go jump outta your car. Talk to these people you know get 'em to come in. There was never really any instruction as to what do, to do, what not to do it was just kind of a, I'd say we were just thrown to the wolves we almost felt like that at first.

DS Um-hm.

MN It was very nerve wracking just kind of okay go, good luck you know when you find somebody come back. So we didn't have any written or verbal instruction.

DS Okay.

MN As to how to...

DS And you were given...

MN ...do it.

DS ...some ideas on where to look for where in ah Minneapolis was it?

MN Yep that's where we started was Minneapolis. We were given um Rick Munoz kinda gave us a list of like his favorite places. Said oh you go up to here and here and you'll find prostitutes. You go over to here to here you'll find the crack dealings. You go over here you'll find people under the bridge that you know they could be under the influence of anything. So,

DS So the guidance would be where traditionally ah people who use drugs hang out and you were to go there and...

MN Right.

DS ...and talk with 'em and see if you could get them to ah, ah to cooperate with you correct?

MN Right.

DS Yeah and you, you mentioned an Rick Munoz.

MN Yes.

DS He's a sergeant with the Minnesota State Patrol right?

MN Yes he's in charge of the program.

DS Okay he's in charge of it but during the course of the instruction ah besides troopers were there other law enforcement and non law enforcement people that were instructing?

MN Yes there was, best guess fifteen, twenty instructors.

DS Okay.

MN From different um I would say mostly metro areas that were up there um lot of troopers but there was a Woodbury and ah I can't remember all, Lakeview stuff, bunch ah different kind of metro area.

DS Okay so as you're going out you're starting to do your certifications you're teamed up with somebody?

MN Yes.

DS And your partner was Brian Vearce?

MN Vearce, yep.

DS Vearce and he's ah with the state patrol out of northern Minnesota?

MN Yes.

DS Okay. When you guys were going around were you using his car or your car?

MN We took turns.

DS Okay.

MN I would say we used his squad more than mine.

DS Okay.

MN But...

DS And then...

MN ...we did take turns.

DS ...generally what was the process or?

MN Oh geez um you know we would just, literally the first couple days we were driving around just trying not to get lost.

DS Um-hm.

MN We were not familiar with the area at all. So we'd kinda drive around and go ooh that looks like a good area and kinda travel through that. And we learned like where there was some homeless shelters and where certain things were so we just, literally it was the first couple days was just driving around looking at the layout just watching people.

DS Um-hm.

MN Um we jumped out and talked to a few people. You know to kinda, get our speech down I guess you could say you know

DS Sure.

MN We'd get out hey you know you're not in trouble Just want to talk to you for a second. This is why we're here and um usually if people saw my car they would be more apt to talk because they'd see it says Olmsted County and they're like where is that and they knew I wasn't from the area and that's how we kinda used yeah man I'm not even from this area you know I don't even want to know your name I just want to you know want to do this. So it was kind of our approach sometimes.

DS Okay.

MN Be like we're not from this area, this is what we're doing and we'd tell 'em all about the program and some people would, the second we started talking to 'em they're shaking their heads like no I, I ain't talking to you and, alright thanks have a good day you know we just

DS And ah, here again going back to the instructor when you're going out to do your certifications um did you recall anything specifically ah when they talk, eh the idea was you're supposed to find people under the influence?

MN Right.

DS And then ask them what they're on, how long ago they used eh possibly how much and then based on that you would try and get them to cooperate and then ah check them over to see how they're being affected correct?

MN Right.

DS Okay. And so going back to the original instruction do you recall originally or initially was there any specific instruction about um you know finding these people under the influence versus you know how they get the drugs or anything like that?

MN No there was never any instruction it was just you know make sure they're, make sure they're high.

DS Okay.

MN You know bring 'em in and there was a few times that people brought you know we had a couple that we brought in they said oh yeah I was smoking weed all day and we wouldn't really get a good eval on 'em.

DS Sure.

MN You know maybe they used it earlier but we didn't get instruction to say you know this is how you do it they just said alright you know what, you know you have an idea of what these people are gonna look like based on people's eyes and based on maybe some of their behaviors.

DS Um-hm.

MN Go find 'em.

DS Okay.

MN And some were easier than others.

DS And though eh there must have been an incident early on in your certification that ah Sergeant Munoz had instructed ah, a group of you ah about not to do things a certain way?

MN Yep there was an incident um a trooper and I don't remember what, first week or second week into this. There was a trooper um and his partner I guess they tried to pick up a guy um I don't know all the circumstances about it I kinda later heard that he had dropped this guy off at the end of the alley and made arrangements to pick this guy up at the other side of the alley um after you know kinda the, the word was that he was like he had a pipe to smoke some dope or something said okay yeah we'll pick you up at the end of the alley. And the guy didn't show up so the trooper his name is Nick Otterson and I'm not sure who he was partnered with.

DS Um-hm.

MN Um they you know Nick and his partner were kinda like holding this guy like they had his coat and like a bag or something a his. They couldn't find the guy and they just kinda left it in the alley where they dropped him off at. And later we heard that this guy did complain to the state patrol and they kinda started like a, I don't know if they did like official IA or they just talked to him or what happened with that but ah Sergeant Munoz then addressed the class and I wouldn't say all of us were there I would say a good majority of us were probably there.

DS Um-hm.

MN And he made a, a comment about you know guys don't be stupid don't be doing this don't be giving people drugs. Um and that was the first time we ever heard a, to do or not to do.

DS Okay. And you heard that specifically from Sergeant Munoz not to give people drugs?

MN Yes.

DS But going back to that incident did you talk to Trooper Otterson?

MN No I never talked to him about it.

DS Okay so you didn't get ah any firsthand knowledge of this incident or what actually transpired you're just aware or heard firsthand?

MN Right.

DS The culmination of Sergeant Munoz saying this is not the way to do it?

MN Right and that's the first time you know Munoz had made a comment about you know don't do this and then kind of the talking in the classroom and said oh yeah you know Nick you know Nick was trying to get this guy to meet him at the end of the alley and so I heard that all kind of through secondhand I never talked to Nick about it specifically.

DS Okay so when you're talking about the second week into the program is this the instructional part or?

MN This is the second week of the certifications.

DS Okay.

MN It was like I said I, I can't remember, you know we moved we were at the Minneapolis 5th Precinct for part of the certs and then we moved to the Richfield office for the remainder. And I can't remember if we were at Richfield or Minneapolis um I remember it being fairly early on you know maybe that second week.

DS Okay

MN Of, of it but

DS Um you had mentioned earlier to when we were talking that um the law enforcement was going down to the Peavey Plaza um is you know obviously the U-Tube stuff was getting filmed.

MN Yep.

DS That ended up being a, ah an area where obviously there, there was some people that would fit the criteria for what you need correct?

MN Yes.

DS And um you said you were one of the first groups or teams that went down there and started exploring that option correct?

MN Yeah we had,

DS That, that instruction from Sergeant Munoz was that prior to Peavey Plaza?

MN Yes it was.

DS Okay. You know like a couple days do you know or?

MN Ah maybe it was like a week prior.

DS Okay.

MN Yeah like I say we, we went several weekends. There's what one, two, three like four separate kinda week, weekends and I would say he said it in the second and I want to say it was maybe the third, that third week that we kinda ran into Peavey Plaza.

DS Okay. Alright and...

MN (inaudible)

DS ...and how did that come about? Was that just something...

MN It was...

DS ...was brainstormed or (inaudible)?

MN You know it wasn't even that we were, we were driving around and there's a um a homeless shelter not too far kinda off ah Currie, 1010 Currie Ave or something like that I remember the name of it up there you know we went up there we were, we found a lot of people up there that would be willing to

come you know come with us. A lot of 'em use various kinds of drugs and we found, we found a lot of different stuff going on there. We found Peavey Plaza almost by accident. We were just driving along and we kinda looked over to Peavey and we're like whoa concentration of potential clients. So we actually parked our squad and we walked out on Peavey Plaza and we, we really didn't know what was going on I mean we were truly like not sure so we walked up to this, this group of maybe ten people and we're just you know Brian and I were both very just like outgoing, friendly we're not I mean we're just kinda you know relaxed. We're like hey what's going on, why are you guys down here and just chatty and we talked to these people for probably a good ten minutes just kind of asking 'em what was going on, how ya doin', what are you guys here for. Oh occupy Minnesota. Oh yeah, yeah you know. You know so we, they were kinda looking at us and looking at our patches like where are you from. And then it started the well let me um we'll tell you why we're down here. So we gave the speech of this is why we're here. And ah you know all of 'em were laughing like oh you'd give me a pack of cigarettes if I went with you. We're like look we need people that are high though Oh yeah I just smoked weed you know half an hour ago. Like alright let's start over, so I remember my partner was like okay who here smokes marijuana. And literally everyone raised their hands except for one woman. And I looked at her and I kind of laughed and pointed to her I'm like what's up with that she goes well I'm pregnant right now. Oh okay-okay. So then you know at that point we were getting, I'd say bored with people who were just doing marijuana we were looking for other harder drugs. Alright who here uses ah you know cocaine. And a couple raised their hand. Who here used meth I mean it was like a, they were just it was funny really that the, they'd be so honest and so you know here's two cops asking who uses what drugs they were just like ooh me and raising their hands.

DS So it, fair to say though initially you were kind of a hard time finding people ah....

MN You were,

DS ...to get your certifications done so you and your partner came to the understanding that you would either buy 'em a pack a cigarettes, a meal or upwards of ten dollars in cash...

MN Yep.

DS ...in order for the, to, to entice them to

MN Yeah it was kind of a, we were, we were struggling finding people and some people would ask us right away well what are you gonna give me if I come with you. Um, nothing. And they're just like yeah, see ya bye. You know so we realized we have to almost kind of entice them and the pack a cigarettes or dinner worked really well with some people that were homeless or lower income cuz they were just like ooh hey pack a cigarettes for you know we'd tell 'em hey it's an hour of your time, come hang out with us and we'll, we'll do this for you. And...

DS Um...

MN ...it went well.

DS ...fair to say ah or did you ever supply ah any ah marijuana, cocaine, meth to any of these individuals?

MN No we didn't.

DS In order for them to, for you to complete the certifications? Um did you guys have, were you, in possession of any kind of drugs during this time?

MN No I wasn't.

DS Okay. Um did you see anybody else ah as far as classmates who, who had drugs present or with them?

MN No I never saw any.

DS Okay. Ah are you directly aware of anyone else that was doing that or supplying ah drugs to the ah people for certification?

MN No.

DS Okay. I think ah that's all I have. Tom?

TO Yeah I don't have anything.

DS Okay. Anything else we haven't asked about?

MN Nope.

DS Okay I'm gonna end the tape now. It's about ah twenty-five after 1:00. Thank you.

RECORDING ENDS.



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

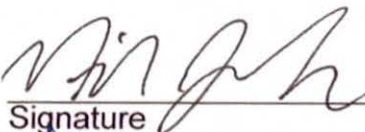
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

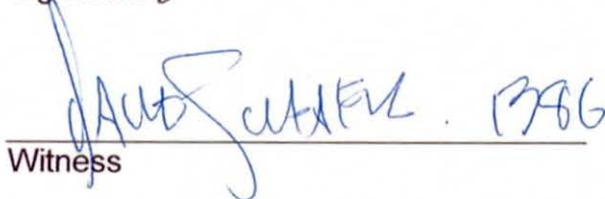
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5-22-12
Date


Witness

5-22-12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 22, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Olmsted County Deputy Nicholas Jacobson (NJ)	INTERVIEWED BY:	SA Dave Schafer (DS) SA Tom Oliveto (TO)
REVIEWED BY:			

DS You can see the red light going there. It is approximately ah 9:30 in the morning. It's Tuesday, May 22nd. My name is Dave Schafer I'm an agent with the BCA out of the Rochester Field Office. Also present is ah Agent Oliveto also out of the Rochester Field Office and we're back in our offices in Olmsted County Government Center and we're speaking with—

NJ Deputy Nick er well Nicholas Jacobson.

DS Okay how do you spell Nicholas?

NJ Ah N I C H O L A S.

DS And your middle name?

NJ Is Allen, A L L E N.

DS Ah J A C?

NJ O B S O N.

DS And your date of birth?

NJ Is ah 5-5-81.

DS Okay and what's your work address here? (clears throat) excuse me.

NJ It's ah 101 4th Street Southeast, Rochester, Minnes

DS Okay and you're work phone number?

NJ Ah 328 ah 6747.

DS Okay and ah you understand why we're ah speaking with you today? You were a participant in a drug ah recognition ah class ah earlier this year or I guess probably about a month or so ago and we explained to you that ah there's an investigation going on and we've been assigned ah to speak with you about that. We contacted you, you said you're willing to talk to us. Um before we got going here you had a chance to review this criminal investigation warning. We talked about that you understand it.

NJ Yes.

DS And ah you signed off on that. Correct?

NJ That's correct yes.

DS Do you have any questions about that?

NJ No I don't.

DS Okay um how long have you been with the Olmsted County Sheriff's Office?

NJ Since February of 2006 so I just passed my six year mark here.

DS Okay. And then a part of your employment here is you were a, assigned a to go to this DRE class?

NJ That's correct yes.

DS Okay when was that? When was this class?

NJ The class the first day of the class was April 2nd and I think the last day that I was up there and had completed everything was May 3rd.

DS Okay. And um what's the goal of this class? Or what do ya, what do you get out of the class or?

NJ Ah the goal is to be able to do a series of like standardized tests to be able to identify when somebody is too impaired to drive but it's not because a alcohol it's because of drugs or possibly because of a medical situation but the specific thing that you're looking for is drug impairment.

DS Okay. And then part of this class it's actually two parts so first part is a an instructional or classroom part?

NJ That's correct.

DS And this class was put on by the ah Minnesota State Patrol?

NJ Yes.

DS And the instructors were ah troopers and then other law enforcement that may have not been with the state patrol?

NJ That's correct.

DS Okay. And then the second phase of this is ah where you have to go out and ah, ah find individuals and practice what you learned, you have to complete some evaluations. Correct?

NJ That's correct yes.

DS And how many of those evaluations you have to complete to graduate?

NJ You have to personally complete six evaluations yourself. Ah so you have to perform six.

DS Okay.

NJ Um and then you, your partner will perform six and that makes twelve. Um and what you're doing when your partner is doing the evaluation is you're the recorder so we have a face sheet that we use and you're just recording his ah his measurements and your observations and things. And then your last three um you can just witness other teams do it you can basically just be a third party and just witness other people do theirs.

DS Okay

TO So there's a total of fifteen then?

NJ That's...

TO The twelve plus the three that you observe?

NJ That's correct.

TO Okay.

NJ And ah, I don't know if the fifteen number is if that's a national guideline or not but that's what we were told that we were shooting for up there. And part of the, part of the certification process also is ah you get urine samples out of the, individuals that you do your evals on um to try and show you after you've done your evaluation and made your assessments and then the, the BCA comes back and says yea or nay to what you thought the impairment was caused by, what type of drug and that kind a thing so.

TO Based on the urine analysis?

NJ Yep.

DS Okay. And then ah when, when you go out and ah you're gonna talk to these individuals and complete the evaluations you're assigned a, a partner correct?

NJ Yes that's correct.

DS Okay who was your partner?

NJ My partner was ah Trooper John Schmutzer it's ah S C H M U T Z E R.

DS Okay.

NJ And he's out of ah he's out of, he works in the Buffalo, Minnesota area.

DS Okay.

NJ And I think that's the St. Cloud District. I'm not certain.

DS Okay. And that, you remained with that partner throughout? You,

NJ Yes that's correct. Yep.

DS Okay. During either the classroom or the ah prior to going out for the certifications or the evaluations um either ah through handouts or ah instructor um instructions what was your understanding on how you were supposed to find these individuals or what was the parameters of that or?

NJ There wasn't a whole lotta guidance. Um I'm not familiar with the cities that well. So you know they kinda threw out some areas that would be smart to maybe start looking.

DS Um-hm.

NJ But the specific guidance that I remember was pretty much just jump out and talk with people and you know see if you might find, come across somebody that's impaired and that would like to submit to an evaluation, was pretty much the gist of it.

DS Okay. And from what I understand um some of these places that ah were normally um good places to look for some people to evaluate for whatever reason during this time weren't there? And I guess what I'm saying it was kinda hard to find these people initially?

NJ Yeah it, it was. Um, we went I mean we went me and my partner went ah started off in Minneapolis. Did a lot in Minneapolis and then we had some luck actually in St. Paul. And so we, you were trying to find an area where it was kind of fresh to the people that you were talking with.

DS Um-hm.

NJ Ah when they hadn't been, getting harassed or spooked by you know several officers prior to this...

DS Right.

NJ ...that they've said no thanks I don't want to do this and then we come along. Um so usually when you talk with new a new crowd of people it was a, we found it was a little bit easier to get people to talk with us and you know take time to explain it. So we were all over the cities.

DS Okay. And at some point um it became ah common knowledge amongst the class that ah there was some occupy wall street stuff going on down at the Peavey Plaza.

NJ Yes.

DS And the, there was a lot of potential a lot of possibility to get some, some people to complete these evaluations. Where in um the timeframe of the ah, a second part of the class during the, evaluation process did um people start ah kinda focusing on ah Peavey Plaza? Was it more towards the beginning, then end or?

NJ I would say that it was, for, for me and my partner it was probably about the halfway point or so.

DS Okay.

NJ So maybe the last half of our evaluations we spent more time, we would swing through that area more um as opposed to going and ah going to places we've already been where we haven't really found anybody to talk with.

DS Okay.

NJ So it was kind of a, it was a, good place to get out and talk with people and people seemed to be receptive to us.

DS Okay. Um, during the evaluation process or during that portion of the class um I understand that there was an incident ah with a trooper um ah Trooper Otterson ah do you have firsthand knowledge about that? Did you ever speak to or witness anything or speak with Trooper Otterson about this incident?

NJ No I did not.

DS Okay. Um as a result of that incident did ah Sergeant Munoz who I understand was directing this class or ah the main instructor. Did he ever instruct the class as to what should or shouldn't be done?

NJ Yes um I heard at one point and I wish I could tell you at what point during the evaluations this was, it was, it was early on. Um I don't, I don't know exactly how early. Um but I heard him say you know something to the effect of um don't go out and make these people smoke. Something to that effect. And just hear him say that I, I was kind of in passing so I think I was actually getting ready to walk out of the building.

DS Um-hm.

NJ And I heard him say that behind me and I just kinda thought to myself well, yeah (laugh) you know.

DS Kinda goes without saying?

NJ Yeah.

DS And, this was in the classroom ah where was at, this was in the context of the classroom and either the majority or most of the class was there?

NJ Um, when, when all the evaluations and stuff were going on

DS Um-hm.

NJ You'll have some people that decide to sit and type. Then you have other people that will go out and try and find people to volunteer. And I would say maybe half the class was there at the time that he made that statement that I heard.

DS Okay.

NJ Because the other half the class was ah out and about trying to talk with people.

DS Okay.

NJ So the half that woulda heard it were the ones that were doing reports from maybe the day before or something.

DS Okay. And ah I understand that you can't say specifically when in a class but maybe earlier but this specifically in relation to a um the focus down on Peavey Plaza. Who ah Sergeant Munoz comments was that, could you say if that was before...

NJ Hm?

DS ...the focus on Peavey, Peavey Plaza?

NJ Eee, I believe that it was before, now I don't know when other teams started going to Peavey Plaza.

DS Um-hm.

NJ Um like I said for us it was about the halfway point. And for me specifically it would have been shortly before we, my team started going to Peavey Plaza is when I had heard him say that.

DS Okay, alright. So then ah you come in contact with these people ah here again either through handouts or verbally what was the instruction on ah identifying these people um and how you would write 'em up on an eval or whatever? I mean name wise.

NJ Um, (sigh) people were, they weren't, the instruction wasn't to ah get for ah actual names...

DS Um-hm.

NJ ...from people and I think that's just because in the past they'd find that people get spooked by that. Um so we would basically ask people what their first name was and if they said their first name was ah you know Bob or whatever we didn't check into that.

DS Right.

NJ We would just call 'em that and I know there were a few people that probably gave us fake first names but it didn't matter to us we would make up a last name and cuz we'd actually run into the people down the, down the stretch or do our evals and I'd say you know hey so and so or whatever and they wouldn't respond back to me it's cuz they're, they were gave a fake name.

DS Bogus name.

NJ Yeah, yeah. And I thought to myself well yeah of course (laugh)

DS Right.

NJ Of course he's not gonna look you know but um yeah that's correct we um we didn't use we just used made up names for tracking purposes cuz like I said we do complete a report and we do attempt to see if we can't get a, a urine sample so that we can follow our evaluation all the way to the end.

DS Okay, alright. And um did you have a, a specific process I mean how you would ah get the people ah, ah to cooperate with ya? I mean was there any um compensation or was there any ah you know like favor like some guys were buying 'em meals or, or something like that.

TO Cigarettes.

DS Cigarettes, yeah.

NJ Yeah we well I think every team had their own approach um me and my partner would ah just get out and talk with people. And just basically try and be friendly with people. And um we would tell people if they came with us you know for an evaluation that um if they may smoke cigarettes and they liked that you know we'd be willing to buy 'em a pack a cigarettes for their time.

DS Um-hm.

NJ Um and it, we weren't pushy if, if people if we thought that somebody was high and they, they just simply didn't want to go with us.

DS Um-hm.

NJ We were just fine with that.

DS Um-hm.

NJ Um, you know we didn't get aggressive towards 'em. You know cuz I don't, that didn't help our cause at all.

DS Right.

NJ So,

DS And then um just asking a, a straight out here. Ah did you ever supply any of your ah evaluatees with ah narcotics? Drugs?

NJ No. No.

DS Okay um your partner?

NJ No.

DS Ah did you see any other law enforcement or ah from any ah your classmates do this?

NJ No I didn't.

DS Okay did you ever hear or were in earshot or present while some of this stuff could have been going on?

NJ No...

DS Okay.

NJ ...I was not.

DS Alright. You got anything Tom?

TO Nope.

DS Alright. Ah you got any questions?

NJ No I don't think so.

DS Okay. I'm gonna shut the tape off now. It is about ah 9:42. Thank you.

RECORDING ENDS.

HUTCHINSON POLICE SERVICES

EVIDENCE/PROPERTY REPORT

Case # 11-1751	Date/Time 10/17/11
Location 901 Hwy 15 S	Officer(s) 2208

SU/VM	Name	DOB
SU	Jamel Jaymes Hill	09/20/94
SU	Kalin James Klein	07/08/92

REASON HELD

SPECIAL INSTRUCTIONS

 A EVIDENCE X HOLD UNTIL CASE CLEARED _____ RETURN TO OWNER
_____ SEIZED _____ TO B.C.A LAB _____ SAFEKEEPING
FORFEITURE OTHER:

TYPE CODES/ E=Evidence S=Stolen R=Recovered SK=Safekeeping F=Found Property

[illegible]

[illegible]

DESTROYED ☐ **RETURNED** ☐ **AUCTION** ☐

[illegible]

DESTROYED ☐ **RETURNED** ☐ **AUCTION** ☐

STUDENT DRE EVALUATION PERFORMANCE REPORT

Student Evaluator: _____ Agency: _____ Control # _____

Student Recorder: _____ Agency: _____ Control # _____

Student Observer: _____ Agency: _____ Control # _____

Date ____ / ____ / ____ Time _____ Location _____

Subject: _____

ADMINISTRATION

Errors of Omission/Commission _____

Observations of Superior Administration _____

INTERACTION

DEMEANOR _____

OFFICER SAFETY _____

OPINION

Group Opinion (Drug Category/Categories) _____

Do you fully agree with the student's opinion? Yes No

If "NO", exactly how and why do you disagree? _____

REPORT WRITING

(Accuracy/Completeness/Composition)

COMMENTS

INSTRUCTOR _____ DRE# _____ AGENCY _____



STATE OF MINNESOTA DRUG INFLUENCE EVALUATION

EVALUATOR:

DRE #:

DRE'S Case #:

ARRESTEE'S NAME: (Last, First, MI)

DOB:

AGE:

SEX:

RACE:

Arresting Officer:

Date Examined / Time / Location

Breath Test:
☐ RefusedInstrument: PBT
BA Results: 0.00 /210LChemical Test: ☐ Blood ☐ Urine
☐ Refused Kit #:Miranda Warning Given: ☒ Yes ☐ No
By:

What have you eaten today?

When?

What have you been drinking?
How much?Time of last
Drink?

Time Now?

When did you last Sleep?
How long?

Are you sick or injured?

☐ Yes
☐ No

Are you diabetic or epileptic?

☐ Yes
☐ No

Do you take insulin?

☐ Yes
☐ No

Do you have any physical defects?

☐ Yes
☐ NoAre you under the care of a
Doctor / Dentist?☐ Yes
☐ No

Are you taking any medication or drugs?

☐ Yes
☐ No

ATTITUDE

COORDINATION

SPEECH

BREATH

FACE

CORRECTIVE LENS: ☐ None☐ Glasses ☐ Contacts, if so ☐ Hard ☐ Soft

EYES

☐ Normal ☐ Bloodshot ☐ Watery

Blindness:

☐ None ☐ R.Eye ☐ L.Eye

Tracking:

☐ Equal ☐ Unequal

PUPIL SIZE:

☐ Equal
☐ Unequal (explain)

HGN Present

☐ Yes ☐ No

Able to follow stimulus:

☐ Yes ☐ No

Eyelids:

☐ Normal ☐ Droopy

PULSE & TIME

HGN
Lack of Smooth Pursuit

Right Eye

Left Eye

Vertical Nystagmus

☒ Yes ☐ NoConvergence: ☐ Yes ☐ No

Right Eye

Left Eye

ONE LEG STAND:

/30 L

/30 R

BALANCE EYES CLOSED

WALK AND TURN TEST

Cannot keep balance: ☐ Yes ☐ NoStarts too soon: ☐ Yes ☐ No1st Nine 2nd Nine

S--Stops Walking

☐ x0 ☐ x0

M--Miss Heel/Toe

☐ x0 ☐ x0

O--Steps off line

☐ x0 ☐ x0

A--Raises arms

☐ x0 ☐ x0

Actual # Steps

L

R

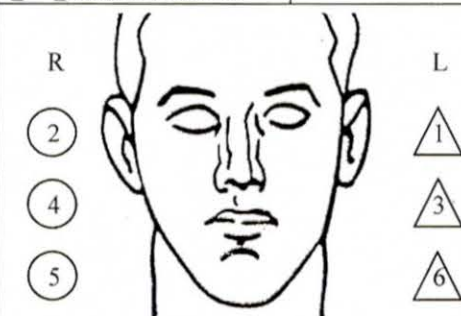
☐ x☐ x☐ x☐ x☐ x☐ xSways while balancing
Uses arms for balance
Hopping
Puts foot down

INTERNAL CLOCK

Estimated as 30 sec.

Describe Turn

Cannot Do Test (explain)

Type of Footwear
BAREFOOT

PUPIL SIZE

Room light

Darkness

Direct

NASAL AREA

LEFT EYE

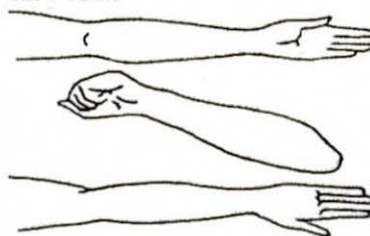
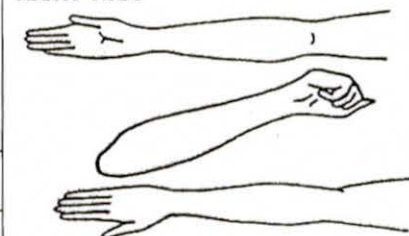
ORAL CAVITY

RIGHT EYE

Pupillary ☐ Yes
Unrest ☐ NoREBOUND DILATION
☐ Yes ☐ NoReaction to Light
☐ Normal ☐ Slow ☐ Other

RIGHT ARM

LEFT ARM



BLOOD PRESSURE

TEMPERATURE

Muscle Tone:

☐ Near Normal ☐ Flaccid ☐ Rigid

ATTACH PHOTOS OF FRESH PUNCTURE MARKS

What medicine or drug have you been using?

How much?

Time of use?

Where were the drugs used? (location)

Date / Time of Arrest

Time DRE Notified

Evaluation Start Time

Time Completed

DRE's Signature

IACP #

Department

DRE's Opinion

Reviewed by:



STATE OF MINNESOTA

DRUG INFLUENCE EVALUATION



Suspect / Arrested Name:			DOB:		
Arresting Agency Case #:					
Arresting Officer:		Badge #:		Department:	
Evaluator Agency Case #:				Date:	
DRE Evaluator:		Badge #:		Department:	
IACP #:			Rolling Log #:		

Location:

Witnesses:

Breath Alcohol Test:

Notification / Interview of Arresting Officer:

Initial Observation of Suspect:

Medical Problems and Treatment:

=PSYCHOPHYSICAL=

Romberg Balance:

Walk and Turn:

One Leg Stand:

Finger to Nose:

=CLINICAL INDICATORS=

Vitals:

Eyes:

Signs of Ingestion:

Suspect's Statements:

DRE's Opinion:

Toxicological Sample:

Miscellaneous:

IACP

Drug Evaluation and Classification Certification Progress Log

Please Print

Candidate's Name _____

Agency _____ Phone (____) _____

Address _____

City _____ State _____ Zip _____

Item or Step	Date Completed	Location	Authorized Signature	IACP DRE#	Agency
DRE Pre-School					
SFST Proficiency					
DRE School					
DRE School Final Exam					
Evaluation #1					
Evaluation #2					
Evaluation #3					
Evaluation #4					
Evaluation #5					
Evaluation #6					
Evaluation #7					
Evaluation #8					
Evaluation #9					
Evaluation #10					
Evaluation #11					
Evaluation #12*					
Certification Knowledge Exam					
Resume Reviewed and Approved					
Completed the Minimum Number of Evaluations**					
Identify the Minimum Number of Drug Categories**					
"Rolling" Log Reviewed					
Toxicologies Consistent**					
Recommendations for Certification (Standard 1.15)			Authorized Signature	IACP DRE#	Date
I/We certify that this student satisfactorily met the IACP National Standards for the Drug Evaluation and Classification Program and is recommended for certification. (Standards 1.15)					
I recommend this student for certification. (Agency Coordinator – if applicable)					
I recommend this student for certification. (State Coordinator)					

*Please use reverse side to record additional evaluations if necessary.

**Please see reverse side for the exact language of these standards.

Use the back page for additional comments.

Revised 3/99



SNARE
the drive
impaired

Drug Recognition Expert _____ Agency _____ Page _____
IACP Certificate Number _____

[illegible]

*ROLE (LIST ALL THAT APPLY): E=Evaluator, R=Recorder, W=Witness, S=Student, I=Instructor

lm/0703

Field Evaluations Requirements

- ✕ 12 evaluations (minimum)
- ✕ 75% toxicology samples collected
- ✕ 75% positive (confirmed) toxicology samples from the lab
- ✕ You must be the evaluator for 6 of the evaluations conducted (complete evaluations)
- ✕ 3 of the 7 drug categories must be confirmed
- ✕ All evaluations must be witnessed and supervised by a DRE Instructor

Minnesota Drug Recognition Expert School

April 2-12, 2012

<i>Monday / April 2</i>				
Time	Session Title	D = DRE School P = Pre-School	Instructor(s)	Duration
0800 – 1000	Introduction & Overview	D I	Munoz	2:00
1000 – 1100	Drugs & Society	D II	Nielson-Maciejewski	1:00
1100 – 1200	Development & Effectiveness	D III	Czapar-Slawson-Michalek	1:00
Lunch				
1300 – 1430	BCA Lab		Brent Nelson	1:30
1430 – 1700	Overview of DRE Classification Procedures	D IV	Czapar-Michalek-Nielson	2:30

<i>Tuesday / April 3</i>				
0800 – 0930	Psychophysical Tests	P III	Mikkelson-Slawson	1:30
0930 – 1130	Eye Examinations	D V	Slawson-Michalek	2:00
Lunch				
1230 – 1430	Physiology of Drugs	D VI	Cline-Slawson	2:00
1430 – 1630	Vital Signs	D VII	Cline-Maciejewski	2:00

<i>Wednesday / April 4</i>				
0800 – 0930	Overview of Signs & Symptoms	P VII	Horazuk-Michalek	1:30
0930 – 1130	Demonstration of the Evaluation Sequence	D VIII	Gomez-Frances	2:00
Lunch				
1230 – 1400	Alcohol as a Drug	P VIII	Mikkelson-Horazuk	1:30
1400 – 1630	Alcohol Workshop	P V	ALL	2:30

<i>Thursday / April 5</i>				
0800 – 0945	Central Nervous System Depressants	D IX	Gomez-Smith	1:45
0945 – 1130	Central Nervous System Stimulants	D X	Cline-Smith	1:45
1130 – 1200	Quiz #1		Michalek	0:30
Lunch				
1300 – 1400	Eye Examinations	D XI	Gomez-Michalek	1:00
1400 – 1500	PDR & Other Drug References	D XIII	Cline-Mikkelson	1:00
1500 – 1700	Hallucinogens	D XIV	Michalek-Mikkelson	2:00

<i>Friday / April 6</i>				
0800 – 1000	Review/Pre-School Final Exam	P IX/X	Nielson w/All	2:00
1000 – 1100	Practice Test Interpretation	D XV	Mikkleson-Michalek	1:00
1100 – 1130	Quiz #2		Nielson	0:30
Lunch				
1230 – 1415	Dissociative Anesthetics	D XVI	Cline-Czapar	1:45
1415 – 1515	Practice Test Interpretation	D XVIII	Gomez-Michalek	1:00
1515 – 1700	Mid-Course Review		Gomez-Czapar	1:45

Minnesota Drug Recognition Expert School

April 2-12, 2012

Time	Session Title	D = DRE School P = Pre-School	Instructor(s)	Duration
Monday / April 9				
0800 – 1100	Narcotic Analgesics	D XVII	Isaacson-Vossen	3:00
1100 – 1130	Quiz #3		Isaacson	0:30
Lunch				
1230 – 1415	Inhalants	D XIX	Vossen-Smith	1:45
1415 – 1530	DRE Prosecution in Minnesota		Karen Mara	1:00
1530 – 1630	Practice Vital Signs	D XX	Smith-Michalek	1:00

Tuesday / April 10				
0800 – 0930	Cannabis	D XXI	Horazuk-Frances	1:30
0930 – 1030	Overview of Signs & Symptoms	DXXII	Vossen-Frances	1:00
1030 – 1230	Drug Combinations	D XXIV	Michalek-Mikkelsen	2:00
1230 – 1300	Quiz #4		Munoz	0:30
Lunch				
1400 – 1500	Curriculum Vitae Preparation and Maintenance	D XXIII	Vossen	1:00
1500 – 1700	Alcohol Workshop	D XII	Horazuk W/All	2:00

Wednesday / April 11				
0800 – 0900	Practice Test Interpretation	D XXV	Maciejewski-Gomez	1:00
0900 – 1000	Preparing the Narrative Report	DXXVI	Nielson-Mikkelsen	1:00
1000 – 1145	Practice Test Administration	D XXVII	Michalek-Gomez	1:45
Lunch				
1245 – 1415	Case Preparation & Testimony	D XXVIII	Nielson-Mikkelsen	1:30
1415 – 1615	Final Course Review/Quiz #5		Nielson W/All	2:00

Thursday / April 12				
0800 – 1100	Final Examination		Nielson-Gomez-Maciejewski-Michalek-Godding	3:00
1100 – 1200	Classifying a Suspect (Role Play)	D XXIX	ALL	1:00
Lunch				
1300 – 1500	Transition to Certification Training	D XXX	Munoz	2:00
1500 – 1700	Graduation		ALL	2:00

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Date

Witness

Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 18, 2012	BCA CASE	2012-429
OFFENSE:	DRE Conflict Investigation	EXHIBIT #:	10.1
INTERVIEW OF:	Sgt. Rick Munoz (RM) MN State Patrol	INTERVIEWED BY:	SA Gary Swanson (GS) SSA Drew Evans (DE)
REVIEWED BY:			

DE Ah the following will be an interview with Sergeant Ricardo Munoz, M U N O S ah badge number 377 of the Minnesota State Patrol. His work address is 444 Cedar Street in St. Paul, Minnesota, Suite 130, 55101 ah phone number oh ah Z, M O, M U N O Z I apologize is ah Munoz' last name. And ah the date is the 18th of May, 2012. It's approximately 1020 hours here at the Bureau of Criminal Apprehension. Also present is Kevin Class ah representing the ah union and the ah Minnesota State Patrol. Conducting the interview will be Senior Special Agent Drew Evans and Special Agent Gary Swanson of the BCA. Um Sergeant Munoz before we um started I showed you a criminal investigation warning form and I explained that we were asked um on behalf of the Department of Public Safety to conduct a criminal investigation into an incident that occurred in a class you were um conducting correct?

RM Correct.

DE Did you understand the ah warning form?

RM Yes I believe I did.

DE And you understood that this is a voluntary interview. That we're conducting a criminal investigation., you're not the target of the investigation but that we are conducting a criminal investigation.

RM Yes.

DE Okay. What we'll I think maybe what we'll start is my understanding is that you are the lead instructor for the State Patrol for a ah drug recognition expert program correct?

RM It's a federal program that's, puts me as the state coordinator for the program within the state.

DE And what, what is your role in that as the federal program coordinator?

RM Um to set up the classes, arrange instructors um...

DE Okay.

RM ...critique tests and evaluations.

DE Okay. Um as part of ah how long have you been doing that?

RM About since November of last fall.

DE November of 2011?

RM Correct.

DE Okay. And in that role how many classes have you conducted?

RM This is my first (inaudible).

DE This is your first? Okay. And it started do you recall the dates when it ran?

RM April 2nd the classroom portion was April 2nd to the 12th. I believe the certification portion went from April 13th to May 3rd.

DE And what is the purpose of this class? I mean what are you teaching these students to do?

RM It's, it's a, it's advance field sobriety. It's more tests in addition to the basic field sobriety test and battery of tests to detect and determine impairment of the drug categories in people. Alcohol is not an (inaudible) equivalent if you will. So it's basically doing a DUI detection for people impaired by drugs.

DE Okay.

RM Is the ultimate goal.

DE And I assume but I should ask you, are you a certified DRE?

RM Yes I am.

DE Okay. How long have you been with the State Patrol?

RM A total of approximately 7 years.

DE 7 years? Okay. And as part of this is there any sort of um national curriculum or do you develop the curriculum yourself?

RM It's a, it's a nitsa program and um included with the IACP.

DE Okay. So when you develop what you're going to teach in doing this class are you following their curriculum?

RM Correct it's their manuals that we're using.

DE Okay so you have an IACP manual?

RM It is a nitsa manual but the program is through the drug evaluation and classification program, drug recognition program it's like three acronyms together.

DE Okay.

RM And part of the IACP.

DE Okay is there anything through that program um that you changed yourself or that the Minnesota State Patrol modifies for, for here?

RM The only standards that can change for the program is when it comes to the certification portion of the training there's a minimum requirement of twelve field evaluations done um the state individually can up those requirements to whatever they feel fit.

DE Do we do anything? Do you?

RM Um this year we went anywhere between twelve and fifteen evaluations.

DE Okay. Um students for this class are they, do they just sign up for the class? Is there any selection criteria?

RM There is selection criteria. The minimum requirements is that they have to be a trained in the two day standardized field sobriety class and generally they're recommended by at least two other persons that or officers that are already current DRE's.

DE So you conducted this class and, and I think as you've been made aware there was a, allegation in this particular case of, of a Hutchinson officer um providing um some sort of drugs um to, to one of the test subjects. Are, were you made aware of that at all during the, this classroom period or when did you become aware of this?

RM That would have been ah in during the certifications portion.

DE Could you relay to us kinda what was told to you and, and what occurred?

RM As far as?

DE How, when were you notified? By who?

RM Ah Deputy Mahowald and I had a conversation about ah he said he know basically he didn't know anything about a red evidence taped bag that was the allegation and where that allegation came from I don't remember when it came up but ah

DE What was that allegation? Maybe you could tell us about that first.

RM Someone came back into the classroom of the classroom portion of the certification training.

DE Okay.

GS The classroom portion?

RM Eh, we had tables for, we had a classroom area that was just tables for writing reports.

GS Uh-huh.

RM That we called the classroom area.

GS Okay.

RM And then,

GS But this was during the certification...

RM Correct.

GS ...program? Okay.

RM So during the report writing area I'll leave it at that cuz...

GS Okay.

RM ...it just kinda separates it. Um someone came back in from the field and said you know basically ah you know some guy we saw or talked to said that some trooper had pretty, quite sure he said some trooper gave him a red evidence taped bag that ah had weed in it, made him smoke it in his car.

DE Okay. This is one of the test subjects?

RM One of the fellow, one of the people they dealt with on the street. They didn't say who.

DE Oh.

RM I don't remember...

DE Okay.

RM ...who came into the class and said it. I don't know where this person was they talked to. Um he didn't come in with them. But ah that ah someone came back in the classroom and basically said that a guy told them that someone, some trooper gave them a bag of, red evidence taped...

DE Okay.

RM ...weed and um made 'em smoke it in his car.

DE And when um what did you do from there with that?

RM Um immediately asked every trooper specifically in the class you know did you do anything stupid and they're like no I didn't and I asked basically everyone that was in the classroom at that time you know and everyone just kinda, no. So.

DE Did you give any additional instructions about if it were true, what

RM Well I said you know and I reiterated you know the conversations that we had about what and what not to do like basically you know don't be stupid, don't cross any lines. You know.

DE And so well while we're there what were, what were your instructions to the students and your instructors what instructions were you giving to the students about how to find and pair people and what they could and could not do?

RM The, the instructions given to them were basically um you know you're gonna have to schmoo, schmooz these people, convince 'em that you know it's gonna be fun for them to come with and touch their finger to their nose and whatnot. Um but you know some of 'em are gonna want to come with some of 'em may want to come with um but basically to you know don't be stupid, don't do anything illegal, don't cross any lines. You know and, no harassing, no bullying, no kidnapping. I didn't say kidnapping but (inaudible) get the point which is basically,

DE Everybody had to come voluntarily?

RM Correct yeah and it, yeah it was very specific these are all voluntary people.

DE Okay.

RM Nobody comes that doesn't want to come so.

DE Okay. How about were there any instructions about any if they, what would they do if they caught somebody with, with a um or were there instructions provided if they had somebody with like something other than marijuana? Say they had crack cocaine or something like that were they supposed to take any enforcement action? Was it left up to the officer? Was it addressed?

RM I, wouldn't say it was entirely addressed I mean we weren't looking to jamb anyone up with anything so

DE Okay

RM You know as long as we you know they didn't have any weapons or anything on 'em. If they had a bag with 'em it goes in the trunk for safety. You know we didn't want to know what they had. It just wasn't, you know we're not going any kinda searches on anybody other you know, maybe a pat down just to make sure no one had any knives or blades or needles or anything on 'em.

GS Were they supposed to any kinda of um warrant checks or anything on these people?

RM Nope because the people we dealt with, said you know we keep it anonymous.

GS Yep.

RM They can make up a fake name and be whoever they want to be.

GS Okay.

RM Because like I said you know we weren't looking to jamb anyone up that would...

GS Um-hm.

RM ...potentially be on probation and get in trouble for using something illegal.

GS Okay.

DE Why did you do that?

RM What (inaudible)

DE Why would you allow them to remain anonymous and not do checks and as a police officer I mean for this program why were you doing that?

RM That's just how it's always been done.

DE Okay. I mean is there a purpose...

RM Just,

DE ...to, in order to get people to participate in this program? I mean is that the thought process behind it if you were doing this

RM Yeah I mean more I imagine more people would be more willing to come with if they didn't have to be who they really were. You know...

DE Um-hm.

RM ...and someone's gonna you know like people would think that you know I'm gonna go with cops and they're just gonna bring me back here in forty-five minutes and that, that's pretty much what it is. You know but then (inaudible) gets, get wierded out about it you know. I'd be apprehensive if I was them. You know.

DE So this is to try to um, um put them at ease (inaudible) police officers?

RM Correct (inaudible) you know we're, we don't want to be ah, we are you know (inaudible) or anything like that. We know we ask 'em about the drug history and stuff like that and that was the extent of knowing what they were about.

GS Was there ever any conversation with the students about um whether or not any of these people if they used narcotics in front of 'em if they should do anything?

RM Over the years I suppose you could say that we've seen it happen. I mean not just, not using it in front of 'em but you know you're, you walk up to some guy or pull up on some guy that's smoking crack or weed you know so you go with it, you know he's high so.

GS But ah there was never any, any situation where you would, let me rephrase that. Was there ever any instructions given to them about if they came across somebody that was in possession um if they were to give them instructions to use the drugs in front of 'em...

RM No.

GS ...so that then they could go get evaluated?

RM No.

GS Okay.

RM No.

GS So you didn't, your students weren't told to encourage people to use drugs...

RM No.

GS ...in front of 'em?

RM No that's not what it's about.

GS Yep.

RM I mean it's I mean truly it's about finding the people that are already...

GS Right.

RM ...impaired.

GS Yep.

RM You know so it, it we're, it takes some of the guesswork out of it if you know, if it's (inaudible)

GS Um-hm.

DE Okay so backing up then to, to the part with the um the red tape on the evidence bag. So you addressed the class, everybody and I assume, did you ask them if anybody had any knowledge of this at the time?

RM I, I asked just if you know, I said, anyone do anything stupid and (inaudible) nothing. You know they're like no you said it a thousand times don't cross the lines.

DE Um-hm.

RM That was the comments that came back. And then I went and talked to each trooper individually because whoever it was that came in the room and said it, specifically said it was a state trooper that this fellow had pointed out.

DE Um-hm.

RM So I talked to each one of them individually and they said, what you know yes or no and they're like no frickin' way. So,

DE Did the, from the information you had was there any description that would lead you to believe it was a certain trooper in your class?

RM No. He just said a trooper.

DE okay.

RM So

DE So after you did that then did somebody approach you? Andrew Mahowald?

RM Yes.

DE Okay what, tell us about that. What happened?

RM He basically came to me and said I don't know anything about a red evidence taped bag. And we just kinda like okay cool and just kinda separated, went back to doing what everyone was doing at that point.

DE Okay. Did he tell you that somebody had, that he didn't know anything about that but he did know about a different incident?

RM He was kinda sheepish about it. He didn't specifically say it. But, kinda got me thinking maybe he potentially would know something about something.

DE Why do you say that?

RM Just because of his mannerisms.

DE Okay.

RM I mean he's the only one in the class that came to me and said hey, I don't know anything about a red evidence bag. Okay well,

DE So it was just odd to you?

RM Well I thought it was odd.

DE Okay.

RM I mean it, it would have been nice if everybody in the class did it you know but you know but he was the only one so and then we didn't, really talk about it for then other than he didn't know anything about a red evidence tape bag.

DE Do you recall what date that was at all?

RM I don't.

DE Okay. Was it at the beginning of the class? (inaudible)

RM (inaudible) mid way.

DE About mid way...

RM Yeah.

DE ...through that certification process?

RM Midway, maybe the second to last week.

DE Okay. So then was there a different conversation you had with, with Andrew at a different point and time?

RM Yes.

DE Okay. Tell us about that.

RM Um, that would have taken place on the last night of certifications.

DE Do you remember when that was?

RM Um at, May 3rd.

DE May 3rd. What happened there?

RM Ah he was kinda standing around looking like he, had something to say and I said you know something you want to talk about. And, the reason I kinda asked him that way was because of, the prior comment the week before and, I mean he just kinda sighed and said (inaudible). Well if you got something to say you know (inaudible) say something so and I just I wasn't gonna push him but I kinda had a feeling that based on his, out of the blue I don't know anything about this that it, potentially meant to me that he probably had something to say that he probably was uncomfortable talking about.

DE Okay.

RM And ah at that point basically said you know, you know I saw something you know this is kinda basically what I saw. It was, wasn't mine don't know where it came from. And ah I never touched it but I saw it hap you know I saw it happen. And he goes I don't want to get in trouble for being the honest guy here and saying something. And I said well and I, I didn't specifically ask who it was. Much as I wanted to know I didn't want to know but ah um from that point it was, you know he talked a little about he just kinda reiterated didn't want to get in trouble. And I said well you know we gotta talk about this a little bit because you know my boss is gonna know in six seconds and yours probably should know as well.

DE Um-hm.

RM You know. And I, and I told him I said (inaudible) I said you came to me that's the right thing to do. You know I'm going to my boss cuz I don't have any choice in the matter and it's the right thing to do.

DE Um-hm.

RM And just reiterated to him that if ah you know probably cal a union guy here is gonna talk to your boss about it um

DE And so what did he tell you he saw?

RM Basically that he saw the other officer give a baggie of what he thought was weed to a guy and the guy smoked it in, in a pipe.

DE Okay.

RM I don't know if he said glass pipe or pipe or, pipe.

DE Okay.

RM So

DE Did he say where they were? What happened?

RM He did not say where or when it occurred. Um I didn't ask. And,

DE Did you get the ah I mean from so you didn't a, did you ever ask who the other officer was? Or that gave this or did this?

RM He, he didn't, he's like and I don't want to get the other guy in trouble and then at which time, I, I wa, wasn't trying to be assumptive but I would assume that because they were all partnered up with people that it was his partner and we were talking and his partner walked by and he kinda did the, head nod and looked up at him and I said okay well, you know.

DE You figured that it was his partner?

RM Correct.

DE Which you knew to be who?

RM Ah Karl Willers.

DE Who is with the Hutchinson Police Department?

RM Correct.

DE Okay. So what happened from there?

RM From there I said you know I said well you know, he's like what are you gonna do. I said well I'm gonna call my boss and you probably should do the same thing. And he said you know should I go home and I said no I said hell there's no reason to go home you've got stuff to do here still and you know he's just concerned about losing his job, getting kicked out of the program.

DE Um-hm.

RM Getting divorced and I said I don't think that's an issue here I said you personally I said if you didn't have it, you don't know where it came from, never touched it (inaudible) watching it happen and not do anything you know but you came forward and that's the right thing to do so I said personally I don't think that's a, I think that's the right thing to do.

DE Um-hm.

RM You know.

GS Was this, this was this before or after the, this allegation came out in the media?

RM It was the day after.

GS Day after?

RM Cuz that came out on that Wednesday, the 2nd.

GS So when you when the allegation of the um plastic red taped evidence bag came out was that before or after the media came out or before?

RM I think it was the week before.

GS Okay so when the stuff came out in the media um did you address the class again at that point?

RM Oh yeah.

GS You did?

RM Yeah. Well when it came out it was an afternoon of the 2nd. We were doing the final written exam for the class

GS Um-hm.

RM Um I found about it about 5 o'clock that evening and I basically stopped the test I'm like here's the deal guys this just came out on the news so you know

DE Did you ask 'em again? Anybody acknowledge?

RM I don't remember asking 'em specifically at that point um I may have you know I, I don't remember. It was, it was kind of a mind freeze for me at that point to, this is on the news and oh you know what the hell so.

DE So when you learned of this you said you had to tell your, did you then tell your supervisor?

RM I called my direct supervisor.

DE Which is who?

RM Um Major Mike Asleson.

DE Okay.

RM I believe I called him about 9:30 that evening of the 3rd. I got his voicemail and then I don't remember if I called anyone else at that point. I may have called, no I think I just tried calling him.

DE Okay.

RM I don't remember calling anyone else after that.

DE Did you talk to him that night or?

RM No I got his voicemail. I talked to him right away the next morning.

DE Next morning, when you got to work?

RM I talked to him on the phone the next morning.

DE Okay. So you notified him at that point that you had this allegation?

RM Yeah I guess ah, I left a voicemail that prior night and ah I don't know if I sent him an email as well. Probably did but ah I think I sent, I know I left a voicemail for him. He called me right away the next morning.

DE Did you have any other um role in this investigation or did your supervisor (inaudible) from there or what occurred?

RM From there is just basically at that point was you know it basically went to the...

DE Okay.

RM ...it was you know, we talked about the program and such afterwards the next day and, and then you know (inaudible) invited the news down to come see um you know what we do there.

DE Um-hm.

RM So it was you know (inaudible) the news people (inaudible) every year of the program at some point generally riding with or see how the things going so.

DE Did ah um were there any other allegations during the program at all, any other officers providing any drugs to anybody?

RM Not that I'm aware of at all.

DE Not that you're aware of?

RM No.

DE Okay. Was, were there any, was there any um talk or discussion that you're aware of of anybody using hard drugs or narcotics in front of officers that...

RM No.

DE ...were in this program? That you're aware of?

RM No.

DE Okay. Um, any information that you have about officers that, were they encouraging people to go purchase drugs and in front of them or?

RM No.

DE Okay or get, get a hold of drugs at the time?

RM No.

DE Okay. How about ah some of the, who were the other instructors that you um

RM I have this sheet back here.

DE Is it on the information you gave us?

RM Yeah.

DE Okay.

RM The instructors for the school are all listed on this form out here.

DE Okay.

RM Um and then there were dif, there was some of the same instructors at the certifications and ah there were also instructors at the certifications that weren't at the school. But there were instructors that just came to teach at the school.

DE Okay.

RM They're instructors that taught at the school and were evaluator instructors for...

DE And then just evaluators?

RM ...evaluation and then there were people that were just there for evaluations so.

DE Is that noted on there?

RM This is just the templates for the school roster.

DE Okay. But their names are on there and we can, if we contact them we'll be able to figure out

RM Who has (inaudible)

DE Could you send us something...

RM Yeah.

DE ...with like their name and ages? They're not all troopers right?

RM No, no.

DE Okay.

RM There was only a couple.

DE Okay yeah if you could get us that information that would be helpful to us just so we can touch base with each of them. Did you ever hear any of the other instructors in your classroom encourage anybody or...

RM No.

DE ...or say it I mean,

RM No.

DE The instructor core or was it very clear that...

RM Yeah it's, it's very, it's very clear I mean we, we tell 'em you know you gotta schmooz these people, they're not gonna always want to come with. You know and some people they'd want to come back there or four times just cuz they had nothing else to do. Um you know and, we said in the past you know we, you know bought 'em cheeseburgers, bought pop you know never given 'em any kind of drugs, never give 'em you know, never give 'em money for drugs cuz that's just what they go back and buy it if we'd give 'em cash. But usually it was buy 'em a value meal or something like that or give 'em some cigarettes.

DE I mean I think it's been clear but it's if anybody gave them any sort of drugs, if any of the officers gave any of the subjects any sort of drugs is that a clear violation and a problem to you in this program?

RM It would never be condoned. I mean I, it's not part of our thing and that's in, in several speeches that I had with the class you know the last day of the classroom the initial classroom was you know don't do anything stupid, don't cross any lines. You know and just be smart.

DE Um-hm.

RM You know eh you're gonna have to finesse these people to come with cuz they're not gonna want to always come. You know can tell 'em you'll buy 'em a cheeseburger when they're done or give 'em a couple cigarettes or something like that and that generally has worked in the past.

DE Was there any are you aware in the during the testing phase was there anybody that had to arrest anybody for any reason?

RM Oh yeah, yeah.

DE Okay.

RM There were a few arrests.

DE What did they do?

RM Um DUI's.

DE DUI's?

RM Yep.

DE And do they, what, what process would I mean are they given instructions to contact you? I mean if they're out of town ah let's say it's a Kanabec County Deputy what do they do when they're (inaudible)

RM Well the very, the very first person that brought someone in was a Lyon County Deputy and a Washington County Deputy stopped a guy up in North Minneapolis. He was driving all over the road. Um he was high on meth and he was also drinking. So that was right after (inaudible) started out so you know we've gotta basically a second degree DWI arrest here on the very first incident and so basically they just, they wrote their reports um and I had a troop help 'em with the booking and you know forfeiture forms that kinda stuff and, and then I think they got another drunk guy later on probably the second to last week of the class.

DE Are they, are these outta um is there any instructions are they, are, are they like you say they stopped a car I mean are they given instructions about I mean are they supposed to be doing traffic stops or are they supposed to find people on foot?

RM Well it, it there's not instruction saying that they can't stop people in cars.

DE Okay.

RM You know I told 'em I said if you come across and I told 'em in the classroom I said come across a DWI I mean it's kinda is I mean you don't shy away with it and say you know hey we'll give you a break on the DUI if you come do this eval. That's now how it's done. I mean it's DUI, it's DUI.

DE Okay.

RM Just don't turn something like that down. I mean, it's a it's a legitimate arrest. If the guy wants to participate in evaluation after the arrest, entirely up to him. But I said don't shy away from something like that if you run into someone who, they've got some ongoing warrant or something like that then that you know it should go, I mean you don't really have any leverage in that um you know (inaudible) you know, different story you know jail doesn't want 'em.

GS I got a couple questions for you Rick and I might have missed ah this first one when ah my phone went off here but um did you at any time have an, after ah, ah Deputy Mahowald talked to ya ah did you ever at any time after that have any conversation with Officer Willers from Hutch?

RM No we didn't ah talk about it I was ex, you know I did talk to ah Mahowald about you know I said do you want to talk to him you know tell him where you're going with your stuff. Just and you can tell him what I'm doing with mine. I said it's, my boss has already been called you know he had come back he was gone for an hour or so came back and said he had called his boss and (inaudible) you know (inaudible) go out there anymore you know (inaudible) I don't know how to deal with him. I said well if you won't talk to him I said I think I said you should at least let him know you know where you stand on this. I said if you're uncomfortable doing that I said I'll talk to him, tell him just so he's not blindsided by anything.

GS Um-hm.

RM I mean it's only fair to him to know that, you know (inaudible)

GS Yep. And then the other question I had was ah other than the students that were registered in the class for the certification portion of this did anybody else come down?

RM Yep I did have one guy he was a ah Big Lake cop, Dan Sherburne came down for two nights. He had been out of the program for some time due to constraints through his department. He wasn't allowed to come back and participate (inaudible) other duties. He came back to do catch up certifications.

GS Okay.

RM For the time that he'd missed (inaudible)

GS He was the only one?

RM I believe so yes.

GS Okay.

RM And to finish answering the other part of the question. Ah the only other conversation that I had with Willers that evening was at the end of the night we were packing up all my gear and he's like you know came in, thanks for the handshake and it was good education I think is what he said so.

GS Okay.

DE What ah did, did Mahowald did he tell you what happened to the drugs?

RM Nope he said he didn't know what happened to it or where it went. I, I don't remember having a specific conversation about it. (inaudible) know what happened to it or where it is or you know we didn't really get into any detail on that.

DE Our, our understanding is they came back are you aware at one point a Hutchinson and Chisago Deputy came with a test subject and he was not allowed into the testing facility?

RM Yes.

DE Are you familiar with that?

RM Yes.

DE Can you tell us why that was? What the context of that was?

RM There was, think real quickly how this came down. There was a Dakota County Deputy and a Fillmore County Deputy that had gone to the occupy ah Shanky and Hadland were their names and ah they had gone to the occupy area to ah find some volunteers and were immediately confronted by these protester guys running up to their car and basically saying you know, hey I want to go do this thing and asking questions about the program and I think some of it's even on that video that came out um and they, they started asking there were questions about the program and Deputy Shanky eh he answered 'em appropriately and then they came back and after that conversation with the occupy folks they came back and told us at the ss, at the report writing area that you know they just got basically bombarded by these guys and confronted started getting a thousand questions and, and they said you know I said these guys are gonna shady or weird I said you know stay out, stay away from the area. I said we don't you know need people and then in, hindsight thinking you know probably not the best place to go for people but ah, but if well if they're gonna start asking questions, confronting us and if they obviously were showing they were clearly video recording and you know I said well you don't want to be in, the video recording stuff so I says no more of that. Um probably thirty minutes later ah one of the guys called and say hey I'm bringing in these guys you know one or two or three of 'em or whatever it was. And when they came back into the building ah we were just finishing up the conversation about these guys, having the previous conversation with the protester folks and the second group that had brought this fellow back in the building came walking in the door with him and both the deputies said that's the guy.

DE Really?

RM And, I'm like get him outta here I said I you know I don't want him here so.

DE Did you ever learn was that, were those the people that, that the accusation was regarding? Are you aware of that?

RM I believe the guy they brought back in had something to do with, he was there the prior day.

DE Okay.

RM Um and I don't know, I didn't, I don't know the details as far as the video I think he's in the video at some point.

DE Do you know about ah is he the one the, the person that the, the marijuana was provided to (inaudible)?

RM I have no idea.

DE You have no idea? Okay.

(pause)

GS I'm gonna show ya a couple pictures here. Do you recognize either one of these guys?

RM Yes and, yes.

GS Okay was one of these guys or both of these guys the ones we're talking about that ah that Willers and ah Mahowald brought in that,

RM This, hmm might have been I don't know if it was him. Looked like him. And he didn't have hair like that.

GS Okay.

DE He didn't?

RM I don't believe so.

GS You said (inaudible),

RM If he did he had a hat on.

DE Okay.

RM But he, has similar facial features.

GS Okay.

DE And that's the taller, you were pointing to the guy that maybe he's...

RM With the afro.

DE The afro?

GS He's identified as For, ah Forest Oliver.

RM Okay.

DE How about the other guy? How do you recognize him?

RM Eh I saw about two hundred people through there in that time so

DE Not sure? Okay...

RM Yeah he, he,

DE ...so you thought there was about two hundred that came through?

RM Hundred to two hundred.

DE Okay. These ah forms part of 'em you gave us this part of this packet the evaluation form?

RM Um-hm.

DE What do you do with those as they're being filled out?

RM These here?

DE Yeah, I mean like when the students are filling them out what is done with them?

RM Which part of the form? This cover sheet?

DE All of it.

RM Okay. This cover sheet's held by the instructor. Um they notate who the person that's doing the evaluation on the top. Um usually the other party that's not doing evaluation is the ah transcriptionist for it.

DE Sure.

RM So they'll take the notes as they're doing it collectively basically. Um and then there's also opportunity for a third student to witness it and they just basically do a post report on the whole thing.

DE Okay.

RM Um time and location's included on there. Ah subject name. And then we, just make notes and comments as far as a things done correctly. Things done incorrectly. Ah things done, very well. And ah (inaudible) demeanor you know how they dealt with the person. Um you know if the person started getting mouthy or something or whichever and you know if they calm him down or if they just um officer safety is always a big thing to check off you know, are they standing next to this guy too close with gun side to him, you know not an issue it wasn't it, it generally isn't but um and then they, they write down or we write down the opinions that the categories I think they're on and then we either yes or no agree or fully agree with what the categories are that they're calling for drug categories. Um, if we don't entirely agree we just write why and then ah the second part of the report this is then given back to them and when they write the narrative portion of the report it's turned back in. We'll read the report and then you know go over typos, spellings, grammar um just basically how the report should be written better or,

DE What is done with all that then? Do you have that?

RM Yep. Yep those are kept um, this would be kept on top of the, the fact sheet is what it's referred to. And then the narrative part of the sheets.

DE So where is all that?

RM It is in a plastic bin in my office.

DE Okay. But you said ah part of that I mean all the test subjects is it your understanding they have fake names for most of 'em?

RM I would imagine the majority (inaudible)

DE You just ask 'em for a name and?

RM Yep.

DE Okay.

RM Cuz that's part of you know, when we're talking to 'em you know you don't have to use a real name you can be Joe Smith or...

DE (inaudible)

RM ...Johnny Walker. I mean yeah they're told that right away. Cuz you know it just it gains cooperation from 'em.

DE Sure.

RM Cuz if they, have some trouble in their background or something like that they don't want to get in trouble and, you know we're not there to get 'em into trouble so.

GS Since this whole thing broke have any of the students contacted you?

RM As far as? Just for report purposes you know asking you know can we still do evaluations and it's been kind of a (inaudible) thing so people are calling because of a news release that came out with the...

GS Yeah.

RM ...training thing was suspended and that you know (inaudible) talked to a lot of people about you know it's not, anything other than the classroom (inaudible)

GS Nobody about the investigation at all though?

RM Not that I can think of. You know not that I can think of. Um, no.

DE Willers hasn't tried to contact you?

RM No. The other part of this form here is the check off log sheet for the ah each one of the evaluations.

DE Okay.

RM So witnessed by the instructor, report approved um that kinda stuff (inaudible) a lot of signing off on a lotta stuff they do there so.

DE Will we be able to get a copy of all the class materials that you have?

RM (inaudible) reports? Um,

DE How many are there?

RM It's...

DE We don't need it today.

RM ...fifteen times twenty-six.

DE Okay.

RM So

DE Well we can work maybe with, I mean if somebody down in your office, support staff or something at some point.

RM Yeah, yeah definitely well you definitely can yeah that would,

DE I don't even, I don't know that we'll need it yet I just...

RM Okay

DE ...if we did.

RM I don't want to have to do it if you don't need 'em, it's a whole lotta stuff.
GS Don't do it until you hear...
RM Yeah.
GS ...that we need it.
RM I you know and I yeah I, I don't (inaudible) I don't see the point or reason why you couldn't but unless there's, I'll ask my bosses too...
GS Yeah.
RM ...just to make sure it's okay with them so and then the DRE coordinator, directors and see if they have any (inaudible)
DE Who, who would be, who would that be?
RM Um, there's Bill O'Leary he works for the mitsa and the DOT
DE Okay
RM And then Bernie Flovov and Carolyn (inaudible), Chuck Hayes.
DE Where are they all at?
RM East coast, Maryland area.
DE Okay. Is there anything that we haven't asked you that would be important for us to know about this class or this program or anything that is important for us to know?
RM I don't...
DE Okay.
RM ...believe so.
DE I mean if, if ah if any of these students if oh, oh the only other thing is we've talked about instructions you provided or anything that you (inaudible) you have any conversations with the instructors too about any instructions they should be providing?
RM No. They, they know the program well and
DE Okay.
RM they're instructors because they would were the best of their class and, and it there's not I mean, we didn't have like a prior conversation on who was gonna say what and it just kinda flows. We co-teach and one person starts a sentence the next person finishes it so.
GS Do you have any questions?
RM I don't think so.
DE I'll ah end the tape. The current time is 11 o'clock.

RECORDING ENDS.

Phill, Charles (DPS)

2012-429

Subject: FW: Coon Rapids Off. Troy Kemp

-----Original Message-----

From: Fred Bruno [mailto:bruno@brunolaw.com]

Sent: Tuesday, May 22, 2012 3:26 PM

To: Phill, Charles (DPS)

Subject: Re: Coon Rapids Off. Troy Kemp

Hi Mike,

This email is to summarize our telephone conference today regarding Coon Rapids Off. Troy Kemp.

I have been appointed by the Legal Defense Fund of the MPPOA to represent Off. Kemp in connection with your investigation concerning the MN DRE certification program.

Your request to interview my client was passed along to Off. Kemp by Captain Paul Ireland at CRPD. In response to my request as to whether Off. Kemp was required by the CRPD to provide a statement to you, Cpt. Ireland left a voice mail today that he "is not compelling him to give a statement".

Hence, Off. Kemp respectfully, on advice of counsel, declines to provide such a statement at this time.

Thank you for your kind assistance.

Frederic Bruno

Attorney at Law

NBTA-certified Criminal Trial Specialist Licensed in Minnesota, Wisconsin & Colorado
BRUNO
LAW 5500 Wayzata Bd, Suite 1450 Minneapolis, MN 55416

Voice: 763-545-7900

Fax: 763-545-0834

bruno@brunolaw.com

On May 22, 2012, at 3:15 PM, Phill, Charles (DPS) wrote:

> Hi Fred,

>

> In response to our phone conversation, please send me a letter from your office on TK's behalf expressing his desire to decline to give a statement. That way I can include it in the case file with the rest. You may fax, email, or mail it; whatever is convenient for you.

>

> Thank you sir,

>

> Mike Phill

>

> C. Michael Phill II, Special Agent,

> MN Bureau of Criminal Apprehension

> 1430 Maryland Ave E ST PAUL, MN 55106

> 651-793-7024 Office

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.


ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5/25/12
Date

 #1383
Witness

5/25/12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 25, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Mark Ronald Hibbard	INTERVIEWED BY:	SA Mike Wold (MW) SA Luke Hanegraaf (LH)
REVIEWED BY:			

MW This will be a recorded interview. Today's date is May 25, 2012, the time is approximately 7:05 AM. The location is the 2500 District—

MH 2500 District Office.

MW At 2005 North Lilac Drive in Golden Valley, Minnesota, ZIP code is 55422. Telephone number here is 763-591-4680. Being interviewed today is Mark Ronald H-I-B-B-A-R-D correct?

MH Correct.

MW And Mark what is your date of birth?

MH 1-29-75.

MW Also present for the ah, interview is ah, State Patrol union representative Mark Lund.

ML Correct.

MW L-U-N-D. Um, Mark Hibbard what is your badge number just so we have that?

MH 241.

MW Okay and Mark how about yours?

ML 516.

MW Conducting the interview today is going to be Special Agent Mike Wold of the BCA and Special Agent Luke Hanegraaf of the BCA. Mark ah, we're here today to talk a little bit about ah, um, the DRE investigation that you've seen probably on TV, you've heard a little bit about it that some ah, alleged improper conduct by a police officer or two ah, involved in that particular class and ah, we were tasked with doing follow up investigation of all 26 people who attended that class. Myself and Luke Hanegraaf here today are here to interview you and one of the other troopers that ah, were involved in that particular class. One of the first things I want to do ah, Mark is go over the criminal investigative warning. I gave you a little bit of an understanding what it's about prior to turning on the recorder but what I just want to point out to you here as we have the recorder going is that this is a criminal investigation, ah, this is not an internal investigation being conducted by the State Patrol. Therefore we cannot compel you to ah, give a statement today and the State Patrol cannot compel you to give a statement to us okay? Um, I would like you to read it over real quick Mark and then if you would sign it and we will witness it okay?

MH Okay.

MW As I told you before too it's a typical investigative warning that we use in all of our officer-involved shootings. Does that make sense?

MH Yep.

MW Okay. Luke I'm just gonna have you sign that real quick for me witness it. Mark can you tell me how long ah, have you been at the State Patrol?

MH Since April 2009.

MW Okay. Did you have ah, any prior law enforcement experience?

MH One year as a reserve with the City of Anoka.

MW Okay and have you been assigned in the 2500 District the whole time?

MH Yes.

MW Okay. Going back to the ah, DRE class, how is it that you selected that as members of the State Patrol how do they make a determination as to who goes to the DRE class?

MH I don't know.

MW Okay.

MH They sent out an email.

MW Okay.

MH Askin' for volunteers, I don't know their selection process.

MW Okay. And you were one of ah, about how many troopers do you think that attended that particular class this time?

MH There were six.

MW Okay. And can you tell me—break it down, how long is the class roughly?

MH Two weeks of classroom.

MW Okay.

MH And then three weeks of um, doing evaluations out in the field.

MW Okay three weeks basically at least five days a week doing that?

MH Ah, well I think it started I think they were Wednesday, Thursday, Friday, Saturday so four days.

MW Okay. In the first couple weeks of classroom they you know basically are they going over the signs of ah, recognizing what types of drugs people are under the influence of?

MH Yes.

MW Okay. And basically you cover all types of drugs during that time?

MH Yes.

MW Is alcohol covered at that time as well or is that something already being with the State Patrol and having worked in the area of DUI's is that not something you cover?

MH Ah, partially we covered it a little bit.

MW Okay.

MH (inaudible) and other categories and drugs.

MW Okay.

LH Just to back up a little bit four days a week that was specifically just for evaluations? The classroom was a typical five day week?

MH Yeah the first week was five days and then the second week I believe was four. So it was Monday through Friday and then the next week was Monday through Thursday.

MW And the ah, four days of evaluation were they ah, like a 3-11 type of shift or later so you were—

MH Ah, they varied so um—

MW Okay.

MH I think we started originally we started later in the afternoon like four.

MW Okay.

MH And we'd do nine or ten hour shifts and then ah, about half way through I think they'd switch, I don't know when but then we switched to like two to elevens.

MW Okay. As you're in the class and sitting in the classroom learning about what you're supposed to be recognizing and eventually you're leading up towards these evaluations out on the street, what is your understanding of how you are to get people to help out with this, to be involved as ah, ah, specimens or however you want to phrase it. People that are gonna be under the influence of drugs. What—what are you told in the class as to how you're supposed to go about that?

MH Just we were told to look for—ask for volunteers.

MW Okay.

MH Drive around and look for people.

MW Were you ever told by any of the instructors ah that you were supposed to provide drugs to anybody?

MH No.

MW Okay were you told that um, you might observe some illegal activity by people using them but you could still go ahead and test them?

MH Mm, I don't recall if we were ever told that.

MW Okay.

MH I don't think that was ever addressed.

MW Okay so do you-were you ah, your understanding then that you were just supposed to basically start to look for people, ask them if they were under the influence of anything and then take them and test them.

MH Correct.

MW Okay.

LH And how was the procedure if someone consented to test with you guys after you found them or locate them on the street what was the process from there until they were either returned or done with the testing process?

MH We'd ask 'em if they would consent to doing a DRE evaluation, explain to 'em what that entailed and we'd take 'em-originally we started at the 5th Precinct I think in Minneapolis and then we later went to the DOT shop in Richfield to do evaluation there and then brought 'em back to wherever they liked to be dropped off.

MW Was it your understanding that you were supposed to ah, identify these people, full names, dates of birth, anything like that?

MH It was names and dates of birth but it was not real names.

MW Okay they were told to give you an alias name so that they couldn't be—they'd be more willing to provide this information?

MH I don't know if that was the reasoning.

MW Okay.

MH We were told it was anonymous.

MW Okay.

MH So we didn't get real names.

MW About how many people do you think in ah, your two weeks of evaluations, how many people do you think you were involved in ah, evaluating? Roughly?

MH Ah, it was 15. Everybody had to take part in 15 evaluations.

MW Okay. Were you teamed up with somebody in particular? It sounded like from other people being interviewed that everybody kind of picked a partner.

MH Well we were given a partner.

MW Okay and who was your partner?

MH Ah, Officer McCuen from Worthington Police Department.

MW McCuen?

MH Yeah.

MW Do you know how to spell that?

MH M-C-C-U-E-N.

MW Worthington PD?

MH Yeah, yes.

MW And that's a male officer?

MH Yes.

MW Okay and the two of you—did you ah, work together in your squad, did you both have your own?

MH My squad.

MW Okay so you rode around as a two person squad.

MH Mm-hm.

MW Trying to find individuals who would be willing to do this.

MH Correct.

MW Okay.

LH Is there a primary geographical area that you were supposed to stay in or was it—you said DOT and 5th Precinct was where you go eval but—

MH Correct.

LH Were there any parameters of where you could go or where you couldn't go?

MH No.

LH Okay.

MW So as you're doing these ah, evaluations—hello—thank you. (inaudible) Thank you.

?? You're welcome.

MW As you and um, Officer McCuen had participated in these evaluations at any time did you ah, provide any drugs um, from evidence or anything that you or Officer McCuen had to these individuals?

MH No.

MW Okay. Did you observe any of these individuals ever using the drugs you know a short distance away from you ah, or did they go around the corner out of your visual area and then use the drugs?

MH No.

MW Okay. When you tested the 15 people that you and Officer McCuen brought for evaluation, was it your impression that these people told you that they had already used prior to the two of you coming in contact with them?

MH Well we didn't—we didn't find al 15.

MW Okay.

MH We found some.

MW Okay.

MH And then other officers would bring people in.

MW Okay.

MH If they were still under the influence of controlled substance.

MW Yep.

MH And you could see it we allowed sometimes to use second person.

MW Okay.

MH So-

LH So some participants were evaluated twice.

MH Yes. Or more.

MW Okay. Did you ever observe anybody ah, any of the other students in the class give any drugs to any of the participants?

MH No.

MW Did you ever observe anybody in the class have like a black plastic bag that contained a black plastic case ah, that contained any drugs that were given to anybody?

MH No.

MW Okay. The different individuals that you tested, were they under the influence of a variety of types of drugs?

MH I believe so.

MW Okay. From what you gathered was the idea afterwards, did they ever tell you specifically what they were on?

MH They do but—

MW You're not sure if it's true.

MH People lie.

MW Okay.

MH In our profession people lie.

MW Okay.

MH Quite a bit.

MW So your observations when you were at the ah, when you would bring them to the location in Richfield did you—were you able to observe other people doing their evaluations? Was that part of the class at all?

MH Um, clarify?

MW I'm just wondering if—say there was another two person car that had somebody to evaluate. Was it okay for you and Officer McCuen to watch those people do their evaluation or were they done separately so you were doing it individually?

MH No, it was done in a big room.

MW Okay.

MH It was done in their like garage so yeah there could have been six like at one time going on.

MW Okay.

MH And we also—I would do an evaluation, I was doing the evaluation, Officer McCuen would be the recorder taking the notes and then there would also be a witness which another group would come in and watch.

MW Okay.

LH Was there ever a supervisor that was with (inaudible) the 5th District or DOT station during the evaluations?

MH There's always a supervisor, or there's always another DRE instructor.

LH Okay. So I guess to clarify that there's someone that um, has prior experience was kind of in charge of that program that night that's on?

MH There's multiple.

LH Okay.

MH Senior instructors on and one is with you at all times.

MW Do you remember some of the names of the instructors?

MH Sergeant Munoz. Um, Trooper Mahalik, ah, Officer Gomez, Sergeant Peter or Peters.

MW Okay.

MH Um, that's my best pretty much off of my head yeah.

MW Okay while this was going on um, Mark did you—did you have any inklings or did you hear anything as you're in this class that somebody had ever given anybody any drugs?

MH I never heard that.

MW Okay. After the class was over did you become aware of it in some fashion that somebody had possibly given—an officer had given any of the participants drugs?

MH I heard—I watched the YouTube video.

MW Okay beyond that though nobody else though nobody else, none of your other students ah, Officer McCuen weren't talking about any other personal observations they made though?

MH I don't recall. I never heard anybody say anything like that.

MW Okay. And the various instructors that you listed for me, Sergeant Gomez, Trooper Mihalek, Officer Gomez, Sergeant Peters, all of those individuals, my understanding is that at no time did they ever say it was okay to provide ah, drugs to anybody participating in this.

MH They never said that.

MW Okay and I may have asked this already but did they tell you that you might observe somebody using it in front of you. That that would be okay if they were but that you were not to provide drugs to them.

MH I don't know if they said it was okay, I think they said um, someone may have said it and I don't know talking to many people in the past it's happened.

MW Okay.

MH Um, and that's nobody ever said if it was okay to not.

MW Okay.

MH They said it's happened so—

MW But as far as you and ah, your partner Officer McCuen, the two of you never observed anybody using any cocaine, marijuana or any other drug directly in front of you that you watched them use.

MH No.

MW Okay did you observe anybody videotaping you or Officer McCuen during any of these events ah, and the participants doing this?

MH No.

MW Okay. And at no time ah, Mark did you ever provide anybody any drugs from a participant that you had tested previously, any evidence that you had collected from another case? You never provided anybody with any drugs at any time during the course of this class?

MH No.

MW Since this investigation has gone on Mark have you heard of anybody in particular in the class who may have provided any drugs to anybody? Do you have any firsthand knowledge of that?

MH No.

MW Okay. Luke do you have any other ah, follow up questions?

LH I don't.

ML Can I ask one?

MW Yeah sure.

ML In regards to our trooper academy and also your intoxillizer training, and having experience in both SFST and (inaudible) and your intoxillizer training it already is common practice that you are in fact testing people that are on a substance including alcohol and those so it wouldn't be anything different in regards to actually knowing you're supposed to go find somebody under the influence to test for your DRE qualification correct? Does that make sense? In the academy and the BCA intoxillizer training—

MH Correct.

ML You actually are testing people that are under the influence of alcohol for your training of SFST.

MH Yes.

ML So you would also believe that you should be looking for people that are under the influence of a drug in order to be testing them for your drug recognition evaluation correct?

MH Correct.

MW Okay Mark just one more time I guess just for my clarification. You were told by the instructors to go try to find people and what was the lingo, what was the dialogue you were supposed to approach these people? Just drive up to them? They appear to maybe be on something and were you just to say hello my name is Trooper Hibbard, we're doing testing of individuals who are under the influence of drugs, we're wondering if you would participate with us? Can you give us a little bit about pretend I'm one of the people and what would you say to ah, what would you say to the individual participating or that you wanted to participate?

MH Just talk to 'em, ah, just usually do like conversation right away, explain what we're doin', people are typically nervous.

MW Yep.

MH And what we're doin', we're lookin' for people under the influence of drugs, taking a survey, we want to know if you can do some test for us. Be willing to donate a little bit of time, it's to help a cause what we're doin' for the overall good—

MW Yep.

MH So I can take impaired drivers off the road. So as new people in this program we need to observe people under the influence of drugs and look for the signs that they are under the influence of drugs.

MW And at that time you tell them you tell them that you can give me an anonymous name because we're not here to try to get you in any type of legal trouble. We're using this for testing purposes only.

MH We don't really say that at that time, I think we'd say that as we started to evaluation.

MW Okay. At no time or at anytime did you take any evidence off of any of these people, any drugs, package it and later turn it in on the people that you ah, had as participants. Did you ever collect any drugs from their person?

MH No.

MW Nothing at all?

MH No.

MW Any property at all? Money ah, any type of contraband, any weapons?

MH No.

MW Clothing. Anything like that that you seized as evidence from any of these people?

MH No.

MW Okay. I don't have anything else. Luke have anything?

LH No.

MW Okay. Mark Lund anything else?

ML Um, in regards to not (inaudible) anything because none of them are under arrest right? They're just volunteer test subjects?

MH Correct.

ML Okay.

MW Anything else ah, Mark that you ah, ah, as we've asked you these questions here today and you know a little bit about the investigation just because of the questions we're asking—is there anything that you think we've missed? Anything that we should ask you or anything that you want to offer ah, that we may just not hit right on the head here today?

MH No, nothing really to add.

MW Okay, we'll conclude the interview with Mark—Trooper Mark Hippard—Hibbard at 6—excuse me, 7:25 AM on May 25, 2012.

End of statement

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

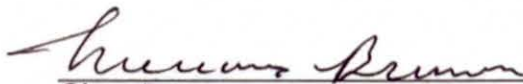
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

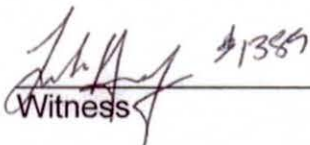
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5/25/12
Date


Witness

5/25/12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 25, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Theresa Bremer	INTERVIEWED BY:	SA Mike Wold (MW) SA Luke Hanegraaf (LH)
REVIEWED BY:			

MW This will be a recorded interview, today's date is May 25, 2012, the time is approximately 7:50 AM. The location is the 2500 District of the State Patrol at 2005 North Lilac Drive, Golden Valley, Minnesota 55422. Telephone number here is 763-591-4680. Being interviewed today is Theresa Lynn B-R-E-M-E-R, DOB: 4-10-85. She is a trooper, Minnesota State Patrol. Conducting the interview today is Special Agent Luke Hanegraaf of the BCA and SA Mike Wold of the BCA. Also present is Trooper Mark Lund of the State Patrol here in the capacity of a union representative. Theresa, ah, Agent Hanegraaf and I were tasked with ah, doing several individuals who were involved in the ah, drug recognition expert class. Ah, there's 26 participants that were there, we're tasked with interviewing a few of these individuals. Prior to turning on the recorder I told you about the criminal investigative warning. Basically it's a Miranda warning for law enforcement officers letting you know that this is not an internal investigation by the State Patrol and the things you say here today in fact could be used against you later in criminal proceedings if in fact you had done something criminal and wrongdoing in that respect. Um, State Patrol can't compel you to give us a statement today and we can't compel you to do that. By having your union representative here um, are you willing to sign this criminal warning for us?

TB Yes.

MW Okay if you would do that that would be great. I'll have ah, Luke witness it.

LH Just to let you know too Theresa that everyone is being interviewed that was in this program so it's not you specifically being singled out. Everybody is being interviewed.

MW Theresa, um, how long have you been with the State Patrol?

TB Little over three years.

MW Okay. Prior to that did you have any other law enforcement experience?

TB No.

MW Okay. Started here with the State Patrol first one? And have you been assigned to ah, this district the whole time?

TB Yes.

MW Okay. You were selected or you responded and requested to ah, be considered for the drug recognition school?

TB Yes.

MW Okay. You were accepted and ah, we've interviewed other people and I have a general understanding but I guess I want to get it from you. The class, how long was the class?

TB There were approximately two weeks of classroom training um, followed by certification where we were out actually doing evals or I think it last three or four weekends.

MW Okay and of those three weeks or so of evaluations were those two days weeks, three day weeks roughly to do that or ah, how many days of week would you do that when you were out evaluating people do you recall?

TB It was Wednesday through Sunday.

MW Okay. And as you were um, participating in the classroom aspect of this drug recognition expert, ah, program, what were you learning in the first two weeks? Basically different characteristics that people display while on different types of drugs?

TB Yep and also just physiology, how they affect the body and everything.

MW Okay. During the classroom, did any of the instructors ever tell you or the other students that ah, it would be okay to provide any type of drugs to any of the participants involved?

TB No.

MW Did you ever um, hear any of them—any of the instructors tell you that you might observe something that might be borderline illegal or something that you might see somebody using it in front of you—that's okay, we just need you to evaluate these people? What was your impression of how you were supposed to obtain participants?

TB We were supposed to go out and find people that were already under the influence.

MW Okay.

TB That we believed were already under the influence of the substance and then ask them to do an eval with us.

MW Okay. Who were you teamed up with ah, it seemed as though everybody in this class was partnered up with somebody. Who was your partner?

TB Dustin Roeme, Nobles County.

MW Dustin Roeme?

TB R-O-E-M-E.

MW R-O-E-M-E?

TB Yeah.

MW Roeme?

TB Um, L-I-N-G.

MW Okay.

LH Nobles?

TB Yes.

MW Had you ever met him before?

TB No.

MW Okay. And as you and Dustin went out and started to do ah, find participants in this particular class, did you or Dustin ever provide any of the people that you tested, you evaluated, any drugs?

TB No.

MW No marijuana, no cocaine, no methamphetamine, nothing.

TB No.

MW Okay. As you and Dustin were trying to find people to test, did you ever observe any of them using any drugs directly in front of you? Did you ever make any of those observations?

TB No.

MW Okay. Can you tell me in your own words ah, Theresa, when you approach somebody, basically what would you say to them? Kind of give me the narrative of what ah, you can kind of pretend that I'm one of the participants. What is it that you would—how was your approach and what would you say?

TB We just walk up to the person and let them know I'm Trooper Bremer of the State Patrol, and we're running through some training, it's called Drug Recognition Evaluator Program. We're trying to find people that are under the influence of controlled substances, whether it be marijuana or anything else and run 'em through some tests so that we can learn what to recognize. Would that be something that you'd be willing to do with us today?

MW Okay and did you get ah, you know quite a few positive responses, people willing to do it?

TB Got one negative, some positives. But we did find people that were willing to do it.

MW Okay and neither of—neither Dustin ah, Roemeling or you ever observed anybody using any of the types of drugs I described previously directly in front of you?

TB No.

MW Okay. Did you ever see anybody else—there's 26 students in this class—um, did you ever see anybody directly as you guys were out in the field, trying to find participants, give drugs to anybody?

TB No.

MW Did you ever have any firsthand knowledge or I should say did anybody ever tell you that somebody did that while you were in the class itself, ah, that somebody else, that one of the other officers may have given somebody some drugs?

TB I never heard that.

MW Okay. Did you ever observe anybody have like a black plastic case that might have contained ah, marijuana or any other type of drug that they used to give somebody?

TB No.

MW Okay. During the course of yours and ah, Dustin's activities with these participants did you um, did you ever seize ah any items of evidence from them? Any drugs, any money, any clothing, weapons, anything?

TB I had one DBI where the person was sleeping inside their vehicle. I took marijuana out of his vehicle and also a glass pipe and both of those items were turned in here at the district office.

MW Okay they were inventoried proper according to your procedure just like you do on every other arrest.

TB Yep.

MW Okay. That person though was not—was that person used or tested in this drug recognition program?

TB They were but it was it was a legal one for DWI.

LH Okay. So enforcement action was taken on that particular one where the other evals were not.

TB Right.

MW Did you tell these individuals as they ah, agreed to participate that they didn't have to provide their true names, that they could use an alias?

TB Yes.

MW Okay. And where—where did most of the testing go on?

TB Most of the testing went on at the Richfield DOT building.

MW Okay. And did you find—and it's my understanding through previous interviews that each of you were supposed to each set up two people—were supposed to bring in at least 15 people or test 15 people?

TB We each have to do evaluations on 6.

MW Okay.

TB And then record the 6 and then a total of 15 could be a combination of watching, doing or recording.

MW Okay. Can you tell me I guess in your own words what the instructors told you, your understanding, how it was you were supposed to get people to participate. I may have asked this in another way but as each of the instructors were giving their spiel how this class was gonna work, how you were gonna go out and find participants, how did they tell this to you, what—what was your understanding of what you were supposed to do?

TB Just that we were supposed to go out and try and find people that were already under the influence and then have them voluntarily come with you so we got told to screw off quite a few times but—

MW Okay.

TB --just go out and keep lookin' for people.

MW So basically go drive around and if you see somebody stumbling around or acting in a—in a behavior that you observed characteristics on this class you were supposed to stop, talk 'em, talk to 'em and see if they would be willing to help.

TB Mm-hm.

MW Okay. After this ah, class was over and a bunch of stuff started to come forward in the media, did you become aware of anybody in particular that may have given drugs to somebody?

TB No.

MW No? Have you done any research on your own at all Theresa to see if anybody did something like that?

TB No.

MW Okay.

LH Theresa I'm gonna kinda back you up just a little bit here um, you just tell me what the overall main goal of the DRE program is, I mean what is your primary objective when you start in the classroom before that program?

TB It's learning how to be able to identify people under the influence of different drug categories so they can identify when somebody has a DWI or something like that and it's not alcohol that's causing the impairment. That way you're able to recall which drug category you think the person's in.

LH So the primary objective of the program in realistic terms is to help in DUI enforcement.

TB Yes.

LH Primary other than alcohol related ones.

TB Yes and also to make sure that there's not a medical situation that's causing the impairment.

LH Okay. Um, where were you supposed to find these people to eval? Did they say we like you to stay in this area or this area or did—were you instructed to go to certain places or—

TB No.

LH So did—where did you primarily patrol for and/or look for these people?

TB Um, I looked around um, like 94 underneath or Hennepin Avenue underneath 94, looked at a lot of the panhandlers in the area, also homeless shelters, around those areas.

LH Okay and did the instructors at any time ever say it was okay to give any type of narcotics to anyone that you were eval?

TB No.

LH Okay. Were there supervisors on duty when you were doing these evaluations on your shifts from Wednesday through Sunday?

TB Supervisors?

LH Were there instructors out with you with the students in the program? Were they out in the field, were they at the testing process or evals?

TB They were staying at the place where we were doing the evals.

LH Okay so once you brought someone in that consented to do an evaluation, when you brought them to either from my understanding the 5th Dis—Precinct in Minneapolis or DOT building there were instructors at that site?

TB Yes.

LH Okay. Whose car did you primarily use?

TB My vehicle.

LH Your vehicle? Did you ever use ah, Dustin's?

TB No.

LH Okay. During this entire program did you ever see anyone that had a black—black plastic case that had any type of narcotic or drug paraphernalia in it that was used for anything other than evidentiary purposes?

TB No.

LH Okay. Did you ever hear anyone during the program that may have given anyone any type of narcotic?

TB No.

LH Okay.

MW Two weeks of classroom, three weeks of evals. Anything at all that caused you any major concern ah, that bothered you that just kind of made you feel uncomfortable um, put you in an odd spot during this ah, class at all?

TB Mm-mm (negative)

MW It was all just another process in learning something new and obviously not dealing with ah, the best to the best sometimes, people who are under the influence. But nothing caused you any concern about I shouldn't be doing this while you were doing these various things testing these people?

TB No.

MW Okay. And you never took any property from anybody other than your one arrest relating to DUI. You didn't take any marijuana, cocaine, methamphetamine that you didn't turn in. Everything that you seized—excuse me, you never seized any other drugs other than the one arrest?

TB Right.

MW Okay.

LH And was that something that the instructors told you during the training program that unless enforcement action was taken no property or anything would be seized or put into evidence?

TB Right, unless you had some kind of—if you were charging somebody with something then obviously you would take it but if you didn't find anything then—

LH Okay did you ever believe that you were videotaped by anyone that you were conducting an evaluation, any contact while you had during this program on the street?

TB I didn't. So—

LH You didn't believe you were or you were—

TB I don't, I wasn't aware of anybody doing it.

ML I have something there.

MW Sure.

ML You use your squad video at all or is there any squad video on any of the evaluations or stops?

TB Just the DWI one, otherwise the camera wasn't activated.

LH Was that something that you were told that you were not typically use your camera for this type of program?

TB No.

LH Okay. Are you aware of anyone else used their cameras or squad camera for any type of their stops?

TB I'm not aware of anybody else doing anything either.

LH Okay. Since I went there what turns on your camera?

TB Activating my squad lights.

LH Okay.

MW I don't have anything else ah, Mark did you have anything that you wanted to kind of cover as you did with Trooper Hibbard?

ML I'd just like to add the other part of when you're in training for the patrol and training for intoxillizer which we're training to recognize SFST, impairments, both alcohol and ah, the affects of it, you were at a time already at least once where you had live subjects that were actually under the influence of alcohol correct?

TB Yes.

ML So it would go to say that when you go to the Drug Recognition Evaluation Program that you would actually be looking for people under the influence of a drug as well.

TB Yes.

ML Okay.

MW Anything else Luke that you think we haven't covered?

LH Nope.

MW I think we hit it all. Number one thing is that the instructors never told you to go and ah, it was okay to give drugs to anybody.

TB Right.

MW They never told you ah, to ah, you never yourself or Dustin Roemeling never gave any drugs to anybody for use.

TB Correct.

MW And you never seized any property other than the one arrest for DUI during the whole course of this class.

TB Yes.

MW Okay. Anything else ah, Theresa that we haven't asked ya, maybe I didn't hit it right on the head here today in the questions we asked you today that you think would be important to bring forward to us, something that we just missed?

TB Not that I can think of.

MW Okay. We'll conclude the interview with Theresa Bremer at approximately 8:04 AM on May 25, 2012.

End of statement

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Date

5/25/12

Witness

Date

5/25/12

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:		BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Mathew Olson (MO)	INTERVIEWED BY:	SA Mike Wold (MW) SA Luke Hanegraaf (LH)
REVIEWED BY:			

MW This is going to be a recorded interview with Matthew Scott Olson a Police Officer with the Maple grove police Department. Matthew's date of birth is 12/10/1985 address for maple grove PD is 12800 Arbor lakes Parkway Maple grove Minnesota 55369. Telephone number is 763-494-6100. The location of this interview today is the Holiday Station in Maple Plain Minnesota at Highway 12 and Baker Park Road. Conducting the interview today is Special Agent Mike Wold of the BCA and Special Agent Luke Hanegraaf from the BCA.

MW Matt I contacted you and through your Chief Dave Jess to meet with us today to conduct an interview regarding the Drug Recognition Expert program that you were involved in. Uh I first wanna kind of direct your attention to the criminal investigative warning just prior to turning on the recorder I told you that this is it is not an internal investigation and the fact that we are doing this criminal investigation I can't compel you to do this nor can your department because if you had done something criminally wrong these statements could later be used against you in court which is not the case under Garrity or an internal investigation. Does that make sense to you?

MO Yes it does.

MW Have you had a chance to review that form Matt?

MO Yes I have.

MW And if you would sign that for us and date it May 25th, Luke will witness it. Matt how long have you been with the Maple Grove PD?

MO Uh it'll be three years June 2nd here.

MW And have you uh uhm been a Police officer anywhere else besides there?

MO Yeah, McLeod County, uhm I was a part time Deputy out there for fourteen months started 2008.

MW Okay. And your assignment night right now in Maple Grove is uh Patrol?

MO Yes that's right.

MW Okay. And you were selected by your department or requested to attend the Drug Recognition expert program?

MO Yes I was.

MW Okay. And as you went to this program my understanding was that it a two week classroom portion?

MO Yes it was two weeks.

MW And during that time what are you learning at that point uh can you kinda give us a basic rundown of what some of the things you are learning about?

MO Uh basically it's a two week course on uhm learning and what effects take place when people are on a different different drugs.

MW Okay. And after that uh is there another portion segment of this program where you are out on the street trying to get participants that are under the influence to be tested?

MO Yes, uh I think it was three weeks that we were in Minneapolis uh like the first couple days it was out of the fifth precinct and the rest of the time it was uh down in Richfield...

MW Okay.

MO ...working out of Rich field but we would go to Minneapolis every day.

MW Okay. And on those occasions do you recall how many days a week you were doing that?

MO Yeah I believe it was uh uh three to four...

MW Okay

MO ...days a week every week was different.

MW Okay. Who were you partnered up with it's our understanding that everybody in the class had somebody that they were teamed up with. Who was that that you were teamed up with?

MO I was with uh uhm Officer uh what's his name. Lorentz from Chaska uhm.

MW Okay.

MO I'll get his first name (inaudible).

MW That's okay.

MO uh Josh Lorentz,

MW Chaska PD?

MO Yep.

MW And as the two of you drove around doing uh trying to find participants were you driving your squad or the Chaska squad>

MO Uh we shared, some days I would drive and some days that he would he would drive so.

MW Okay. Both squads were used then. As you were in the classroom portion of this uh program did any of the instructors tell you that it was okay to give drugs to any participants?

MO No they didn't tell us it was okay.

MW Okay. How did they tell you uh how were you supposed to go about finding participants what was the protocol that you were supposed to try to get somebody to volunteer and participate in this aspect>

MO Uh uh like the last day they gave us some pointers they said uhm you know your supposed to go out and find people that are that look under that appear to be under the influence of whatever drug and uhm in return you could give them food either cigarettes or uhm if they wanna be like brought somewhere bring them somewhere...

MW Okay.

MO ...just for like uh you know something something to give back to them for given us...

MW Okay.

MO ...some of their time.

MW Did you and Officer Lorrentz ever observe anybody using drugs directly in front of you?

MO No.

MW Did you ever make any of those observations?

MO We did not.

MW Okay. So nobody you never saw anybody smoking marijuana using cocaine using methamphetamine heroin anything like that not directly in front of you?

MO No.

MW Okay. Did you ever make any observations that either you or Officer Lorentz ever gave any drugs to anybody to use for this course?

MO No. Absolutely not.

MW Did you ever see any of the other participants of the class any other twenty six Officers or twenty five others besides you ever give any drugs to anybody?

MO No I did not.

MW Okay. One of the things talked about in this investigation was somebody had a black case kinda zippered case that did contain some drugs whether it was marijuana other types of drugs maybe smoke pipes did you ever see any officers in possession of something like that?

MO No.

MW Okay. During the course of the Finding these participants did you ever seize any drugs money or property from any individuals that you tested?

MO No I did not.

MW So you or Officer Lorentz while he was with you never property inventoried any type of drugs taken from someone?

MO No we did not.

MW No money from anybody?

MO No.

MW Okay.

LH Was that something that you were told by the instructors that that no enforcement action was taken we're not taking anything into custody or any evidence or anything like that?

MO Nah, I don't think they told us that.

LH Okay.

MO I can't remember for sure though.

MW was your, I'm sorry matt, was your understanding to uhm that this was supposed to be anonymous as well that these people did not have to give their full name and dates of birth to you?

MO Yeah they told us that.

MW Okay. Okay. Otherwise it would be difficult to get these people to participate if they thought they were giving all of your all of their identification to you.

MO Yeah well a lot of people that we come up they be on probation and stuff they go we're not doing that you know we're not gonna no it's anonymous it's something so you could just make up a name and then everyone of em will just make up a name and give it to us.

MW Okay.

LH So when you had someone consent to an eval where did you go do this eval?

MO In Richfield.

LH In Richfield?

MO Yeah for the well the first like I think two or three days we were in Minneapolis then we went down to Richfield for the rest.

LH Okay and when you brought someone in to do an evaluation on them was there anyone else there or was it just you and uhm...

MO Josh.

LH ...your partner Josh?

MO Uh no there's always someone there, either uh uh instructors that were doing the witnesses for the evals or other people in there doing evals too.

MW Okay.

LH Did they ever say or did you ever have a squad camera going when you were having confrontation or conversations with these people out on the street?

MO No.

LH Okay, so you didn't have any squad...

MO No.

LH ...you don't.

MW And not at no time did you ever hear any instructor tell you that it was okay to give drugs to anybody out to do these uh participations?

MO Well this, no this course was the guy was uh it was very un it was unorganized I remember him saying well you need to get your training done you know so do what you gotta do I mean he told us at the last day.

MW Okay.

MO And and he said uh you know you just gotta get your training done. So I mean it wasn't like go give people drugs but it was like...

MW It was vague...

MO Yeah.

MW ...but you didn't you didn't read that to be knowing you're a police officer you didn't read that to mean that you could go ahead and give drugs to people.

MO No.

MW Okay. As this case uh was kind of ah excuse me as the class was going on at all Matt were you ever aware of the fact did anybody ever tell you directly that any Officers did in fact give people drugs to do this?

MO No. no one told me but when you're with people for twenty six days...

MW Yep.

MO ...You know like it was like you kinda just like you know it's goin' on you don't know I don't know like I knew it was in the atmosphere I knew it was like someone had had done it because someone had talk about it.

MW Okay.

MO And like I said it was all of us kinda like I don't know if that's really true or not but...

LH But you never heard a particular officer had given someone...

MO No. No.

LH ...so you never knew a name or anything like that?

MO No.

LH Okay. Did you find out later through any media things or anything like that? Which Officer or which person in that group possibly did that?

MO Yeah, uh uhm Willers from Hutchison and uh...

LH And how did come to learn that?

MO Uhm my Chief called me and said there's a media release and then it came out like a couple hours later I saw it on the news.

LH So when you saw that on the news that was the first time...

MO Yeah.

LH ... you ever heard that that particular officer was being accused of something.

MO Yep.

LH Okay.

MW And you never saw that specific Officer yourself give drugs to anybody?

MO No.

MW Okay.

LH After you were at the 5th precinct in Minneapolis and you moved into Richfield did you stay primarily around the Richfield area did you kinda float around?

MO No we'd go downtown every day.

LH Go downtown Minneapolis?

MO Uh-hm.

LH Okay. Did you ever feel that you were being videotaped by anyone in the public that you were trying to do evals with? Or were you aware that you were ever being videotaped?

MO No I didn't think I was (inaudible).

LH Um-hm.

MO They wouldn't bother me if they did anyways.

LH Did they ever describe what the main program uh objective was when you started this, was it to learn how to do this was it to take people who are driving impaired was is it particularly for driving offenses?

MO Yeah, for driving.

LH Okay. When you were telling us about uh that you need to get your training done do what you need to do who was the one telling you that?

MO Uhm. Munoz.

LH Okay. Do you understand him to be employed by...

MO State Patrol.

LH State Patrol?

MW And again just to go over it real quickly at no time did you see anybody using drugs directly in front of you.

MO No I did not.

MW And at no time did you ever give any drugs that you had seized from somebody or from another case to anybody out on the street?

MO No. I did not.

MW And you never seized any evidence including drugs, money weapons from any of the participants that you guys found?

MO No.

MW Okay. (paper shuffling) Go over my notes here real quick.

LH Anything that we haven't asked you uh Matt that you think uhm might be pertinent to this investigation at all?

MO It's all been covered. (Inaudible).

MW I don't think I have anything else.

LH I don't either.

MW Not anything else to add here we will conclude the statement with Mathew Olson at approximately 8:53 AM on May 25, 2012.

End of interview

Wold-2012-429-A01

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/15

Case Agent: O'Donnell, William (1378 / Special Operations / Minnesota Bureau of Criminal Apprehension)

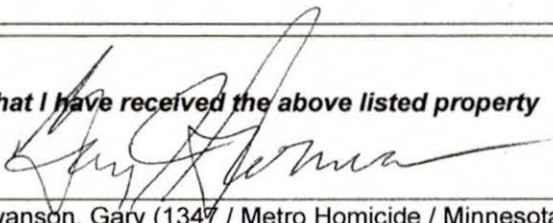
Item	Quantity	Description
1	1	DVD containing 8 videos downloaded from Youtube.com

State authority to release or manner of disposition:

RELEASED

I hereby certify that I have received the above listed property

Signature



Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Address

City/State

Telephone

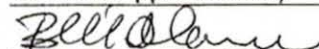
Date Received 05/29/2012

Owner/For Owner

Released By

O'Donnell, William (1378 / Special Operations / Minnesota Bureau of Criminal Apprehension)

Verified By



DAKOTA COUNTY SHERIFF'S DEPARTMENT**NARRATIVE REPORT**

MOC CODE/TITLE	REPORTING DEPUTY	BADGE	CASE FILE NUMBER
DATE AND TIME REPORT MADE	TICKET NUMBER	PAGE NUMBER 1	

I, Deputy Bryce Schuenke, badge number 126, was assigned to a training program known as the Drug Recognition Expert (DRE) School. The DRE program is a national program that is coordinated locally by the Minnesota Department of Public Safety. The DRE program teaches officers the physiological effects of drug use through classroom instruction and by observing individuals who are under the influence of drugs. The purpose of the DRE program is to help officers remove drug impaired drivers from Minnesota roadways.

I was assigned to the DRE program as a student from April 2-12 in the city of White Bear Lake for classroom instruction and April 13 – May 3rd in the city of Minneapolis for certification training. The classroom portion of the training focuses on identifying the seven drug categories and how each drug category or its combination of categories affects the human body. The certification training was several weeks (Wednesday – Saturday) in the city of Minneapolis. Each officer was instructed to complete fifteen evaluations. Out of the fifteen evaluations, four different drug categories had to be observed, six evaluations had to be conducted by the officer, six had to be recorded by the officer, and the officer could observe the remaining three evaluations.

While I was participating in the certification process in Minneapolis, I was partnered with Deputy Michael Hadland of the Fillmore County Sheriff's Office during the entirety of the DRE certification process. Sergeant Ricardo Munoz of the Minnesota State Patrol and other Minneapolis Police Department officers directed officers where areas of the city would be good spots to search for people impaired by drugs. A typical day during DRE certifications would be to meet at the MnDOT Transportation Facility located at the corner of 66th Street East and Cedar Avenue in the city of Richfield. The MnDOT facility was the main facility used to conduct the evaluations at. There was about 3-5 days that the Minneapolis Police Department's 5th precinct was used. We would pick up our partners each day and drive areas of Minneapolis where known drug users would walk. If Deputy Hadland or myself would see individuals who we believed to be under the influence of drugs, we would stop the individuals and identify ourselves. We would explain that we were in the city to conduct voluntary evaluations on individuals who were under the influence of drugs. We would explain that the evaluation was for our training purposes and that if they were high on drugs and would be willing to do an evaluation for us that we would give them cigarettes or food as a form of compensation for their time. Most people that we dealt with were homeless or appeared to be malnourished. Most people who were willing to do an evaluation for us wanted to get fast food as a form of compensation for their time they spent with us. While

___ Original Report	APPROVAL FOR CENTRAL RECORDS	Date: _____
___ Officer Copy	Investigations _____	Sergeant _____

DAKOTA COUNTY SHERIFF'S DEPARTMENT**NARRATIVE REPORT**

MOC CODE/TITLE	REPORTING DEPUTY	BADGE	CASE FILE NUMBER
DATE AND TIME REPORT MADE	TICKET NUMBER	PAGE NUMBER 2	

speaking with individuals we would ask: what their drug of choice was; if they were currently under the influence; how long they have used; and if they were willing to complete a voluntary evaluation. We stopped and talked to a lot of people. Many individuals were not under the influence or were not willing to participate in the evaluation. There were some people at the time they were stopped that weren't under the influence, but stated they would flag us down later if they were. There were at least two individuals who Deputy Hadland and I encountered that flagged us down to tell us they were high and willing to be a participant in an evaluation.

Once a person said they were willing to do an evaluation, they were pat searched for weapons and placed in the rear seat of my squad car. Individuals entered my squad car without handcuffs and entered my car voluntarily. The individuals were transported either to the 5th precinct in Minneapolis or the MnDOT facility where a DRE instructor would observe students conduct evaluations. Individuals willing to participate were asked to give us a fake name and date of birth. Not obtaining names and dates of birth was a customary practice by DRE students to ensure that participants felt comfortable with being evaluated because their true identity would never be known. However, there were several evaluations that were conducted that were legal evaluations where officers had to obtain names and dates of birth because the individual was arrested for impaired driving. Once the evaluation was complete, we would typically go through the drive-through of a McDonald's or another fast food restaurant to provide to individual with the food that was promised for their time. At least one individual was compensated with cigarettes rather than food for their time. All funding for the food and cigarettes came from individual officers. We would then drive the individual back to a location of their choice in the city. We would either bring them back to where we picked them up or another location of their choice.

During the training, I did not buy illicit drugs or give illicit drugs to any individuals. I was also not aware of any other peace officer offering illicit drugs to individuals.

My training with the DRE program ended in the afternoon hours of May 3, 2012, because I had completed the necessary requirements for certification. I returned to my regularly assigned patrol duties on the afternoon of May 3, 2012.

ljm, #410

___ Original Report	APPROVAL FOR CENTRAL RECORDS	Date: _____
___ Officer Copy	Investigations _____	Sergeant _____

Phill, Charles (DPS)

From: TheRap@aol.com
Sent: Tuesday, May 29, 2012 11:00 AM
To: Phill, Charles (DPS)
Subject: Deputy Bryce Schuenke statement

Agent Phill

With regard to the above matter. Deputy Schuenke has provided a thorough and comprehensive report covering the subject of your investigation to his department. He explains the course and his involvement and the details of his participation. it is my understanding you have been provided with a copy of his statement.

In my opinion he has cooperated with your inquiry.

Larry Rapoport
Attorney for Bryce Schuenke

Phill, Charles (DPS)

Subject: FW: letter

From: Paul Engh [mailto:engh4@aol.com]
Sent: Thursday, May 24, 2012 5:03 PM
To: Phill, Charles (DPS)
Subject: Re: letter

Paul Engh, Lic. No. 134685
Suite 215
220 South Sixth Street
Minneapolis, MN 55402
612.252.1100

XX
X

-----Original Message-----
From: Phill, Charles (DPS) (DPS) <charles.phill@state.mn.us>
To: Paul Engh <engh4@aol.com>
Sent: Thu, May 24, 2012 4:14 pm
Subject: RE: letter

Paul,

I really need all your contact info similar to my email signature below. If it is not on your office letterhead then I need the email to look official please.

Thank you for helping me with this.

Mike Phill

*C. Michael Phill II, Special Agent,
MN Bureau of Criminal Apprehension
1430 Maryland Ave E St Paul, MN 55106
651-793-7024 Office
651-783-6285 Cell
651-793-7021 FAX
charles.phill@state.mn.us*

XX

From: Paul Engh [engh4@aol.com]
Sent: Thursday, May 24, 2012 3:58 PM
To: Phill, Charles (DPS)
Subject: Re: letter

Mike, This will confirm that I represent Officer Zajac. I am advising him to not provide a statement at this time. I trust this suffices for your records. Best. Paul Engh

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Witness

Date

Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	BCA CASE	2012-429	
OFFENSE:	EXHIBIT #:		
INTERVIEW OF:	Officer Joshua Lawrenz (JL)	INTERVIEWED BY:	SA Mike Wold (MW)
REVIEWED BY:			

MW This'll be a tape recorded interview. Today's date is May 29th, 2012. The time is approximately 7:50 A.M. Being interviewed today is Officer Joshua Dean Lawrenz, L O R E N T Z correct?

JL L A W...

MW Oh sorry about that.

JL ...R E N Z. That's fine.

MW L A W R E N Z, Lawrenz.

JL There ya go.

MW Date of birth is 9-28 of '78. He is a police officer with the City of Chaska at 2 City Hall Plaza, Chaska, Minnesota 55318. Phone number is 952-448-4200. Conducting the interview today is Special Agent Mike Wold of the BCA in the parking lot of Applebee's Restaurant located at approximately 169 and Marshal Road in Shakopee, Minnesota. Josh ah is it correct the information I just ah read?

JL Yes.

MW Okay and you are an officer?

JL Yes.

MW Okay. Josh I'm here today to ah conduct an interview with you regarding a class that you attended ah drug recognition expert training put on by the State Patrol back in April.

JL Um-hm.

MW During that time um can you tell me how much classroom did the ah the class of twenty-six people receive roughly?

JL Um I believe it was nine classroom days so the first week was five days classroom Monday through Friday and I believe the second week was only four days.

MW Okay.

JL 9 days and in that there was 2 drinking seminars too.

MW Okay. And during that time you're learning what the effects of different various drugs have on the body, physiology um different things to look for?

JL Um-hm,

MW Okay. After that timeframe do you then go out and try to get participants, people on the street to aid you in figuring out who's on drugs, who is not on drugs basically?

JL Yeah it ah, pretty much just threw us out there.

MW Okay.

JL Um and it's called the certification process and originally they told us we needed twelve certifications um on people that are under the influence of one of seven different drug categories.

MW Okay.

JL Um and yeah it was, was kind of a daunting task and...

MW Yep.

JL ...I wasn't too impressed with that portion of the training and there wasn't a lot of guidance with it. Um...

MW Okay.

JL ...pretty much just said you know go out there you know pretty much they're jump outs you know.

MW Yep.

JL See a group of people um as a police officer you have the right to approach anybody.

MW Yep.

JL You know just pretty much just, the gift of gab is what's gonna get these evals done.

MW Okay.

JL Um and that's what we just started doing you know talking with people and finding out you know hey a lot of these people are either in recovery or they're on with the methadone, drink every week and you know just talking with 'em and saying this is what we're doing you know it's to better us as a police officer. We need to learn the effects of you know people under the influence.

MW Right.

JL And you know some people were pretty willing to.

MW Okay.

JL But ah it was, it was hit or miss.

MW While you were in the classroom did any of the state patrol or any of the instructors involved ever tell you to, that it was okay to give drugs to anybody on the street?

JL (sigh) no it, they skirted the line.

MW Okay.

JL Um, (sigh) it's one of those things where it's, it's like they almost kind of bragged that you know what happens in certs kinda stays in certs kind of thing. It was like implied that it probably has happened for a while.

MW Yep.

JL You know what I mean that, not like they're giving drugs out to people but that um, I'm almost positive they probably implied that you know it's gonna be common you might see people doing drugs right in front of ya on, on your training.

MW Yep.

JL Um there just there wasn't a lot of, instruction about it.

MW Okay.

JL You know where that gray area is and then, and I told everyone I was with I'm like end of the day dude you're, you're a cop.

MW Right.

JL And I've been a police officer for twelve years.

MW Yep.

JL The end of the day I wanted to keep this, real straight and narrow.

MW Yep.

JL You know what I mean?

MW When ah, I mean but as you look back on it nobody ever said straight up it's okay to give them drugs to use for testing purposes?

JL Eh specifically that was not said.

MW Okay.

JL I can, I can tell you that for sure.

MW Okay.

JL Um what I mean like skating the edge of that I, I think one of the things that jumped out at me is like um ah I'm not really comfortable with that is um I think it was once it was said you know if a can of spray paint or something like that gets left at a street corner and you come back twenty minutes later and it's gone and there's a couple people rolling around with you know gold around their mouth you gotta get these evals done.

MW Yep.

JL And I'm like, (sigh)

MW Yep

JL You know I just don't think so.

MW Yeap.

JL Come on.

MW It definitely bothered you that,

JL It did.

MW Okay.

JL Um I just, I had an uneasy feeling about it. You know I just I, and it wasn't just me it was everyone in the class.

MW Okay.

JL Um it was a feeling that, this is really odd...

MW (slight laugh)

JL ...um it was just that we I think felt it should have been more of a controlled setting.

MW Yep.

JL You know do a, do a ah advertisement in the paper saying hey we're not condoning it but if you'd like to sign a release form you could show up if you are under the influence of drugs and you do have a, you know an addiction that you're battling with and you'd like to help out law enforcement, show up at the end of the day we'll get you a Subway or a gift certificate.

MW Right. (inaudible)

JL Something like that.

MW Okay. Tell me ah my understanding that everybody was partnered up with somebody.

JL Um-hm.

MW Who were you partnered up with?

JL Ah Matt Olson with ah, Maple Grove.

MW Okay. And did the two of you drive in his squad or did you use your squad or did you share days?

JL We, we drove both.

MW Okay.

JL Um I'd say the majority of the time he drove um mainly I think the first like week he drove an unmarked.

MW Okay.

JL And ah it's just, it's easier driving a unmarked you know you get less phone calls back to the boss saying why was Chaska down on Hennepin and...

MW Right.

JL ...and Lake um so we drove his most of the time. But then we, we switched off and back and forth. I drove my marked squad he drove, drove his.

MW Okay. And while the two of you were out doing the evals trying to get people to participate did either of you two ever give any drugs of any type to anybody?

JL Absolutely not.

MW Did either of you two ever observe anybody use drugs directly in your presence?

JL No.

MW Okay.

JL Um, you know and did we know people were using drugs? Yes.

MW Yep that's not a big deal. And, and even if they did use it in front of you I'm not too concerned about that I'm just curious if you saw anything. Weed, coke, meth directly in front of you?

JL No we, you know what we liked to do is we'd, we'd meet people sometimes meet 'em several times days and days in a row and I'd drop 'em off at a gas station and they'd say well I'll be back in fifteen minutes.

MW Yep.

JL And then we'd grab a soda, sure enough fifteen minutes later they'd come back and they got their fix on. You know and alright let's go do this and that was their way of, you know kinda feeling the situation out and knowing that they can trust us, we can trust him. You know we'd just pat him down and pop 'em in the car and off we go.

MW Okay. Did you, ever you or Matt Olson ever seize any type of property from anybody in any arrests? Money? Drugs? Um

JL I don't think so.

MW Okay.

JL I, we did make an arrest one night for a, a three-oh drunk that we had a short chase with.

MW Okay.

JL Um, I don't, if it would...

MW (inaudible)

JL If it would have it would have been alcohol.

MW Okay.

JL I don't know if he collected, there was an open container in the vehicle.

MW Okay.

JL I think it just got dumped out.

MW Okay.

JL To be honest with ya.

MW But no ah no drugs and no money that was ever taken?

JL No.

MW And if anything was taken other than that alcohol it would have been recorded according to, procedures for (inaudible) department rules?

JL Absolutely.

MW Did you ever hear of anybody giving any drugs or something that really bothered you while you were in the class? Did you ever hear any talk of anybody doing anything that really caused you a great deal of concern?

JL You know for the most part, we were all kind of by ourselves.

MW Okay.

JL Until we got together for lunch.

MW Yep.

JL You know and lunch, lunch time you know you'd hear people saying stuff like you know this guy was really high or I saw a guy today that he was on a k2 but I never heard anyone tell me you know expressly hey we're giving these, we're giving these guys drugs.

MW Yep.

JL I, I didn't hear that.

MW Okay.

JL Um, and I don't know if it was the group that, that I was just hanging out with

MW Yep.

JL Um or if it was the fact that there guys are cops I don't, ah you gotta be kind of, brash to be boasting that you're giving people drugs.

MW Right.

JL I mean...

MW Right.

JL ...I, I gotta, I didn't, I didn't hear it.

MW Did um, um there's been talk through a dif, different interviews or at least in this investigation of somebody having a black plastic case kind of a zippered case that had drugs in it that were given to anybody. Did you ever see a black zipped case by anybody?

JL No.

MW Okay. And the two of you Matt Olson and yourself never took any drugs from evidence and gave to anybody at all?

JL No.

MW Okay. Um you say you've been with Chaska PD for about twelve years?

JL Yep.

MW Okay. When you were doing the evaluations where were you supposed to bring people, to do those?

JL Ah the first like week and a half ah it was ah oh I'm trying to think which precinct it was. Think it was 5th precinct.

MW Okay.

JL In South Minneapolis. Um and then after that we switched over to the Richfield MNDOT station.

MW As time went on and the class ended and ah this is kinda hit the media to some degree did you ever hear yourself um who if anybody did something as I'm talking about here today giving drugs to anybody? Did you hear in particular from I guess by, by way of the media or other means?

JL Um, press release.

MW Okay.

JL Um ah with the State Patrol I mean I just kinda learned through you know press releases and talking with a few people I think. I don't know what the dynamic was but I apparently a Hutchinson officer and um, I don't even know which, I, I know I think his first name's Karl I forget the, the county that he

works for but apparently they were paired up and I think maybe Karl made a complaint against the Hutchinson Officers I, no idea, idea...

MW Okay.

JL ...what that dynamic was but that the only other thing that I, I heard of was just that um Nick Otterson um great guy too ah feel bad for him um I think he got kinda called on the floor by one of his lieutenants early on in the process before any of this media attention. And I don't remember what the, exact dynamic was but in you know having lunch with him I, he just said that you know at some point they had a guy in their car. They were you know building a rapport with him, talking with him. I think he agreed that he was gonna use for them.

MW Yep.

JL Um and you know they were trying to keep it straight and narrow and said you know we don't want to see this, outta sight outta mind you know for our liability. I think the guy got out of their car. They told him you know go down this alley or go wherever you want to do we'll be sitting over here when you're done, we don't want to see it. And ah eh the guy just took off running or something.

MW Okay.

JL And he left his jacket behind in the car and next thing you know I guess the guy was making complaints that he was assaulted which is, absolutely BS.

MW Completely unfounded?

JL Completely unfounded. Um and I don't know what other allegations he meant or he made but I mean this Nick Otterson guy is you know almost too top notch he's just one of those guys that polishes his brass every day and he's got just a good work ethic and you know,

MW Yep.

JL He's a rookie um and I kinda laugh at him cuz he's a rookie but at the end of the day you can tell he wants to be a cop for the right reasons.

MW Right.

JL I feel bad for him.

MW How about ah, what was your understanding ah the people who helped or participated in this ah were they supposed to remain anonymous? Did they give a, were they allowed to give a fake name or a fake DL basically?

JL Um-hm.

MW A fake ah date of birth?

JL Yes. I mean...

MW Um,

JL ...it really bridged that last gap of, of getting cooperation.

MW Okay.

JL I mean there was a lot of people on the fence and when I said hey listen I'm not gonna ask you for your name. And I'm not gonna run ya to make sure you don't have warrants or to find out what your, your status is or if you're you know registered sex offender, this or that I'm not gonna run your name.

MW Yep.

JL Give me a name. I don't care what it is. I gotta write something down.

MW Yep.

JL And for a lot of people that was the thing...

MW That helped

JL ...that bridged the gap.

MW Yep.

JL Um expecially because you know up front we were straight with 'em like you know we have to do this, we're gonna take your blood pressure we're gonna measure eyes and do all these things, then we're gonna take a pee test. And they're like whoa. Wait a second.

MW Yep.

JL You're gonna take something from me and you're gonna test it. I (inaudible) I might be on probation or this or that and that was a big sticking point for a lot of people they're like ahhh I'll, I'll help you with your training

MW Yep

JL You can see what happens I don't want to give you a, a pee test or blood test.

MW Okay.

JL Um,

MW But when then heard it was anonymous then they could do that.

JL Yeah.

MW And then they would.

JL For the most part. There was a couple people that just wouldn't they just walked off.

MW So to recap things Josh at no time did you ever hear an instructor say it was okay to give these people drugs?

JL No.

MW (inaudible)

JL Like I said it was that gray area.

MW It was you may see people using in front of you but they never told you to give anybody drugs for the purposes of the testing?

JL Correct. And you know, on the flip side they I think Munoz eventually did come out at some point and say hey I don't know what's going on alright and I think this (inaudible) after Nick's deal. He's like if any of you guys are giving anyone anything, okay and I'm not saying that you are or if there's allegations that you have been, we're not doing that.

MW Okay.

JL You know you guys are cops in the end of the day blah-blah-blah.

MW Okay.

JL I think he came out and made some announcement about that at some point.

MW How far did Otterson into this training um was it like at a week or two into the ah, ah getting participants that he got in trouble or was it toward the end? Do you recall?

JL It had to be more towards the beginning.

MW Okay.

JL I'd say the first week and a half of, of certs.

MW Okay. And at no time throughout the whole, drug recognition expert training at any time you or Matt Olson never gave any drugs to anybody?

JL No.

MW And the two of you or I should just, you You never observed anybody in the class giving any drugs to anybody?

JL No.

MW Okay. Anything else Josh that I haven't asked ya, I didn't hit right on the head that I should have asked you about that ah caused you a great deal of concern? And I'm looking for more illegal activity. I mean there could be gray areas of certain things but anything else (inaudible)

JL (inaudible) you know change their program I mean at the end of the day I'm just pissed off that, I went to the hardest training I've ever been through in twelve years.

MW Yep.

JL And I feel like I, I'm shameful about even telling people I'm a DRE now.

MW Um-hm.

JL You know I've done one eval since I got out of, outta school and it's just, it's really frustrating. It's frustrating and I'm not mad at the particular officer.

MW Yep.

JL You know, like this Hutch officer I'm not mad at him. I, I quite honestly think that ah you know maybe the program needs to be re, reworked and reworked to the point where some of these younger officers aren't put in the big city and you know made to feel like oh guess this is just the way we do things.

MW Yep.

JL I don't know. I guess that'd be my on, my only two cents.

MW Sounds good. Having nothing else to add then at ah 8:02 we will end the interview.

RECORDING ENDS.

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 23, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Trooper Nicholas Otterson (NO)	INTERVIEWED BY:	SSA Drew Evans (DE) SA Gary Swanson (GS)
REVIEWED BY:			

- DE The following will be an interview with Nicholas Otterson of the Minnesota State Patrol. His address at the State Patrol is 2005 North Lilac in Golden Valley, Minnesota 55422, with the phone number of 763-591-4680. It's the 23rd of May, 2012. It's approximately 9:40 hours at the Minnesota BCA. Conducting the interview will be SSA Drew Evans and SA Gary Swanson of the Minnesota BCA and also present is Attorney Kevin Short representing Trooper Otterson in this matter. Um, Nick, before we get started um, we had you review a BCA criminal investigation warning form which you reviewed correct?
- NO Correct.
- DE And did you understand that form?
- NO Yes.
- DE And basically as the form explains is we just want to be very clear that we are not conducting an internal affairs investigation on behalf of the Minnesota State Patrol even though we all work for Public Safety. We've been asked to conduct a criminal investigation into some allegations regarding a drug recognition expert class that you were involved in correct?
- NO Correct.
- DE And you understand that that's our focus and what we're concentrating on correct?
- NO Yes.
- DE Okay. How long have you been ah, working for the Minnesota State Patrol?
- NO I was hired in November of 2010.
- DE November 2010. And what is your current assignment?
- NO My current assignment is ah, road trooper in the West Metro District, ah, downtown Minneapolis Station.
- DE Have you always been in that location?
- NO Yes that was where my assignment was coming out of the Academy.
- DE Out of the Academy okay. When did you complete the Academy?
- NO May 6, 2011. (background noise)
- DE Okay. And at some point this spring it's our understanding you were involved in a drug recog—drug recognition class, is that correct?
- NO Correct.

DE Okay do you recall the approximate dates when you were in that class?

NO It started April 2 of 2012.

DE Okay. Was that the classroom portion?

NO That was the initial two week classroom portion.

DE Okay.

NO And then um, I don't think it was a set schedule but it was a number, maybe four, five weeks after that for the certification phase of the training.

DE When you were in that certification phase um, was that your regular shift or how did it work for you as a trooper?

NO For me they switched me to ten hour shifts, we normally work nine hour shifts.

DE Okay.

NO And it was ah, Wednesday, Thursday, Friday, Saturday. They were varying times.

DE Varying times?

NO Yeah when we initially started I don't know how they had done it in years past but we were working ah, like afternoon into the evening so we'd work maybe like 6PM to 4AM.

DE Okay.

NO And then um, I don't know what came about but our—the instructor or the DRE coordinator, Rick Munoz switched the times to working more during the day so we would start at maybe one or two and work our nine or ten hours.

DE Okay. And my understanding is that—is that you would locate subjects and then test them for this certification process, is that correct?

NO Correct. We—we were initially told we had to have 12 evaluations.

DE Okay.

NO And then that number was changed to 15 at some point. I don't remember when. And then we had to have to complete it you had to evaluate people out of four of the different seven drug categories.

DE And what was the purpose of this certification or evaluation that you were doing? What were you trying to do?

NO Well to become a drug recognition evaluator, they call it expert but you can't be an expert until the court deems you that way later on in your career but it's ta be able to take impaired people off that are driving that are impaired by drugs to take them off the roads you know to save people's lives. Number—you know the number one thing why I want to do it is early in my career I found a passion for DWI's. I had probably fifty or sixty in my first seven months, which was quite a bit for a rookie and that was noticed on my superiors on my evaluations and so I put in for this DRE program, not expecting to get in as a rookie and being on probation but you know my—my work kind of spoke for itself and you know not expecting to get it all I put in for it and to my surprise I was selected to go.

DE Okay. And so when you're doing this were you given any instructions by your um, instructors in the course how you were supposed to locate the people that were impaired?

NO It was va-um, vague at first because there was no set block of instruction time that was like okay now we're gonna teach you how to actually go and do this in the street.

DE Mm-hm.

NO But we had you know fifteen to twenty instructors throughout those two weeks, as well as our DRE coordinator. Um, they would make comments here and there because everyone was wondering you know how—how exactly do we go about doing this and basically we were told you need to go out on these streets into the you know less affluent you know, the shitty areas and you know there's all homeless people, a lot of prevalent drug use and find people that are impaired by drugs and get them to volunteer for an evaluation. Some of the different methods that were talked about by instructors that had happened in years past were they said you know you'd have ta—we're not giving you any money to buy anybody anything so everything'd have to be out of our own pocket. You could—could buy people candy or could buy people you know cigarettes in order to entice them to come with ya. Um, we were told to find legal things um, to hold over somebody like as leverage, say if you find some marijuana on somebody or outstanding warrants or you know things of that nature can use it as leverage to get them to come and do an evaluation. There were other things like that I didn't particularly agree with that were brought up by instructors like some of them were telling us to buy cases of beer and keep it in your car and pass those out you know to get people to kind of entice them to come. Or trying to think ah, because everything is supposed to remain anonymous, that was the thing, they said don't run anybody, keep it all anonymous because you know we're not out there getting anybody in trouble, we're just trying ta you know learn from this so we can get out on the road and save lives, that's the whole goal of this program. Another thing that was brought up was you know ta lie to people and tell them that pretend that you ran their ID or something and that they had a warrant and you know say hey you can come with us or we can take you to jail for the warrant. That was another thing my partner and I were kind of like yeah, nope don't really want to do that one either so.

DE Who's your partner?

NO Chad Van Horn.

DE From?

NO He's from Lakes Area PD up ah, Chisago, Lindstrom.

DE Okay was he your partner the entire time?

NO Correct.

DE Okay. How many—so ah, when you would do this, would you—so you had 15—each of you would have to do 15 different people or 12 or 15 different people, so you and Chad, did you each do, would there be 24 or 30 total?

NO No, it was—it was confusing at first 'cuz initially we were supposed to do 12, then that meant each of us out of the 12 together I would perform 6 where I would be the one taking the blood pressure, doing the actual things and then the other guy has the clipboard and they record you know your things as you're going through it. So one's the recorder and one's the observer or whatever name you want to call it, the evaluator.

GS So basically it was 15 between the two of ya.

NO Yep, well when he changed it to 15 he said each of you do 6 and then when Rick changed it to 15 he upped it and I don't remember why. He said that he found some manual that was forgotten or something that said oh, you're supposed to do 15. So then those—for those last 3 he said it was acceptable if we just observed another group doing one so then we wouldn't actually—so say another group brought somebody in, Chad and I could just watch them and write all our notes down as if we were doing it and then make a report on it so then we didn't have to find as many people.

DE Did any of the instructors ever tell you to provide drugs to anybody?

NO No.

DE That it was acceptable? Did they infer that it was acceptable to do so?

NO Maybe. Um, there—I know there was an argument the first night between two different instructors about what had happened in years past and I—I can't speak to what they were saying but it might have been inferred you know that that had happened in years past.

DE Okay. Did at some point did ah, the DRE coordinator um, Munoz, did he ever have a conversation with either you directly or the whole class asking about an allegation that a trooper had provided drugs to somebody?

NO Yes the whole class. When the occupy video came out the day we took our final and he said did anyone give drugs to anybody and no one raised their hand and that was the extent of the conversation.

DE Did he specifically ever talk to each of the troopers in the class that you're aware of specifically asking if a trooper had provided drugs to somebody?

NO Not to—trying to remember, not that I remember.

DE Did you or your partner ever provide drugs to anybody to use in this class?

NO No.

DE Did you ever see any other participants in the class provide drugs to anybody to use?

NO No.

DE Were you aware, did you hear of anybody doing such a thing?

NO No.

DE Okay.

GS When you encountered these people that you believed to be under the influence of any kind of ah, narcotics um, and you determined that you were gonna take them back to the DO—the DOT garage or wherever—5th Precinct or wherever it was that night that you were doing the evals, before you guys put 'em in your car did you search 'em?

NO There were pat downs yeah 'cuz we you know part of our training experience was if people are using drugs there's usually a chance that people that use drugs or have drugs on them will have weapons. So there were a number of people—of homeless people that had volunteered free evaluations that had knives on them they used for protection and you know we would hang on to that.

GS Okay.

NO Or throw it in the trunk. Usually they had a bag, all these homeless guys had a backpack or something and you just say hey we're gonna leave all this stuff in the trunk.

GS During those searches did you ever find any narcotics on anybody?

NO Ah, twice.

GS Okay and what did you do with that?

NO We never, I never ah, trying to think here—two of the times we found people and they was from pat downs and they had marijuana on them. They agreed to come and do an evaluation for us.

GS Did you allow them to keep the marijuana or did you seize it?

NO I never seized it.

GS Okay so you allowed them to keep it.

NO Correct.

GS Um, after you found those drugs on them did—did they remain in your custody and you took 'em to the—the evaluation station or did they leave?

NO I'm not following you on that.

GS When you—okay when you came across them and you patted them down and you determined that they had drugs on 'em---

NO Sure.

GS Did you—did they stay with you then or did they—did you allow them to leave to use those drugs?

NO Oh, we allowed them to leave.

GS Okay. And then they came back?

NO Yes.

GS After they used the drugs and then you took 'em ta—

NO Well the first time it happened we had a guy that we stopped over off Cedar. He was out panhandling in a lane of traffic.

GS Uh-huh.

NO And you know we're thinking that was kinda weird being aggressive out there you know, knocking on people's windows and stuff. So we went to talk to him and Chad made contact with him while I parked the car up on the curb and Chad had patted him down, he came up there, he smelled like marijuana. It took quite a bit of convincing because obviously they don't trust us at all and this guy admitted that he smoked meth for every day of his life for 15 years and on and on and stuff like that and he finally admitted he had some marijuana and we told him hey you know come back with us, we'll buy you a pack of cigarettes, you know come do an evaluation for us and you know it took quite a bit of convincing because you know they don't—they don't—they don't believe ya, they you know they don't understand this program and so brought 'em back with us um, told 'em we were gonna drop 'em off in an alley you know, go smoke, do whatever you're gonna do—you know, people are gonna smoke it anyway.

GS Yep.

NO And we told him we'd pick him up at the other end of the block, we'd go around the block and Chad even said to me he's like yeah I bet he's gonna take off and I was like I don't think so, you know, I think he's—'cuz I thought—I thought we had convinced him to come and do it for us and you know, sure as shit we to to the other end of the block and he's gone. And we had taken his coat because he had his coat with him and put it in my trunk and so we circled the block like three or four times looking for the guy you know, trying to give him his coat back and we figured he's hiding somewhere in a garage or something because we thought you know he couldn't have ran that fast or we would've saw him. So we dropped the coat where we last saw him and that one turned into a big debacle. Like four or five hours later this guy was at a payphone off Franklin and called our 911 dispatch. I think he must have called and Minneapolis transferred him then because it wouldn't go right to ours and he said we assaulted him, we forced him to do drugs and we beat him up and then dumped him in an alley and stole his money and his jacket. And so Chad and I were just you know irate you know thinking you know what—if this is—'cuz this was one of the maybe second or third day and we're like you know this is like our second or third person that we thought that we could actually get in for an eval 'cuz you know we were talkin' to maybe 50 or 60 a day and most people are saying ah, fuck you you know. You know there's not a lot of trust down there in those areas with the police.

GS But so just to clarify when you search these people and you determine that there was drugs on 'em you never took custody of those drugs.

NO No.

GS You just left them on the person's person.

NO Well the first one I didn't search him, Chad patted him down, he was out of the car with him. And the guy admitted and I came up there he had some marijuana. And then the second time it happened was with this kid in the paper and he admitted to having marijuana on him after Chad had patted him down.

GS Okay.

DE So and then so you dropped him off in what area?

NO 35W and like three or four streets um, south of Lake Street, it was like Third.

DE You were in the city off the freeway?

NO Yeah it was like—it was like 36th or 38th, somewhere in a long alley.

DE Okay and so where did you drop his coat then?

NO Where we initially dropped him. Where we last saw him.

DE Did you guys ever see any money?

NO Yeah he did have a PowerAde bottle in the jacket with some change 'cuz it was sticking halfway out of the pocket.

DE Okay.

NO When we had ah, put the tru—'cuz I put the coat in the trunk.

DE And where did you drop the coat?

NO Where we initially dropped—

DE Where you initially saw him or dropped him?

NO No, like where we dropped him off. 'Cuz we dropped him off at the south end of the alley and our plan with him was we were gonna pick him up at the north end of the alley.

DE Okay and he and so that bottle was in that coat when you dropped it off.

NO Yeah.

DE You or Chad did not take the money.

NO Nope.

DE And why did you decide to drop the jacket off in that location?

NO Well we kina talked about it and we were just like you know the nights were still cold, we didn't know what to do with it, we didn't know his name, we didn't know his address, he admitted (inaudible) if he was homeless and so out of good faith you know we left the jacket there thinking you know the guy's gonna want his jacket back. We have no way of knowing how to get him—

DE Part of the reason you didn't know him is what you said before right? That you were encouraged to do this anonymously and not identify people?

NO Correct.

DE Okay.

NO That was the thing that they kind of told is that you could use as you know like a benefit to telling people is we'd always tell 'em you know hey you know it's completely anonymous, you can make up a name. Most people would you know make up—they'd say you know my name's Joe.

GS When you were given instructions by the instructors on how to conduct these ah, to locate these people for these evals did they ever give you any instructions on what to do if you found anyone with drugs on 'em?

NO Ah, there was instructions that if you found people with marijuana since it's a citable offense you know the instructor said well they're gonna smoke it anyway so you know tell 'em hey you know go over and smoke that you know, come do an eval for us, you know, we'll look the other way on giving you a ticket or—

GS So you were basically told that was—that was permissible.

NO Yep, my Lieutenant Tiffany Nielsen after the fact she told me that she did the same thing when she was in the DRE program and as far as she knew that's something that had happened for years.

DE How 'bout ah, was Tiffany was she in the program as an instructor?

NO Yes.

DE Okay.

NO She's my direct lieutenant.

DE Um, when these amounts, just to clarify, would they be a small amount of marijuana?

NO Yeah like you know like a joint or—

DE Okay we're not talkin' a dime bag or a big bag of marijuana.

GS How 'bout—how 'bout other drugs? Did they give you any ah, instructions on what to do if anybody had like say felony level drug possession?

NO That wasn't mentioned.

GS Okay. But you never came across anybody with anything other than marijuana.

NO No.

DE Did any—did you witness anybody using drugs during this program?

NO No.

DE Did ah, what were the instructions, where there any things you were instructed to arrest people for?

NO Ah, specifically Munoz was really big on DWI's so he said if you made a traffic stop um and there was a you know and if they were drunk or something to not just—'cuz I think he was kind of thinking if people—if anybody made any traffic stops that they wouldn't want to waste the time because you gotta do a report, you gotta book 'em and all that so he said if you find a DWI you know book them. 'Cuz there were a few groups that had actually made a few traffic stops 'cuz they would see something that as a police officer you know you just can't let it go if you see something unsafe if you see a car weaving or—there a few groups those first few nights that actually got DWI's and they had to deal with that you know, kinda took 'em out of the training for a little bit but got a drunk driver off the road.

GS To your knowledge, any of the people that you picked up for evaluations were they as far as that you know were they members of this Occupy Minnesota group?

NO No. Not to my knowledge.

- GS Okay.
- DE What happened, you explained the one with the first guy and the jacket, what, what was the situation with the second one?
- NO Second one was this guy in the paper that we had no idea that he was well, I think it was after the fact that he claimed he was affiliated with this Occupy thing. We found him downtown one day, we were talking to a couple homeless guys and he kinda came up and was standing near us and so we started talking to him um, explained the program. You know he was—he was real talkative and friendly with us, we explained it to him and he said he admitted to having some marijuana, that he smokes marijuana, he had smoked some earlier. He admitted to smoking—that he does heroin and that he was trying to get on methadone, try and kick his heroin habit and he agreed to come with us. He had some—a little bit of marijuana and then some zigzags but he said he didn't have a lighter so we told him hey you know you want to come with us, we'll drop you off somewhere you know if you want to smoke yourself do whatever, you know we're not gonna watch ya. So he went to get a lighter from his friend down the street and then we picked him up around the block, brought him over to ah, somewhere off 66th. There's like a woods—woods park area off 66th. And let him out, he was gone for like fifteen minutes and came out, picked him back up, brought him to do the eval. We had promised him a pack of cigarettes.
- GS Do you remember his name?
- NO His name was ah, the name he gave us was Jay R, which obviously you know rang a bell for me when I saw all this stuff in the paper.
- DE When did you see it in the paper with him? I mean how did you—I guess I'm not (inaudible)
- NO Yeah the—it was real frustrating for me because I followed this you know from beginning to where we are now and initially the Star Tribune or someone found him down there and the day that they put me on leave they said they came and put me on leave and they said you know somebody called in with your name and you know, I hadn't put two and two together yet and they said that someone had—someone said I was present when they were ingesting drugs. Not that I gave anyone drugs but I was present. And so then that all came out and I was put on leave and I saw in the paper his name and so then I figured you know that must be him, Jay R is Jay Rowland that was in the paper. His first story was that I was present when he was ingesting drugs and then the next time he was interviewed the story was that I gave him a big bag of drugs and let him smoke it or whatever and then the third story was that he got my name from a business card and that I gave him a big bag of drugs and then I left him in my car and then let him do drugs in my car. And so thinking back on it I was like you know it was—it was just stupid because we—I gave the kid my business card, wrote down my personal cell phone number on it because he was really cooperative with us. I mean I remember sittin' doing the eval with him and I went back and looked at you know different notes from my report and he was really you know high on this—on this—on us doing this. You know he was like oh yeah I'm glad to be helping you guys and 'cuz we would always explain to everybody you know we're doing this to try to save lives. The ultimate goal of this is to take impaired drivers off the road so they can't hurt—crash and hurt your family or my family and try to make it so it was something tangible that it could affect them too. And you know he told us that he was gonna try to go to the methadone clinic the next day and that was something—that was the drug you know, drug category a lot of people had a hard time finding people was on methadone was a narcotic. And so the understanding was that he would call us you know if he was gonna do the methadone in the morning, go there and drink a shot of it, that we could get an eval out of him.
- GS I show you a couple pictures here um, just tell us whether or not either one of these guys were one of the guys that you did evaluations on or you recognize.
- NO No, I mean I recognize him from all the You Tube stuff.

DE Okay but you didn't—you never saw him?

NO No. This one—when this one came up in the paper I'd—I'd never seen him before.

DE Okay with this first one we showed pictures ah, just for the purpose of the tape Forest Oliver, which he recognizes but you recognize him right but you didn't evaluate him.

NO No.

DE Okay and then the second one was Michael Bounds, which you don't recognize him either right?

NO No 'cuz I remember his was one of the last articles in the paper here and I had never seen him before.

DE Was this JR or this Rowland that you're referring to, was he with either of these two that you know of?

NO No. He was—when we contacted him he was by himself.

DE Where was he when you contacted him?

NO Maybe 10th and LaSalle maybe.

DE Okay downtown.

NO Yeah.

DE Okay. And did you ever um, take any of the people into any of the parking ramps downtown?

NO No.

DE Okay. Did you give anybody a bag of marijuana?

NO No.

DE Okay. Are you aware of anybody else giving anybody a bag of marijuana?

NO No.

DE Okay.

NO I mean the only thing I can speak to is you know Chad and I were together and so I mean I can't speak to what the other groups were doing because you know there was 26 of us, each paired up, everyone was off on their own.

DE We've probably asked this but-but just so I'm clear, you told us that you never witnessed anybody ah, ingesting any drugs but did any of the instructors say it was okay to observe people ingesting drugs?

NO Some of them would say you know if you found people with marijuana you know maybe it'd be okay to see 'em smoke it so you knew they did.

DE How about heavier drugs? Did they mention—did they have any conversations about watching people ingest things like crack cocaine or heroin or anything like that?

NO No.

DE Okay. Is there anything that we haven't asked or anything that you'd like to add that ah, would be important for us to know?

NO Um, not that I can think of, I mean most glaring thing for me was obviously tracking this through the news, I mean that's the only information I've had about this other than with my lawyer and you know this kid had my business card this whole time you know? Chad and I would give our business card out to almost all the people we did evaluations on because if they—if it turned into something positive for us and we got a good evaluation we're like you

know, usually people are happy because we bought 'em cigarettes or McDonald's or something so we'd give my business card and they say yeah you know I'll call ya if I do this or if I do that or maybe I can get some of my friends 'cuz most of these people were drug users and they're friends with drug users. And it was kinda disheartening for me to see that this kid he had my business card and my phone number for three weeks, he was in the You Tube video, I was never mentioned in any of that, my name was never mentioned, there was no accusation and then all the sudden three weeks later um, you know he decides to throw my name out there and his story has changed you know three times.

DE Is he identified on the You Tube video or at what point, where is he at on the You Tube video?

NO I don't remember, I just remember seeing his face on there 'cuz he always wore that—when we picked him up he had that like a winter hat and I remember seeing him on that video.

DE So what kinda—what does the hat look like?

NO Um, when we picked him up he had a green winter—a green like stocking hat.

DE Stocking cap?

NO Yeah. He's a white guy.

DE It you watched that video you can pretty much find the spot where he was located like at 29 minutes and 34 seconds?

NO Yeah if I watched the whole video.

DE I should do that and get it for ya.

KS That'd be great.

NO That'd be great.

DE There's a TJ Rowlands (inaudible)

KS Um, why don't you pass that information to me and I'll get it to these guys.

NO Sure.

KS Great.

DE Anything else?

KS Very briefly. Um, so, when you were instructed on certain methods that you could use ah, you accepted some of that like telling them about the public safety issues and telling them how they could go and ingest their marijuana outside your view and telling 'em how you might get them some McDonald's or some cigarettes right?

NO Sure.

KS And you adopted those things that were recommended. Yes?

NO Yes I agreed with that because—

KS And here's my point. There were some things that you were told might be okay to do but you weren't comfortable with it like lying to them about the existence of a warrant?

NO Correct.

KS And supplying them with beer.

NO Correct.

KS So that wasn't within your comfort level even doing those things.

NO No.

KS Okay.

NO You know and I had conversations with my lieutenant, my direct lieutenant, Tiffany Nielsen, she was the DRE instructor, very successful, she does a lot of evaluations and you know I was just doing you know what I was instructed to do and what I thought was right. Like there were things that Chad and I talked about that we weren't comfortable like we didn't—we didn't want to buy a case of beer to be you know thrown out at people to come do evaluations and you know so we were just doing what we were instructed to do what we were told that had happened for years and what was acceptable and you know, we felt it was right at the time you know until somebody told us you know you shouldn't be doing that you know then I would change my view on that but—

DE Any of the specific instructors that you can think of that inferred it was okay to watch people use drugs?

NO Just generally, I can't remember specific. There were so many. There were five or six different ones each day of our classroom portion that came from around the state and you know ten seconds here, ten seconds there. In between they were telling stories of their time and you know just giving their two cents on how the things work.

DE When ah, Trooper Munoz asked the class if anybody had provided drugs to anybody did he provide any follow up instructions as ta you know this shouldn't be occurring, don't do this? If it happens stop, anything like that or did he just ask did this happen?

NO He just asked and that was it because we were—we were done.

GS And you don't recall if he talked to just the troopers as a group as opposed to the whole class?

NO No he never-never had any of us separate from anyone 'cuz there were very few times during the certification phase that everyone was together. Usually you know maybe a fourth of the class would be there doing eval because everyone was out looking for people.

DE Was there any instructions provided on medical care or what you should do or was there any medical staff present?

NO No.

DE Okay.

NO I mean we're all—all the police officers are you know trained first responders and all that and that's the most to my knowledge.

DE All right.

NO I don't think there's ever been any in the 20 years of the DRE program.

DE Okay. Well that's it, I will end the tape, the current time is 10:09.

End of statement.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.


ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5-23-12
Date


Witness

5-23-12
Date

DRE Program

The IACP requires that all officers that are to become DRE's complete a minimum of 15 evaluations on person under the influence of substances other than alcohol. 6 out of the 15 evaluations must be done by each officer with the other 6 being a recorder of the officer performing the evaluation. The other 3 must be witnessed evaluations that are being performed by any other officer. Each team of officers (2) must properly identify 4 out of the 7 drug categories with at least an 80% accuracy rate on the 15 evaluations. Once the 4 categories have been met, the remaining evaluations can be any category that they are able to find.

The program consists of 2 weeks of classroom training followed by a final exam. Some classroom areas of study consisted of but not limited to, physiology of the drugs on the human body, BCA lab technician presentation, psychophysical tests, vital signs and ~~examination, signs of drug use, and various signs of drug use.~~ signs of subjects on a combination of more than one drug, and practicing the evaluation process on persons not under the influence.

Then there is a 3-5 week practical portion of the training where the officers must go and locate individuals under the influence and perform evaluations on them and determine what if any category of drugs they are on. To do this officers are sent to a target rich environment to locate users on numerous types of drugs. Officers are sent in pairs of two and are never separated from that officer. Officers go and walk or drive the streets and look for people who may appear to be under the influence. The officers approach an individual and tell them what they are doing and ask if they wish to voluntarily participate in the training program to help teach us what someone under the influence looks like. If the party says "no thanks" we say thanks for your time and move on to another person. If the party says "yeah sure" we explain to them what the evaluation consists of and then bring them to where we perform the eval.

The subject is under direct supervision of officers the entire time and are never allowed to leave our sight. All the officers doing the training have been instructed and taught how and when to recognize someone who may need medical attention and are seen that they get it immediately. All the officers conducting the evals are EMT-first responders and at least 3 of us, myself included are at the EMT-Basic level of care and do currently work on ambulance services. The entire time of the evaluations there is an instructor that oversees everything. There is at all times at least 4 officers with eyes on each subject to observe anything that may require special attention by medical personnel. During our practical testing there are at least two persons that I witnessed that did get "medically ruled out" and were brought to the nearest hospital for medical care. The very first portion of the 12 step evaluation is to either medically rule them out (ie...head trauma, other injury or illness) or to rule them out for other reasons such as, over .08 of alcohol or being mental unstable. A basic standardized, systematical, and case law proven 12 step evaluation process is then performed on the subject, they are asked to provide a urine sample only to confirm our findings and then are then given a ride to where they would like to go. If at anytime the subject does not want to continue with the evaluation, it is stopped and they are given a ride to where they want to go. The subjects are all volunteers and under the influence of various substances by their own choices.

During the practical portion one team of officers did locate a mental unstable vulnerable adult in very poor condition that had been reported missing by their guardian over 5 days ago. The officers brought the person to the hospital for medical attention and then located the proper persons to release the vulnerable adult to. It was determined that the missing adult was in grave danger by himself and possibly had his life to owe to the officers that located him and they received accommodations for their actions.

The parties that were used in the evaluations were already under the influence prior to law enforcement contact and after the process was all said and done (1.0/1.5hrs later) were showing very little if any signs of impairment. The final part of the evaluations consisted of vital sign checks and questioning about the effects they are still feeling to make sure that they are not still too impaired for their own safety. Parties were usually dropped off at a residence and/or places where other people were present. If any parties were under the influence to a point of harm to themselves or others they would be brought to the nearest hospital, jail, or detox facility and not released to the public. All officers were acting under the direct supervision of the Department of Public Safety DRE Coordinator and were never asked or giving suggestions to do anything illegal or unethical to complete our training. We were specifically told several times that we were not allowed to break any laws or ethic boundaries and could and would be reported to our agencies for reprimand and immediately terminated from the program. This training program has worked successfully this way for many years.

Under the individual officers discretion some individuals were asked if they would like a cheese burger or something similar for being kind enough to help us out with our training. It was in no way required or recommended to do so. A lot of participants were homeless and didn't have enough money to obtain food on their own so officers were kind enough to help them out in return for helping us out and to maybe gain their cooperation again in the future for other officers.

This small group of elite officers that were hand picked to attend this program have and no doubt will save countless lives with this newly acquired knowledge and training that they have gained by attending the DRE program.

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being questioned by agents of the BCA as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Bryan J. Beave
(SIGNED)

5-30-2012
(DATE)

WITNESSES:

[Signature]
(NAME)

5/30/12
(DATE)

(NAME)

(DATE)

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ All right. It is, believe it's the 30th today ah, 2012 and it's about 9:57 p.m. Eric Jaeche with the Minnesota Bureau of Criminal Apprehension.

BB A.M. (LAUGHS)

EJ A.M., yeah. And ah, Bryan Bearce, is that how you say your name?

BB That's correct.

EJ With the Minnesota State Patrol. We're at the Little Falls P.D. And ah, Bryan, you and I spoke on the phone a little bit um, prior to this meeting today at Little Falls and talked about ah, the BCA being involved in a criminal investigation in regards to a drug recognition evaluation course um, that had been held in Minneapolis ah, oh April/May of this year, is that right?

BB That's correct.

EJ Okay. And one of the things we talked about, Bryan, is ah, one I've got to read you is the Criminal Investigation Warning just to let you know that this is a criminal investigation and separate from any investigation that may be conducted by your employer, okay.

BB Yes.

EJ Okay, I'm just gonna read this form to you Bryan. Um, Bryan you're here, hereby advised that you're being questioned by agents of the BCA as part of an official criminal investigation. This investigation is separate from any internal investigation that may be conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements cannot be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can and, and be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer any questions by BCA agents as part of an internal investigation, you should disregard that representation. And just acknowledgment on your part this statement is given ah, by you voluntarily. You're not making this statement because threats or pressure may, may have been exerted on you by your employer, anyone associated with your employer or any other individual. No consideration or reward has been promised to you in exchange for an agreement to make a statement. Um, do you understand that um...

BB ...yes that's correct...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...okay. Okay. So just sign acknowledgment. Okay. Okay and I guess just a place to start um, let me just get your full name birthdate...

BB ...sure...

EJ ...from you Bryan, is it Bryan...

BB ...Bryan, B-R-Y-A-N.

EJ Okay.

BB And middle name is Scott. Last name is Bearce, B-E-A-R-C-E.

EJ What's your birthdate Brian?

BB 7/29/1970.

EJ Okay. What's your business address with the state patrol?

BB You know I have to pull out a business card because...

EJ ...is it different, is it Brainerd, is it Br-...

BB ...it, it's the, it's the Brainerd State Patrol Office.

EJ Brainerd District Office.

BB I know it's on Industrial Park.

EJ Yeah. What's a phone number, business phone?

BB It'll be 218...

EJ ...mm hmm...

BB ...828-2400.

EJ Okay, and do you office typically out of Little Falls?

BB I do, yeah...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...okay...

BB ...station office is right out of Little Falls.

EJ Okay. All right um, at some point did you sign up for a class or were you asked to go to a class by the state patrol um, that was a drug recognition evaluation course in Minneapolis?

BB Yes.

EJ Okay. And how did that work? Did they ah, were you, was it a week long course, was it two weeks?

BB It was ah, just shy of two weeks for a...

EJ ...okay...

BB ...classroom portion.

EJ Okay, do you remember the dates?

BB Ah, I do not remember the exact date.

EJ Was it in April of 2012?

BB That sounds right.

EJ Would it have been April 13th or around that ar-, and did it go into May?

BB That's, it does sound right, yes.

EJ Okay, so approximately April/May...

BB ...right...

EJ ...area. And did you guys stay down there in any particular...

BB Ah, individuals stayed ah, depending on their ah, li-, you know how close they lived...

EJ ...mm hmm...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB ...to the training area. I live you know a couple hours north so when I went down I'd stay at the AmericInn.

EJ Okay.

BB Ah, which was off a 35W and Highway 10.

EJ Okay, in the cities?

BB Yeah.

EJ Was any other officers staying down there with...

BB ...there were. I'd see them when I was going in and out of the building so I know there were some officers (INAUDIBLE)...

EJ ...there were some other officers staying down there, okay. And you mentioned that the classroom was about two weeks.

BB Yes.

EJ Okay. Um, do you remember who the head instructor was handling that course? Was it, was it titled drug re-, recognition evaluator...

BB ...yes it was a drug recognition ah, evaluation or...

EJ ...okay...

BB ...expert. Um, and that was ah, I know Rick Munoz from the State Patrol was the...

EJ ...okay...

BB ...one in charge of the program at the time.

EJ And he's with the state patrol?

BB Yes.

EJ Okay, and what um, what kind of things did he go through in the classroom to set the parameters of, of what, what was gonna be accomplished by the students?

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

- BB Ah, Rick basically at the beginning of the class um, introduced himself, introduced his instructors and ah, just kind of explained um, the, the different ah, classes that we'd be going through during our two weeks.
- EJ Okay.
- BB And ah, and that there'd be lots of quizzes and tests. Um, and he handed out the ah, the booklets ah, for studying. And Rick ah, pretty much let the, the other instructors take care of the instructing of the program.
- EJ Do you know who they were off the top of your...
- BB ...no I, I don't remember any of their names. They were from various PD's.
- EJ Around the state of Minnesota or outside the state of Minnesota.
- BB Ah, no they were within the state of Minnesota.
- EJ Okay. So other instructors from other departments.
- BB Right.
- EJ Okay.
- BB I know there were two from the state patrol that I, that I remember.
- EJ Okay. And then my understand is there was a field exercise or, field exercise where'd you be evaluating potential individuals that were either under the influence of alcohol or drugs. Is that right?
- BB That's correct.
- EJ Okay. And did they lay out any specific ground rules of what to do, what not to do during the course of those evaluations? And, and I guess to clarify they'd actually, they'd pair you up with somebody and you'd go out into the field by yourselves and look for potential people to, to actually question, ask if they'd be willing to participate?
- BB Yes that's correct.
- EJ Okay, were you paired up with any...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB ...I was. I was paired up with a ah, female Olmsted County deputy and her name was Michelle Ness.

EJ N-E-S-S?

BB Yes.

EJ She was an Olmsted County Deputy?

BB Yes.

EJ Okay. And what, what did they explain to you that, the goals and what you were supposed to do.

BB Well um, to answer the previous question about ah, was you know ah, what were the parameters, there really...

EJ ...mm hmm...

BB ...there were really no parameters. Um, the goals were ah, at the beginning of the course were to get twelve ah, evaluations completed...

EJ ...mm hmm...

BB ...ah, between the two paired up students.

EJ Mm hmm.

BB And out of those twelve evaluations we needed to ah, observe three of the seven drug categories.

EJ Okay.

BB And then later in the program, after we were doing the field portion of the program ah, for I think we were into our second week of it ah, we were advised that in fact in-, instead of twelve evaluations it was now fifteen evaluations. Instead of three drug categories it was four drug categories.

EJ (INAUDIBLE) okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB So it just got, just got a little bit tougher towards the end there I guess. Ah, and I don't know what changed, if it was misunderstood at the beginning by the instructors or...

EJ ...okay, four of seven you said?

BB Correct.

EJ And was that after a couple days of being out in the field or?

BB I believe ah...

EJ ...was it a week long field exercise or?

BB No, the first time we went out I think we went out for either three or, three or four nights the first time.

EJ Mm hmm.

BB And then we had ah, maybe four or five days off and we came back...

EJ ...mm hmm...

BB ...for ah, and I, I apologize I don't remember exactly how many days we came back for but three to four maybe five days. I don't remember how many we came back for.

EJ Okay.

BB But ah...

EJ ...so initially when you went out it was ah, twelve evaluations, three of seven drug categories and then you did that the first few days of field exercise then you had a few days off, came back and then they said fifteen ah, field evaluations...

BB ...(INAUDIBLE)...

EJ ...of four of seven.

BB Right, and it may have been, I, the second or the third time that we came back.

EJ Okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

- BB Because we would basically come back for three, four, five days and then we'd have a few days off, three or four, five days off in between then we'd come back so.
- EJ And just to back up a little bit. When you first, what were the rules, it, was there any rules established by any of the instructors, either Munoz or the other instructors that said um, how to seek these people out?
- BB No there were no, there were no rules or really parameters on, on how to do it. Ah (INAUDIBLE)...
- EJ ...(INAUDIBLE) kind of explain what he wanted you guys to do when you went out in the field?
- BB Ah, basically we were advised that there were ah, some streets that would be good target areas to...
- EJ ...okay...
- BB ...to locate people that would, that could possibly be under the influence of drugs.
- EJ Mm hmm.
- BB Um, and there, there were various places, ah Franklin, I remember Franklin in Minneapolis being one of the streets mentioned um, 28th Street. And we would, basically we really weren't given any ah, advice on how to find 'em. Just ah, basically you, I, the impression I got was you were supposed to use your intuition as a police officer to go out and say okay that person could possibly be under the influence, go up, and my partner and I just went out and kinda looked at each other and said okay I guess we're, you know do the best we can to find people that are under the influence so.
- EJ W-, um, when, oh so you'd have to get out of foot then or drive around and spot some people...
- BB ...right...
- EJ ...and walk up to 'em. Would you have to develop any probable cause to approach 'em or would you just...
- BB ...no we never seized anybody. We didn't ask for identification...
- EJ ...mm hmm...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB ...we didn't turn the lights on or anything. Typically um, we would see somebody on the street that would appear to be wondering aimlessly or ah, look disheveled or you know stumbling and we would pull over, stop and we would walk up to them, just identify ourselves, identify the program and identify that you know we're looking for volunteers to do like a thirty to forty-five minute evaluation. And typically we'd offer to take 'em through like a Burger King or McDonalds drive-thru afterwards or buy 'em a pack of cigarettes or something.

EJ Okay. Would that be out of your own personal money then...

BB ...yes...

EJ ...that you'd do that?

BB Yes.

EJ They wouldn't provide you any money or anything.

BB No we weren't provided any money.

EJ And obviously they wouldn't provide you any drugs or anything.

BB No, no we were not provided...

EJ ...did they ever say anything about that. I mean or was it just known that you couldn't...

BB ...no, no one ever said anything about ah, about providing any drugs. Um, we just went with the assumption that you're not supposed to be providing drugs to people on the street and.

EJ Right, so they never said well, I mean it just was obvious to everybody that...

BB ...that you weren't supposed to...

EJ ...you weren't supposed to have any drugs with you or provide them. They were supposed to be intoxicated or under the influence.

BB Right.

EJ Okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB I mean and that was the goal. We were basically just to go out and find people that were impaired.

EJ Okay. And was this ah, course, was it held at a particular site?

BB Ah, the classroom portion was held at the White Bear Lake Police Department.

EJ Or at the police department itself, the classroom?

BB I, I believe it was the police department. I...

EJ ...okay...

BB ...it was, I know that the chief of police came in when we were there. Ah...

EJ ...in White Bear Lake itself?

BB Yes.

EJ Okay.

BB And then the field portion of the class ah, was held at, the first one was at the Minneapolis Fifth Precinct.

EJ Mm hmm.

BB And the subsequent classes were ah, at the MnDOT's building which is shared by the state patrol ah, off of Cedar Avenue and...

EJ ...was it in Richfield?

BB It was.

EJ Okay. So initially when you found potential individuals that were under the influence um, you had a-, actually asked them to come and get into your squad and drive to one of these locations either Minneapolis, the precinct or Richfield DOT?

BB Right. We would explain it to 'em and ask 'em you know if you'd just take a ride with us down there.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ And then if they'd be willing to do that would they have to sign any waiver or anything?

BB No.

EJ No waivers just a...

BB ...no, no waivers...

EJ ...verbal agreement...

BB ...just a verbal agreement that you know and kind of enticed 'em to come with us, you know we'd get 'em some food afterwards.

EJ Okay. And generally did you find a lot of people ah, on the first day to come...

BB ...it was, it was actually tougher than I anticipated.

EJ Mm hmm.

BB Ah, a-, I don't think it was that hard to find people that were (INAUDIBLE) under the influence but it was hard to find people that were willing ah, to come in and...

EJ ...mm hmm...

BB ...and do the program because people under the influence of drugs they're a little (LAUGH) weary of the police understandably...

EJ ...sure...

BB ...and um...

EJ ...like what's the catch (INAUDIBLE)...

BB ...right, right. You know (INAUDIBLE) we'd have to tell 'em listen we're, you know we're not lookin' for any warrants, we're not lookin' to you know bust you with anything.

EJ Mm hmm.

BB Just really try to you know be forward with 'em and honest and just explain the program was ah, to help us protect impaired drivers and.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Okay. Anything else ah, within that class or that the instructors told you to do that we haven't talked about or not to do?

BB No.

EJ Okay. So it's just pretty much like you said.

BB Yup.

EJ Did (CLEAR THROAT) when this thing went on um, the first day of evaluations, the field evaluations, did anything come up that there were any problems with um, the press or things getting on the internet during the first week of evaluations when you were in...

BB ...no not during the first week ah...

EJ ...okay so you didn't hear anything from the instructors as far as Occupy Minnesota protesters being involved in this...

BB ...no I, I think that was towards the second, towards the second week...

EJ ...okay...

BB ...um, that we were out there. It was either the second or third and I apologize (INAUDIBLE) I don't have the timeline in front of me but I think it was the second or third time we were out doing the ah, the field exercises that ah, ah, there was an issue with (INAUDIBLE) if there were, I believe there was a complaint ah, wh-, I don't know if one of the Occupy Minnesota protestors called in a complaint and ah, Rick Munoz ah, this was down at the Richfield MnDOT building, when I walked in ah, Rick Munoz was talking to the class and he explained that ah, ah, that there was a complaint and that ah, that we were absolutely not supposed to be providing drugs to anybody.

EJ Mm hmm.

BB And that was the first time that we were actually told not to provide any drugs.

EJ Mm hmm.

BB I thought it was common sense before that but.

EJ Okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

- BB You know and I, and I didn't know of anybody providing any drugs or having any illegal drugs or anything like that I just a-, you know assumed that we were, that it was just an Occupy Minnesota protestor that had, trying to get some attention, had made up an allegation.
- EJ Okay (CLEARS THROAT) and he specifically said, he didn't point any individuals out that supposedly provided drugs to a protestor?
- BB No I didn't get the impression that at that time that somebody had done anything wrong. I, that it was just some allegations and we had to mind our P's and Q's and.
- EJ And he said in no way, shape or form that officers are to provide drugs to...
- BB ...right, he made...
- EJ ...potential people that are gonna be evaluated.
- BB He made it very clear.
- EJ On that day.
- BB Yeah.
- EJ Second week, okay. Anything else that was said in...
- BB ...no that was ah, I mean he, he talked for a few minutes to the class but that was the jest of it ah, that, that we were not supposed to be providing drugs to anybody.
- EJ Okay. And the same officers were involved the whole length through here of this training course.
- BB Correct.
- EJ And about how many people were there?
- BB Ah twenty-five, twenty-six.
- EJ Okay and was it a mixture of people from everywhere?
- BB It was a mixture of ah, Minnesota police officers.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Minnesota only, okay. Did you know all these um...

BB ...no I ah...

EJ ...people that were in the class or?

BB I really didn't know any of them. Um, I've seen a few of the state troopers before. Rick, I knew Rick Munoz.

EJ Okay.

BB Um, and there were a couple other state troopers that I had recognized. There was a (INAUDIBLE) County deputy that I recognized but.

EJ Okay. Um, did you at any time either hear from any other, you know after this warning came out from Munoz as to the complaint that came out about providing drugs, either before or after that, had you ever heard that anyone, any officers speaking amongst themselves indicated that they had in fact been providing drugs to people?

BB No.

EJ Not at all.

BB Not at all.

EJ Never heard a word of rumor, speculation or anything, okay. How about your partner ah, Michelle Ness, did she ever bring anything up to you as far as the things that she had heard or?

BB No, and we, we had talked ah, after ah, the rumors came out and we basically said we had never ah, never heard anybody and we were kinda well the rumor was going around that ah, ah, that there was an issue with somebody providing and we asking each other if we had heard anything and both of us had not heard about anybody providing anything.

EJ Okay. Had either you or Michelle ever provided any al-, ah drugs or alcohol to any...

BB ...no...

EJ ...of your people that you were evaluating?

BB No we did not.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Okay. Um, at the, after that first, when Munoz came and said that there was a complaint, had he ever spoke to you guys again after that near the end of the class that anything else was going on? For instance maybe news reports or media, social media or anything to that nature that was out there that anybody was filming officers or?

BB Ah, no not that I recall. Um, the last week that we were down there I had finished all of my evaluations and I had a long drive back home. Um, so we went back in, we did our testing. Our testing was at ah, there's a police (INAUDIBLE) I think it was from the Ramsey County Sheriff Substations off of Highway 96.

EJ Mm hmm.

BB Um, we completed that testing and that was it. I went home right after that. Some of the other officers that still needed to complete their evaluations stayed behind.

EJ Mm hmm.

BB Ah, so I don't know if, if they were spoken to but that, I left after that test...

EJ ...okay...

BB ...and that was it.

EJ And nobody said anything...

BB ...no...

EJ ...further about news reports or ah, Occupy Minnesota protestors, anymore problems or issues with that?

BB No, that's the last I had heard of it.

EJ Okay. So you stuck mainly on these evaluations with Michelle Ness from Olm-, the Olmsted County deputy. You didn't partner up...

BB ...she was...

EJ ...with anyone else. You were with her the whole time?

BB Yes that's correct.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Do you remember some of the locations? Did you go to a bunch of different locations to find potential...

BB ...we, we went all over the place...

EJ ...individuals?

BB Um, yeah we, Minneapolis, we, we'd just drive and drive and drive all over. Um, and it s-, you know we'd get tired of driving around not find any...

EJ ...mm hmm...

BB ...so we'd go over to St. Paul...

EJ ...mm hmm...

BB ...we'd drive around over in the, the St. Paul area. So I'd say the, the majority of time seemed to be in Minneapolis at the beginning. Then towards the end we ended up over in St. Paul a little bit more.

EJ Okay.

BB But ah...

EJ ...did they want you to mainly stick to the Twin Cities, Minneapolis and St. Paul?

BB Yes.

EJ They didn't want you in the suburbs or anything.

BB Ah, that was the, I don't know that we were told we couldn't go out to the...

EJ ...mm hmm...

BB ...to the outer areas. It just seemed like we had a, a richer target area in the, in the cities...

EJ ...okay that was where the, the concentration was?

BB Correct.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Okay. Um, after the class um, did you associate with any of the other officers and speak about um, you know I guess your experiences with trying to find people that were intoxicated or?

BB No.

EJ Didn't associate with any other people o-, off duty after the classes?

BB No, I was just waiting to get my DRE (INAUDIBLE)...

EJ ...okay...

BB ...so I could...

EJ ...okay...

BB ...get back to work here but.

EJ So no goin' out for dinner or, or anything like that (INAUDIBLE)...

BB ...no the only time I would ah, I'd see ah, other officers were at the AmericInn Hotel in the lobby. And I'd walk down...

EJ ...okay...

BB ...and say hi to them in the morning we'd see or in the a-, end of the day after class, see you tomorrow...

EJ ...okay...

BB ...and that was it.

EJ So did you talk to 'em about their experiences in the field or anything trying to find potential...

BB ...well no we talked about areas um, and I don't recall where we might of talked about it w-, while we were doing training um, you know we'd meet back at the training areas. But ah, typically when we would talk it would just be you know where's a good area, where did you find...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...mm hmm...

BB ...some people and that was...

EJ ...okay...

BB ...that was the extent of the conversation.

EJ And no talk about anyone providing any drugs to anybody...

BB ...no...

EJ ...to the, from the officers to the potential ah, I guess subjects if you will.

BB No, no one had ever talked about providing any drugs.

EJ Okay, had you ever seen anything out of the ordinary such as an evidence bag with red tape on it?

BB No.

EJ Or a baggie with evidence tape?

BB No.

EJ Have you, did you ever come across or see any officers with a black box or a black case?

BB No.

EJ You never seen anything like that?

BB No.

EJ Anything suspicious that anyone, speaking specifically an officer in this evaluation program, was carrying anything that you thought sus-, was suspicious or contained drug paraphernalia or illegal drugs with 'em?

BB No.

EJ Okay. (CLEARS THROAT) Anything at this point that you can think of that I haven't asked ya that you thinks important about this, anything that we've talked about?

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB No, not that I can think of.

EJ Okay. What time of day would you guys general go out and look for people?

BB It was in the, in the evenings...

EJ ...was it specific dates or times?

BB ...ah...

EJ ...(CLEARS THROAT)

BB ...yes ah, at the beginning of the course it was ah, set in the evening and I, I don't recall the specific time but it um, it was later in the evening and I think maybe towards the second week out that we decided to move it forward a little bit so it was a little later in the afternoon instead of in the later evening.

EJ Okay.

BB Um, and it may have been from like 6:00 at night to 3:00 in the morning, something like that. Ah, and then we switched it to a little bit earlier so maybe we were starting at two or three and getting off around midnight.

EJ Okay.

BB Was the ballpark.

EJ It was a pretty good long day.

BB It was.

EJ Okay. Um, so after this, you know after the training was completed um, did you ever, did anybody ever contact you, any of the other officers involved in this class to speak about anything that went on you know ah, rumors or anything like that of...

BB ...ah, I...

EJ ...of officers giving drugs to subjects?

BB Well when um, when the first news releases came out I think in the Star Tribune...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...mm hmm...

BB ...um, Michelle Ness had ah, text me just to say hey did you read the Star Tribune.

EJ Mm hmm.

BB So I went ahead and looked at the Star Tribune and um, and we had just talked a couple of times and ah, you know just trying to see what was going on, what, what the, just to try and get a, a grasp of what was happening with the situation...

EJ ...mm hmm (CLEARS THROAT)...

BB ...and um, 'cuz originally it sounded like it was Occupy ah, protestors who were making allegations and it sounded like ah, ah, that that was just that they're allegations and they were gonna be considered false allegations and things were gonna move forward then. Sounded as though there was an officer from the DRE program, a student that ah, had made allegations so Michelle and I just kinda talked about that...

EJ ...mm hmm...

BB ...and to this day I still don't know who the officer or officers were that ah, were, that were, that are involved with allegations or...

EJ ...okay...

BB ...misconduct or whatever it is.

EJ Okay. Did you ever s-, ah, anyone else speaking, besides M-, ah, Michelle that you spoke with...

BB ...ah...

EJ ...about it.

(KNOCKING SOUND)

BB I think his first name Nick ah, Nick Otterson, he's a state trooper that ah...

EJ ...okay...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB ...and I spoke with him once or maybe twice. Um, and I had contacted him just because I saw his name was in the Star Tribune and that he was on paid administrative leave and it was more of a hey I support ya, I know it sucks to...

EJ ...mm hmm...

BB ...you know be put on paid administrative leave. I haven't been put on paid administrative leave but I can only assume that it was a...

EJ ...okay...

BB ...bad deal so I was just callin' to say hey you know just basically keep your chin up and.

EJ Okay. Anybody else?

BB No, that was it.

EJ Okay and as far as you know you haven't heard anything else since...

BB ...correct...

EJ ...about like you said who was involved or what was going on?

BB Right.

EJ But you've never, like we talked about, observed any officers with potential evidence bags of drugs or you know drug...

BB ...that's correct...

EJ ...paraphernalia...

BB ...that's correct...

EJ ...no, no idea. And never off duty saw anybody with any of that or talking about it?

BB No.

EJ Off duty meaning away from this class?

BB Right, no, no, no one talked about any illegal drugs.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ Okay. And I think um, we had discussed about this YouTube video that came out about, you know p-, that the Occupy people were filming and talking about this as well...

BB ...right...

EJ ...did you get a opportunity to look at that?

BB I did. The first time I had heard about the video and viewed it was the same time and that was the last day of the course where ah, we were at the, I believe it was the Ramsey County sheriff's substation doing our final test. And ah, somebody said that there was a YouTube video and I watched maybe a, a few seconds of it.

EJ Mm hmm.

BB And it was one of those moments where I was, whoa am I in the video you know...

EJ ...mm hmm...

BB ...and ah...

EJ ...yeah...

BB ...and you know I, 'cuz I, when I was down there speaking with people they were all you know polite and ah, I never had, but I didn't see myself on the video and I just watched for a few seconds and that was the end of it.

EJ Okay. As far as you know were you ever interviewed by any of these people?

BB No I was never interviewed. Just when I, I went down ah, to the area and I know I had spoke with the Occupy protestors um, but it was very ah, cordial. Ah, I didn't have any problems with anybody. I didn't see anybody videotaping or being you know aggressive with me um.

EJ Nobody was asking you questions about wanting, anybody you ever encounter during your field evaluations, did they ever say hey the other officers give me drugs, do you have anything...

BB ...no...

EJ ...to give us?

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB No.

EJ Have your, nobody ever approached you and said that to ya?

BB No, they did not.

EJ Or your partner, did you and your partner stay together?

BB We did.

EJ Did you split up at all and start talking to people on your own or did you kinda stay together and interview people...

BB ...we, we were, we were beside each other...

EJ ...okay...

BB ...for the most...

EJ ...so you could pretty much hear what the other was saying...

BB ...right...

EJ ...within ear shot so you'd know if anything like that came up with Michelle. Did any of the people that you were trying to evaluate say hey you know this officer was giving us drugs, can you guys give us give us...

BB ...no...

EJ ...some drugs (INAUDIBLE)...

BB ...Michelle and I stayed very close together when we were...

EJ ...okay...

BB ...down there too just to assist each other if anything came up but.

EJ Yeah.

BB No, no one ever said anything about officers...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...okay...

BB ...providing anything.

EJ Okay. Anything else that you can think of that we haven't talked about that would help us in figuring this thing out.

BB No, no that's...

EJ ...okay. All right. Um, okay to make sure. Was any of the Minneapolis, you know street cops helping you guys out trying to find potential...

BB ...there was...

EJ ...people to evaluate?

BB There was one time that ah, Michelle and I ah, turned around and Michelle spotted ah, a prostitute walking down the street and said oh there's a good one to turn around and talk to so we turned around and while we were speaking with her, actually when we turned around we saw that there was a Minneapolis squad car darked out on the street and subsequently turned out that they were watching the prostitute also. And they pulled over and ah, basically said ah, if, if she's not gonna volunteer to go with your program you let her know we've already got two complaints on her for prostitution out here and we've been observing her...

EJ ...mm hmm...

BB ...and ah, and she's gonna get arrested.

EJ Mm hmm.

BB I think they, I think they had planned on arresting her and we just kinda swooped in...

EJ ...(INAUDIBLE)...

BB ...right before them and...

EJ ...okay...

BB ...we ended up doing the evaluation ah, with that one. Um...

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ ...how many do you think you evaluated?

BB Ah we...

EJ ...between you and your partner...

BB ...evaluated fifteen. Um, so one of us did seven and one of us did eight.

EJ Okay. Would you have to do it individually, like you would do one person and then Michelle would watch and then she'd do a person...

BB ...that's correct...

EJ ...sort of like that.

BB Right.

EJ So you both would do it...

BB ...right, one would actually...

EJ ...the evaluation one on one...

BB ...do the evaluation and one would record the evaluation...

EJ ...okay...

BB ...or observe it.

EJ And that was inside of the DOT building where you brought 'em back to?

BB Correct.

EJ Okay. And did anybody ever have any medical issues or anything like that? Any of your people that...

BB ...no.

EJ Okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

BB No. Um, I mean we, that was one of the questions that we asked if they had any ah, medical conditions and some would have ah, diabetes and things like that but ah, there were nobody that had any medical conditions that needed treatment or anything when we were there.

EJ Okay. And then ah, some of the evaluations were done in the Fifth Precinct as well?

BB Yes.

EJ Would there be a building or a room that you guys would bring 'em to there?

BB Yes there was. Um, the best I can describe is when you're parked in the parking lot you'd walk through and ah...

EJ ...mm hmm...

BB ...there's some bathrooms on the right and the first ah, room on the right it was a large room with, it's like a conference room with windows...

EJ ...okay...

BB ...on the outside. But it was a large conference room.

EJ And the evaluators would be in there with you obviously and.

BB Yes. The instructors were in there.

EJ Instructors. Okay. Um, and like I said none of these people that you evaluated came up and said anything that was out of the ordinary to you guys that...

BB ...no...

EJ ...other officers had done this or they heard that other officers are supplying drugs, none of that during the course of any of these field evaluations.

BB Correct.

EJ Okay. Okay. I think that's all I have.

BB Okay.

Statement of BRYAN BEARCE
May 30, 2012 – 9:57 a.m. – js
Transcription Date: May 31, 2012
Bureau Number: 2012-429

EJ = Eric Jaeche, Special Agent/Minnesota Bureau of Criminal Apprehension
BB = Brian Bearce, Trooper/Minnesota State Patrol

EJ And ah, if anything comes up or ah, Gary Swanson is the lead investigator out of St. Paul for um, our agency.

BB Okay.

EJ If he has any questions is it okay for him to call ya if ah...

BB ...absolutely...

EJ ...if he had a follow-up question for ya at some point?

BB Sure.

EJ Okay. We'll end here at 10:30.

TAPE ENDS

2012-429.S02

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/12 Case Agent: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	One CD containing the interview of Trooper Hibbard on 052512

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature

Name

Address

City/State

Telephone

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received 05/29/2012

Owner/For Owner

Released By Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Verified By

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/13 Case Agent: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	One CD containing the interview of Theresa Bremer on 052512

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature

Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received 05/29/2012

Owner/For Owner

Address

City/State

Released By

Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Telephone

Verified By

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/14 Case Agent: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

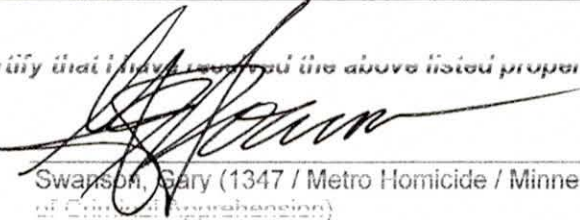
Item	Quantity	Description
1	1	One CD containing the interview of Officer Matthew Olson of the Maple Grove PD

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature



Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received

05/29/2012

Owner/For Owner

Address

City/State

Released By

Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Telephone

Verified By

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/18

Case Agent: Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

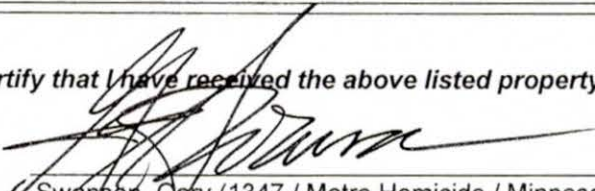
Item	Quantity	Description
1	1	One CD containing the interview of Officer Joshua Lawrenz on 052912

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature



Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received

05/29/2012

Owner/For Owner

Address

City/State

Released By

Wold, Mike (1382 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Telephone

Verified By

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.


ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5/31/12
Date


Witness

5/31/12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	05-31-12	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Christopher McCall (CM)	INTERVIEWED BY:	SA Charles Phill (MP) SA Gary Swanson (GS)
REVIEWED BY:			

MP Today's date is May 31st, 2012, um I am at the home of Chris McCall; Anoka County Deputy, and um with me is ah Special Agent Gary Swanson and this is Special Agent Michael Phill. I'm gonna ask questions about 2012 case 4, ah 2012-429. Ah Chris can I get some basic info from you first? Ah what is your full name?

CM Ah Christopher Adam McCall.

MP And is ah McCall?

CM Little c big C.

MP Okay big M, little c, big C, A-L-L?

CM Yep.

MP And your date of birth?

CM 3-14-82.

MP Okay what is the address of where you, whatever station you work out of?

CM Ah 13301 Hanson Boulevard NW. That's Andover, Minnesota, 5504.

MP Do you have contact number over there?

CM (sigh) ah, I can give you the generic.

MP (inaudible) yeah generic.

CM Ah it's 763-323-5000.

MP Okay.

CM That's just to the front desk.

MP May I use your cell phone for the report? The one that you (inaudible).

CM Sure, fine.

MP [REDACTED]

CM [REDACTED]

MP [REDACTED]

CM [REDACTED]

MP [REDACTED] Okay and I'm gonna go ahead and call you Chris.

CM Okay.

MP Chris um, thee' this class started in April, correct?

CM Yes.

MP You don't know the exact date?

CM I think, I believe it was April 2nd ah...

MP The classroom portion started (inaudible)?

CM Yes. Classroom portion started (inaudible).

MP Okay can you tell is kinda what the goals of the class are and when you got started in the class?

CM Um...

MP What happened there?

CM It was ah eight, eight to nine hours every day, Monday through Friday ah for the first couple of weeks. Ah we would go to the White Bear Lake Police Department. They had a training room um, you go in and, and each day kinda had a different curriculum but the, the general basics of it were to kinda get us to memorize ah what's called demetrics, which is you know it's got all the drug categories and then it's got the specific symptoms for each drug category. Um that was kinda the main goal I believe. And then everything else kinda surrounded it. We went over you know what, what certain drugs do to people. We had all this, all the separate topics and...

MP Hm.

CM ...um we had some medical come in and, and you kinda give us the back stories to why people are showin' the effects and things like that so.

MP Okay eight to nine hours you say per day?

CM Yeah it was, I mean it was generally eight hours, but you know I could drive from here to White Bear so (laugh).

MP Um how many days a week was that? Was that 5 days, the classroom portion?

CM The first week was five days, the second week was four days and then we rolled right in to that—we were Monday through Thursday and then that Friday we started on the field portion of it.

MP Do you remember the date that you started the field?

CM (sigh) I don't recall off-hand.

MP Okay don't worry about it. Um but it (inaudible) delay for (inaudible)?

CM It was, it would've been like April 14th maybe.

MP (inaudible)

CM Somethin' like that, the middle of April.

MP And what were your instructions and did they give those from the White Bear Lake, or did you go somewhere else on the first day of hittin' the road?

CM The first day of hittin' the road we went to a (inaudible) Fifth precinct in Minneapolis, but they gave us some instructions prior um...

MP Yeah.

CM ...our last day was kinda our graduation day.

MP Okay.

CM Um, you know they just kinda—throughout the class they were kinda given us um you know, you're gonna be goin out on the road, um you know we will give you certain areas to hit that our, that our usually good for um you know, homeless populations and stuff like that. Where you can just go and talk them and find out you know, if they're under the influence of anything and if they tell you that they are under the influence of anything. If they'd be willing to come with us for about an hour so, um you know they—some of the instructors, they then kinda said you know if um the way that some people would be a little bit more responsive as if you know, you maybe give them some cigarettes or maybe a cheeseburger from McDonald's after everything was done.

MP Okay.

CM You know you didn't really use it beforehand. Um just kinda as a thank you for their time' cuz sometimes it would be you know about an hour to three, depending on if they got evaluated one or two times so.

MP Okay so those are the instructions on the day of graduation, then as far as the field portion...

CM When we got to Minneapolis that first night...

MP Um-hm.

CM ...you know basically when we got there they just said here's the deal. You know, here are some of the hot spots in the past. Um you know, go out and talk to as many people as you can and, and try ta' get some volunteers to come and...

MP Okay who were you paired up with?

CM Kenny Willars.

MP Kenny Willars. And what department was he with?

CM He's Nobles County.

MP Nobles County Sheriff yep.

GS Who made those parings?

CM I think it was just, it eh, it wasn't necessarily by random but ah, it was one of the instructors, made those parings and they kinda wanted to put one person that was close ta' the, to the Twin Cities and one person who's farther out so...

MP Um-hm.

CM ...even though I'm up here and I don't consider myself part of the Twin Cities, I was close enough or closer than Nobles County so.

MP Okay um so, when you met up with Kenny ah you and he were gonna work together for the duration of the field portion right?

CM Yes.

MP Um the first night ah who's car did you use?

CM We used my car every night.

MP Oh every night?

CM Um there were two people from Nobles County and I think there were (sigh), there's one other person, I don't remember what department they were from which is close and there, they all carpooled up here in one car and they ended up stayin' at ah the hotel that's by the Mermaid. 'Cuz they're so far away.

MP Yeah that makes sense.

CM So they were housed up here, so they 'n—he didn't actually have the squad to use...

MP Okay.

CM ...so we used mine.

MP So they drove one down from here?

CM Yes.

MP On every por', field portion day?

CM Yes.

MP Okay so ah can you tell us what happened the first time? How many times did you go in the field total first I should ask?

CM Uh.

MP (inaudible) go together.

CM Well, every time we went out it was me and him. Um we actually for the first, at least half of the, the evaluation portions were havin' a hard time. You know people didn't want to have anything to do with us.

MP Um-hm yeah.

CM Um, I think we got, we got one or two people to come with us and one of 'em just turned out to be, I think our very first one it was a lady that was kinda havin' some mental issues.

MP Okay.

CM Um...

GS Did, did the troopers or the instructors in the class, did they give you guys and kind of ah, ah instructions on how to find these people and if you did find them what to do when you found them if, say they ah, you know they violate, they were in violation of any statutes or anything?

CM Um, (cleared throat) one of the instructors said that he would—he never did, but he said they he would get us copies of Minneapolis codes, um in case we saw people you know breaking any city ordinances and kinda use that as a way to get them to see that, you know you can come with us or you know Minneapolis. So you know they kinda gave us that option as if, you know you see someone that's you know like J-walking, you can stop 'em and then if they try to say that there's no reason for you to be talkin' to them, you can say well not really you know but, you know they really (laugh) quite honestly there wasn't really much to be seen down there when—at least for me and Kenny and I think that's probably why we had such hard time is we didn't...

MP Um-hm.

CM ...find anyone in that manner. We just, we kinda set out to try to talk to his many people as we could and like I said, you know 95 percent of 'em just...

GS How about instructions on if you encountered someone that was in possession of ah narcotics?

CM (heavy sigh) Um, (pause) I don't think they actually really gave us anything. You know they, they gave a general statement saying you know, 'cuz some people were actually making traffic stops, they said um how you decide to deal with i-if you pull someone over and they're under the influence, you know obviously bring 'em in to the evaluation and then they kinda said you know it's, it's your call. It's kinda your show, so if you decide that you're gonna take 'em down to Minneapolis and book 'em, that's your choice. If you're gonna try ta' you know, kick 'em loose and write 'em a ticket you know you can go that route or you know just

doesn't it—I spose you know, if you don't feel like chargin' 'em out, just the fact that they came in and did an eval. You know that was kinda the...

GS So it was basically your call no matter if they committed a felony or a misdemeanor (inaudible)?

CM Well felonies was different. I mean they said if you, obviously if you pull someone over, or if you have reason to believe that there's a felony, there like you know, then you gotta handle the felony. Don't worry about the eval. So um, you know we just, we, we never made any traffic stops 'cuz we didn't wanna run into the situation havin' to deal with anyone being drunk and have to deal with the DWI, plus it's harder then all get up to drive in downtown Minneapolis anyways.

GS Um-hm.

CM So.

MP And there were no instructions about if people were actually using narcotics at all? What to deal, deal with? How to deal with that? Nothing?

CM No they didn't really tell us anything about that.

MP Okay.

CM They just kinda let—there wasn't a whole lot that told us when we got out there and me and Kenny were just kinda, when we finally got out on the road we're like, you know what are we suppose to do?

MP So it sounds like you didn't find any good candidates, you and Kenny?

CM Um no. I think, basically how we got the majority of our things is we piggy backed on other people. They've, they were bringing people in and if they were still showin' enough signs we would run them through an eval again.

MP Okay. Would you—did you have any contacts with any people in the street in which you, you know placed them in your squad or handcuffed 'em?

CM Well we never handcuffed anyone um, we did bring the one um, the one lady on our, I think it was like our first or second night, we brought her back um and then once she was done we took her, she wanted to go closer to the Target Center, so we brought he down there. Um...

MP You did do the DRE on her?

CM Yes.

MP Okay.

CM Um, you know it was kinda unfortunate 'cuz I think she kinda, she stunk but you know...

GS It was more mental issues than narcotics?

CM Yeah she, she was talking about how um she had um, there was someone that she knows that kept making her take cocaine, but you know when I tried ta' get her to elaborate on it she was, she really wouldn't be able to and then she would just kinda spout off on these really random tangents.

MP Hm.

CM So you know I, I've, I had her go through the eval and you know she's very cooperative and you know, it's just, I, I don't think she was all there to tell you the truth.

MP Okay.

CM So she—we ended up calling it just ah mental issues and we didn't, we didn't say that she was on anything at that time so.

MP Okay. She's the only one you guys actually took semi custody of?

CM Um I'm tryin' to think, I'm pretty sure we brought in maybe one or two more. Um, people voluntarily, I just don't remember. It was you know, if could go grab my notes I could probably look to see. I just don't, like I said, like 90 percent of the, the evals that we did, we just piggy backed on other peoples so um...

MP Know people come better candidates to test.

CM Well they'd, they had brought people in you know and they, there's kinda a range of what they were under the influence on, but it seemed the majority of the people that came in were um, you know either marijuana or there were some people that came in from the Methadone Clinic and stuff like that and...

MP Okay.

CM So.

MP Did you at any time—have to ask this, did you anytime provide narcotics to anybody?

CM No.

MP Any of the people?

CM Not at all.

MP Did you at any time see any other officers or deputies provide narcotics to...

CM No.

MP ...any of the street people?

CM No.

MP Okay.

CM There was, I mean it was me and Kenny all the time. I don't know, there was some other groups that would go out and there were a couple days that we'd pair up and kinda watch the Nicollet Mall area, that turned into a big bust for us again anyways, 'cuz by the time everyone had heard we were down there and they just didn't want anything to do with us, but um it was for the most part it was just me and Kenny out there and you know we were driving around trying to look for people and...

MP Now you said that some of those spots were pointed out for you, I've heard that Minneapolis would kinda act as spotters, did Minneapolis ever do that for you too (or two)? Did Minneapolis cops spot for ya', tell you where to go?

CM We ah, we ran into one Minneapolis Police Officer like on our first night um, right in that parking ramp that's next to the Target Center, and he said that he had been through the course before and then he asked for the lead instructor's number, so he could call him and find out what days we were down there. And I think they had spread the word, but as far as I know there were no Minneapolis cops that called any of us ta'...

MP Um-hm. You and Kenny were pretty much on your own with what the list, whatever instructions (inaudible)?

CM Yeah, ya.

MP Um back to the young woman you brought in, ah the issue of names, were you given any instructions about actually getting these peoples actual names or were you told to hey, make 'em Jane Doe, John Doe, how was that told to ya?

CM They said it was, it was up sa' da' people that were involved. Um week, we, when we would confront them we would give option if they wanted to remain anonymous they could. Um I know a lot of people that people that we talked to that didn't come with us anyways. We're like well you're you know, you're just gonna use my name and for all this but, um the lady that we had brought in, she gave us her first name. Ah actually she gave us her full name. And her full legal na', not full legal name, but she gave us her first and last name.

MP Okay.

CM So um, I think her...

MP You know that 'cuz you ran her?

CM I did not run her. Um I didn't, I didn't have a number to sign on in my computer so I didn't have access to run anyone at that time. Um so the people that, the one or two people that we brought in, we didn't run 'em.

MP Okay. Ah see as far as names.

GS Did you hear anything from any of the others ah students in the class about anybody seeing anybody, providing drugs to anybody or?

CM Um I had heard, some people were kinda razzin', ah some of the people kinda just jokin' around no one was like seriously saying you know, this is what I saw or this is what I saw. People were kinda jabbin' at each other and I think most of it stemmed from um the one complaint that had come in um against the trooper, I think his name is Nick Otterson (sp?)...

MP Um-hm.

CM ...the whole deal with that. Everyone was just kinda given him jabs about that you know so it, but it wasn't anything like you know, you know how cops are. They just like ta'...

MP (inaudible).

CM ...like to rub each other the wrong way so um, that's pretty much all that you know we would, when you'd sit in that main room, you'd be typing your reports and people just kinda throw shots at each other. But other than that it wasn't...

MP But for regards to that particular incident, did they give you any instructions about property? And did you ever take possession of anybody's property?

CM They said, when it came to property they said alway' you know be safe. Um you know it obviously it's, it's up to the person if they let you search through their stuff...

MP Um-hm.

CM ...but if they do have a backpack or a lot of extra stuff, you put it in their trunk so that they can't be diggin' in their bag while you have 'em in back, especially since they're not handcuffed or anything.

GS Yep.

CM Ah you put in their trunk, you drive 'em to the area um and then you run them through the eval and then when you bring 'em back you give 'em their property back so.

MP Okay. For the people you did pick up did you end up give them McDonald's? A pop or somethin'?

CM The one lady, the one lady I was going to but she didn't want anything to do with it, the very first lady. She just want us to take her up and drop her off. Um there was one male, um I don't remember the intersection. It was Lake Street and it's over by Northern Minneapolis Precinct and there's a highway goin' over it. It's actually really nice. Got big (inaudible) on it.

MP By (inaudible) and Lake?

CM Yeah. We were over there. We confronted a Native American gentleman. Um and he said that he was on some anti-depressants. Some pretty heavy anti-depressants, and you know (inaudible) while we were talkin' to him. We asked him if he wanted to come in and he said yeah that's fine. But we didn't have a, we didn't have a PVT with 'em—with us, so you know they always told us to PVT people just to make sure, 'cuz if they're over .08 we can't evaluate em. Um we waited for another group to come and they've ended up taking 'em like 20 minutes to come with PVT and the PVT only was like a 2-1.

MP Hm.

CM So I gave 'em a few bucks just for you know him havin' to hang out with us for.

GS But you never brought him back?

CM No we didn't bring him back. His is, no he was way too intoxicated to even...

MP Um-hm.

CM ...run him through an eval so.

MP Was intoxicated?

CM Yeah.

GS Ah how did you first hear about you know, other than the police involved, did you hear about the YouTube video first or how did you first hear about this blown up?

CM When, when we were on our final day of class, when we were takin' our final test, um someone had come in and said that there was a YouTube video of the occupied people and then um you know that they said they had a bunch of, a bunch of the people in the class were on this video and stuff. Um so basically what happened after that is I finished my test and then came home and I watched the video.

MP What did they tell you about the video? Instructors.

CM They didn't really you know they instructors didn't say a whole lot. They just kinda said you know. The, their, they said that their department has their whatever, ah looking into it and the allegations that 'er kinda spelled out in a little paragraph under the occupy video. They said you know, they're looking into it. You know don't worry, you know you'll be contacted if, if any further information is needed so.

MP Good.

GS Did they ever tell you at that point that ah, do they ever check with the class participants and ask if anybody knew anymore about people providing marijuana to people or?

CM They didn't while I was there. I think I was one of the first you know six or seven people to get out there and finish my test. They didn't say anything. Um, I know they were kinda busy, probably dealing with their admin you know 'cuz they were, they'd left us in the room to write up our test so, there wasn't too many instructors around at that point so.

MP Okay. I woulda summarize then you, you brought in a few people but they weren't good candidates for the BR Evaluation?

CM Yeah.

MP Um you didn't take anybody's property?

CM No.

MP Um you did not see, nor did you provide narcotics to any of the people in the street you did...

CM No.

MP ...make contact with?

CM No.

MP Okay.

GS Has any, since ah, since the end of the class, has anybody contacted you from the class?

CM Um, I speak with um, he's Coon Rapids Officer, um Officer Kemp. I speak with because since the class I've actually had two evaluations out on the street and um, the two evaluations I had I you know went and talked to him, just to get his and if I was gettin' the right thing and at that time I think I did my first evaluation um a little bit of this, a little bit of this stuff was kinda hittin' the papers and you know he was talkin' to me about it. He's like you know, he asked me um you know if, if I'd see anything and I told him no and you know, things like that and we were tryin' ta, we were tryin' ta kinda narrow it down. 'Cuz you know they were being all cryptic in the article about you know, this person from Hutchinson's being targeted and we're like well, there are two people that are from Hutchinson and we're trying to figure out who so.

MP Okay.

CM But I talked to him and then Kenny, my partner actually called me probably two weeks ago and just asked me if I'd been contacted by the BCA. And I told him ya' and then he's like okay you know what did you do and I'm like well I got, I contacted my Union Rep and I told him to contact you know the Deb Ellis (sp?) and he's like yeah that's kinda what I'm doing. And that was about the just of it so.

MP Okay.

CM On...

MP Alright well now that you're certified right?

CM Yeah, well yeah but we don't have our numbers yet because of this whole thing...

MP Oh really?

CM ...kinda slowed it down. But we can, we can still do the evaluations it's just we can't log 'em in on the National Website or whatever 'cuz we don't have a number yet so. But...

MP Is there anything else you'd like to add?

CM Um just the one thing in that conversation with Kenny, um he did say that he was like you know um, he said my brother got tossed under the bus by the officer from Chisago County and I was like...

MP Hm.

CM ...okay. He didn't elaborate and I think he knew we were you know he wasn't, he'd—I don't even know how much information he was (inaudible) to.

MP Um-hm.

CM He just, he had just said that and I'm like you know that, that stinks. I'm sorry and you know and he just like you know, so I was contacted and then he just said he contacted his lawyer and stuff so um so.

MP Okay.

CM That was it. That was our conversation, it was about two minutes so.

MP Alright. Anything I'm missing Gary?

GS I don't think so.

MP Okay. I'll go ahead and terminate this interview now. It is ah eight minutes after 3:00 pm.

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/19 Case Agent: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

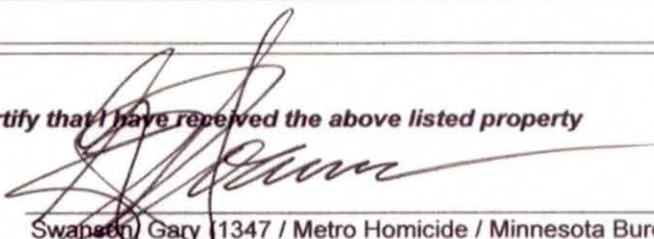
Item	Quantity	Description
1	1	CD Containing the Digital Recording of the Interview with Nick Otterson

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature



Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received

05/29/2012

Owner/For Owner

Address

City/State

Released By

Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Telephone

Verified By



Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/10

Case Agent: Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	CD Containing the digital recording of the interview with Ricardo Munoz

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature

Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Address

City/State

Telephone

Date Received 05/29/2012

Owner/For Owner

Released By

Evans, Drew (1350 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Verified By

Phill, Charles (DPS)

From: Suchy, Mark [Mark.Suchy@CO.RAMSEY.MN.US]
Sent: Friday, June 01, 2012 6:00 PM
To: Phill, Charles (DPS)
Subject: RE: contact

I have not contacted an attorney as of yet. I made the decision on my own.

-----Original Message-----

From: Phill, Charles (DPS) [mailto:charles.phill@state.mn.us]
Sent: Friday, June 01, 2012 4:21 PM
To: Suchy, Mark
Subject: RE: contact
Importance: High

Ok,

Is this on advice of counsel or your own decision. If it is from your attorney, I need his or her name for the case file.

Thanks,

Mike Phill

From: Suchy, Mark [mailto:Mark.Suchy@CO.RAMSEY.MN.US]
Sent: Friday, June 01, 2012 3:44 PM
To: Phill, Charles (DPS)
Subject: RE: contact

I will decline the interview. Sorry for the delay.

-----Original Message-----

From: Phill, Charles (DPS) [mailto:charles.phill@state.mn.us]
Sent: Friday, June 01, 2012 11:54 AM
To: Suchy, Mark
Subject: contact

Mark,

I still haven't heard back from you on the interview. Please contact me **ASAP** to let me know if you mind being interviewed or not.

Thank you very much Mark.

My contact info is below. Feel free to call my cell at anytime.

Mike Phill

C. MICHAEL PHILL II, SPECIAL AGENT,
MN BUREAU OF CRIMINAL APPREHENSION
1430 MARYLAND AVE E ST PAUL, MN 55106
651-793-7024 OFFICE
[REDACTED]
651-793-7021 FAX

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

SP138
Signature

06/01/12
Date

S/A R McDonald
Witness

06/01/12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 1, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	John Schmutzer (JS)	INTERVIEWED BY:	SA Ken McDonald (KM)
REVIEWED BY:			

KM Today's date is 6-1 of 2012. The time is 2:32 P.M. We are currently at the Buffalo Police Department in Buffalo, Minnesota. I'm Agent Ken McDonald with Minnesota BCA. I'm speaking with Minnesota State Trooper John Schmutzer, did I pronounce that correctly?

JS Smutzer.

KM Smetzer.

JS It's S C H...

KM I'm sorry. S C H...

JS ...M U T...

KM ...M U T...

JS ...Z E R.

KM ...Z E R.

JS (inaudible) investigation.

KM Okay and it's J O H N?

JS Yes sir.

KM And you're stationed out of the St. Cloud District?

JS Yes.

KM That's 2600?

JS Yes sir.

KM Um, what is the primary area that you cover?

JS Primarily Wright County.

KM Alright. And how long have you been a State Trooper?

JS Three years.

KM And as a state trooper did you take some training in the drug recognition expert ah field?

JS Yes sir.

KM And when did you do that? Approximately.

JS (laugh) um, April to May.

KM Of?

JS 2012.

KM 2012?

JS Um-hm.

KM Okay. And where was that training at?

JS Ah the classroom portion was held in White Bear Lake ah the certification process was in two different ah areas the 5th precinct of Minneapolis Police Department and the Richfield DOT.

KM And do you recall how many students were within your class?

JS Ah not exactly. I believe it was about twenty-six.

KM Alright. And I imagine you don't remember everybody that was in the class?

JS No sir I don't.

KM Do you recall who your instructor was?

JS Yes sir it was ah Trooper Munoz.

KM Munoz? And where is he ah stationed do you know?

JS Out of the metro.

KM Any other instructors?

JS There were several instructors ah he was the leader of the class and he had several assistants.

KM Do you recall any of the other assistants?

JS Yes ah there was a Trooper McCollick, I'm sorry Michalek and don't ask me to spell it (inaudible) Michalek.

KM Okay.

JS She's also out of the metro.

KM Female?

JS Yes. Megan Michalek.

KM Megan?

JS Um, I have some of the instructors names it might take me a moment to find it though.

KM That's fine.

(pause)

JS There was a Trooper Tiffany Nielson was an instructor.

KM Tiffany Nielson?

JS Um-hm. N I E L S O N, she's also out of the ah I don't know (inaudible) for sure.

KM State Trooper?

JS She is. And Michalek (inaudible)

KM That's fine.

JS Michalek I believe is spelled M I C H A L E K. Um, (inaudible) yeah but there were several others.

KM Okay. And I'm going to backtrack a little bit here John. Um prior to me turning on the tape I did explain to you that ah this interview would be voluntary, by yourself?

JS Yes sir.

KM In other words you don't have to talk to me if you don't want to. And we also discussed the BCA criminal investigation warning. And you had an opportunity to read that?

JS Yes sir.

KM And did you understand it?

JS I did yes sir.

KM And you signed that in my presence.

JS I did.

KM Alright. During um the training did they ever have participants use narcotics so you could practice on them?

JS No sir.

KM Alright. Did they ever tell you that you could, ah find participants and give them narcotics, have them smoke it or use it ah so you could practice on them?

JS No sir.

KM Did any of the trooper instructor, instructors, in the class I imagine there was troopers and other law enforcement agencies correct?

JS Yes.

KM Did they ever ah, ah take troopers aside and give you any other special instructions different from any ah, other agencies?

JS No sir.

KM That question make sense?

JS Yes it did.

KM Alright. Have you ever known or observed any law enforcement officer from any agency provide controlled substances, narcotics to a subject ask them to consume the narcotic for the purpose of practicing ah drug recognition?

JS Maybe.

KM Okay. Um you want to elaborate on that?

JS The last day of the class last day of certifications I had an officer get into my squad car as we were heading to lunch. This was a shortly after the ah video had ah made in the U-tube regarding um the occupiers down in Peavey Park. Ah there was a great amount of discussion regarding that video ah in the classroom and then ah we went out to try to find more evals and came back. We broke for lunch an officer got in my squad car. When he got in my squad car he said I don't know what the big deal is I just gave them marijuana. It's not like I hurt anybody.

KM Okay. And who was that officer?

JS An Officer Willers. Now there were two Officer Willers in the class out of Hutchinson I would need to see a picture I don't know what, his first name was.

KM Alright. So you said there was two different Willers out of Hutchinson?

JS They're brothers.

KM Brothers?

JS (inaudible)

KM Okay. Um do they look alike?

JS Ah, no. One was taller. One wore glasses most of the time.

KM Okay. If I mentioned a name would it help or do you think we should pull him up on...

JS I'd need to see pictures.

KM See a picture? Alright Anybody other than ah Officer Willers from Hutchinson Police?

JS Not that I know of.

KM And what did, you, you provided me with a quote. Did he say anything else?

JS No sir.

KM Did you ever see Officer Willers ah provide marijuana?

JS I did not.

KM He just mentioned it to you?

JS Yes sir.

KM Did you take that as admission that he provided marijuana to um people protesting?

JS That's what I understood.

KM Okay. And was that taught at all in the class to do that?

JS No sir.

KM Do you have any idea, where that concept would come from?

JS No sir.

KM And again you did not observe any of that?

JS I did not.

KM Okay. How about the instructor did they tell you not to give drugs to, to ah participants?

JS I don't recall that ever being a specific instruction. I don't, I wouldn't have guessed that that would have been necessary.

KM That was my next question. How would you, um did that ever enter your mind to do something like that?

JS Um, (pause) I was never tempted to do that myself. I can't say it never entered my mind. I had heard stories of DRE schools in the past of some things that were,

KM Okay.

JS I shouldn't say schools, participants.

KM Participants?

JS Yeah.

KM Personally do you think it's right or wrong?

JS I think it's wrong.

(pause)

KM How, what is the normal way to find participants? Ah (inaudible) participants I'm assuming that you would encounter them as a normal course of business in law enforcement and then, that you know what I mean by that?

JS No I wouldn't call it normal course of business in law enforcement when you were out there specifically trying to find people under the influence of drugs. So we'd go out ah the first, the first weeks when we were at the 5th precinct of Minneapolis ah class hours were from six to four, 6:00 P.M. to 4:00 A.M. so ah all night long we were, we were traveling around known areas populated with heavy drug use and ah my partner and I would, would sit and watch the corner I mean you could see people moving in and out of a corner, spending time in bus stops and leaving. And this was going on constantly. We ah the assumption was there was drug dealing going on there. Assume there's drug use there. So we would approach people on the corner and you're in full uniform ah I mean as soon as you got outta the car people would scatter. But you'd walk up to those who remained and, and just explain what you're doing. You know you explain you're a part of a drug recognition program ah we're here trying to learn the signs and symptoms of drug use. We're looking for people who would be willing to volunteer to come on in and do an evaluation. Um you know if, if ah and then we'd ask do you struggle with any kind of um dependency on drugs. Ah do you believe yourself you're under the influence now, have you used today. You'd have to develop a rapport obviously when you're in uniform to, to get into those kind of questions but, eh surprisingly some people would begin answering those questions and you know are you under the influence, yes. Would you mind coming in for an evaluation, usually they'd ask what's in it for me. Then you'd say ah I can provide you with some cigarettes, I can give ya some McDonalds I can give ya some alcohol if you're of age. That's how it was done.

KM Okay. So none of the officers should have had narcotics with them and then ask a participant to come and use it?

JS (inaudible) no.

KM Okay. I'm going to pause this tape cuz I want to see if we can find some photographs of the Officer Willers out of Hutchinson.

KM Alright I'm turning the tape back on. The time is 3:20 P.M. Ah we had a chance to look at some photographs of Karl Willers, W I L L E R S and Kenneth Willers ah Karl Willers is an Officer with Hutchinson Police Department and Kenneth Willers is a Deputy with the Nobles County Sheriff's Office. Now you've had a chance to look at both those photographs?

JS Yes sir.

KM Did you recognize both the individuals?

JS I did.

KM And they were both in the class?

JS Yes sir.

KM And the person that got into your car um for lunch.

JS Um-hm.

KM Was he your partner?

JS No sir.

KM So he got in your car just one time?

JS Just the one time.

KM And that's when he made the comment what's the big deal, we just provided 'em marijuana.

JS Yes sir.

KM And which person was that?

JS That was Ken not Karl.

KM So it'd be Ken Willers out of Nobles?

JS Yes sir.

KM And I've given you the Nobles part or do you recall that?

JS You're giving me the Nobles part.

KM Alright.

JS Yep I hadn't recalled that.

KM And I had been told that too so I'm just assuming what someone told me is right and ah I've, um we'll have to go with that. Who was your partner during the ah field testing?

JS It was Deputy Nick Jacobson out of Olmsted County.

KM Olmsted?

JS Um-hm.

KM And, as part of your field training if you encountered individuals that had controlled substances on them would you ever allow them to consume that ah for the purpose of your testings?

JS We did twice ah we came upon two individuals who had marijuana on them. We asked if it was their marijuana, they said yes. We asked if they intended on smoking that today, they said yes. We asked if when they smoked it if they'd be willing to submit to an evaluation. And they were um we wouldn't

allow, we didn't have them smoke it in our presence or within view but when they were done smoking it then we ah had them go for an eval.

KM Alright. And I know your, I've probably asked you this question. Any other officers make any comments that they actually provided the narcotics to the subjects?

JS Not that I know of.

KM Is there anything I didn't ask you that you feel is important that I should know?

JS I don't believe so.

KM Is there anything that you'd like to add to this statement?

JS No sir.

KM We will conclude this statement. The time is 3:23 P.M.

RECORDING ENDS.

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 31, 2012	BCA CASE	2012-429
OFFENSE:	Conflict Investigation	EXHIBIT #:	2012-429/27.1
INTERVIEW OF:	Joshua Mccuen (JM)	INTERVIEWED BY:	SA Mike Anderson (MA) SA Derek Woodford (DW)
REVIEWED BY:			

MA Today's date is May 31st, 2012. The time now is approximately 10:30 ah A.M. This is Special Agent Mike Anderson ah Minnesota BCA. I'm also present with Special Agent Derek Woodford of the Minnesota BCA. We are currently at the Prairie Justice Center in ah Worthington, Minnesota. We're conducting a, a criminal investigation into the matter revolving some allegations related to the DRE or drug recognition evaluation program that was conducted um earlier this year by the ah Minnesota State Patrol. Ah presently we're with is it Josh or Joshua?

JM Joshua.

MA And how about your middle name?

JM William.

MA And the last name?

JM Mccuen, M C C U E N.

MA U E?

JM N.

MA Okay and your date of birth Josh?

JM 09-02-1981.

MA Alright and how about um you work for which agency?

JM Worthington Police Department.

MA Worthington PD? Alright and what's the address for Worthington PD?

JM 1530 Airport Road, Suite 300 in Worthington, Minnesota.

MA Okay. And the zip is?

JM 56187.

MA And how about, do you have a work cell phone?

JM No.

MA Ah how about a work number?

JM 507-372-2136.

MA Alright. Um and how long have you worked for Worthington PD Josh?

JM It'll be six years in June.

MA Six years?

JM Yep.

MA Okay. Um I'm gonna read the criminal investigation warning. I talked to ya just a, a moment before I turned on the tape and told you about this. I'll just go ahead and read it and then I'll have you take a look at it and, and ah there's an acknowledgment that you can read. Um it says you are hereby advised that you are being interviewed by a special agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that you may have been, that may have been conducted by your employer. You may have already been interviewed pursuant to an internal investigation. If so you may have been told that your statements could not be used against you in a criminal proceeding. It should therefore be clarified that any statement you give to the BCA agents as part of a criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must not, that you must or you should answer questioning by the BCA agents as part of an internal investigation you should disregard that representation. Okay so what that's saying is that you don't have to be here today.

JM Um-hm.

MA Okay this is a voluntary interview. Okay? Um and then here is the acknowledgement if you just want to read that it's this statement is given ah by me voluntarily and I'm not making statements because of threats or pressure exerted on me by my employer, anyone associated with my employer or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement. If you agree with that, if you want to just go ahead and sign and date it.

JM 31st right?

MA Yep.

(pause/writing)

MA Alright. Okay so you said ah you've been with Worthington PD for six years?

JM Yes.

MA Ah patrol officer?

JM Yes.

MA Work rotating shifts I assume?

JM Um we're on, we pick seniority at the beginning of the year so...

MA Okay.

JM ...I'm nights for a year.

MA Okay.

JM Working nights for three years now.

MA Okay.

JM So (inaudible)

MA That's what you picked?

JM Ah...

MA Or you just...

JM ...yeah this year I finally got to pick so.

MA Okay. Okay did you work anywhere else before Worthington PD?

JM I worked in Murray County.

MA Okay.

JM In Slayton PD for three months part-time.

MA Okay. Alright um obviously we're here to talk about the DRE program and some, some allegations regarding that. Ah you attended the DRE program?

JM Yes.

MA When did that start this year?

JM April 2nd I believe was, first day (inaudible)

MA Okay and can you just tell me kind of a little bit about what that was, you know what the classroom consisted of. I understand there's a classroom portion and a field portion.

JM There's...

MA Explain the classroom portion and what dates it was and how long it lasted.

JM (inaudible) the classroom was two weeks.

MA Okay.

JM Ah the first two weeks and that usually went from 8:00 'til about 5:00. Um intense, intense studying. Um,

MA Where was that at?

JM White Bear Lake PD.

MA Okay.

JM And then you know there was tests throughout the whole thing and quizzes and all that. There's two, two alcohol drinking sessions that we did. The SFST portion of the class where we did evaluations on, those people. And then a final test, (inaudible) graduation ceremony and then we went into our, on the road stuff...

MA Okay.

JM ...or whatever they, (inaudible) call it.

MA So for the field portion um, I'll make some statements if I'm wrong correct me please.

JM Okay.

MA For the field portion they partner you up with somebody?

JM Yes.

MA Who were you partnered with?

JM Mark Hibbard from the State Patrol.

MA Okay. And um was he attending the class as well? He wasn't...

JM Yes.

MA ...one of the instructors?

JM No.

MA He's attending the class?

JM Yes.

MA So he's a trooper?

JM Yes.

MA Ah so you two are partnered up for the field portion. Did you take his squad typically or your squad?

JM Yeah we took his squad.

MA Take his squad, that would make sense.

JM They, they paired all the outstate people up with kinda metro (inaudible)

MA Somebody that knows their way around a little...

JM Yeah.

MA ...better up there?

JM Yeah.

MA That makes sense too. Um so you're gonna go out and do the, the field portion stuff. What did the instructors tell you about how to do that or what the, what the kinda plan was?

JM You know they, they explained to us that you're gonna come across some, kinda I guess shady people.

MA Um-hm.

JM Is the way they described 'em, lotta homeless people ah they told us certain parts of town to go to which I can't, when he, even when he said 'em I don't know what they are so I,

MA So they directed you to Minneapolis though I assume?

JM Yeah, yep.

MA Cuz that's where you're gonna find the most concentration?

JM Cuz ah we started, we started in the 5th precinct.

MA Okay.

JM That's where we did our evals and then moved to Richfield I think right by the airport.

MA Okay.

JM And then, they basically just tell ya find people that are under the influence. Bring 'em back, do an eval on 'em.

MA Okay.

JM Talk to 'em you know stay safe. They told us a few places not to go.

MA Okay.

JM We talked to some Minneapolis PD guys that told us some places not to go. It's...

MA Okay.

JM ...ah less desirable so

MA Okay. So they kinda tried to direct you though to where you could find some people?

JM Yeah, yep.

MA Um which is I would assume did they direct you primarily where you were doing your work in downtown Minneapolis or,

JM Yeah a lot downtown. I know, there's we went, mainly down by there's a Salvation Army down by the, Target Center.

MA Okay.

JM And we did a lot down there.

MA Okay.

JM So,

MA So what's, what was your partner's name again?

JM Mark.

MA Mark?

JM Hibbard

MA Okay so you and Mark go out to do these al, evals and it was all done the eval period was done as a coordinated thing so you do, you didn't just pick your days you did 'em together as...

JM Yeah.

MA ...a group? So,

JM They were Wednesday through Saturday.

MA Okay.

JM And they started out, ah we didn't 'til 4:00 A.M. the first weekend.

MA Okay.

JM And it just, it wasn't working so we moved up to started at 3:00.

MA Okay.

JM Instead cuz there just wasn't anybody out to go talk to.

MA Okay. So how many people did you end up ultimately bringing in for an evaluation? You and Mark.

JM We brought in I want to say, only four or five.

MA Okay.

JM And we did a lot of piggy backing off people it just it worked out to where we were in there doing one, somebody brought somebody in, they were under the influence impaired enough for a second group to do it so we just hopped on that and,

MA Okay.

JM ...got done so.

MA Okay of the four or five people that you brought in do you remember most of 'em?

JM Yeah I, yeah I mean...

MA Okay.

JM ...ah what kind of detail?

MA Well I guess what I'm getting at is you know why you're here right?

JM Yeah oh yeah.

MA We're here because of this video and the...

JM Yep.

MA ...ah some allegations made...

JM Yeah.

MA ...by a group of people about kinda some things that went on that they believe to be in you know maybe inappropriate.

JM Right.

MA Um, did you bring in any of the people that are from that group?

JM No I,

MA Did you bring in anybody that's on the video?

JM No I never, even went down to Peavey Park I think is where they were at.

MA Okay so you didn't, of the, you've seen the video?

JM Um-hm.

MA On U-Tube or whatever and it's...

JM Yeah.

MA ...been on the news. And you didn't bring any of those folks in?

JM No I saw, I saw the one with the hair.

MA Okay.

JM That's, that's the one I saw 'em bring in.

MA The guy with the like the afro?

JM Yeah.

MA Okay.

JM And he said he was a protester and we left we didn't...

MA Okay.

JM ...we weren't hanging out.

MA So when you, when you saw him and had contact with him though that was at the airport in Richfield?

JM Yeah.

MA It wasn't out on the street?

JM Yeah they were e, no they were evaling him...

MA Okay.

JM ...when we saw him.

MA Did you um, (pause) did you eval him at all?

JM No.

MA Your...

JM No.

MA ...you and Mark didn't...

JM Nope I ss...

MA ...didn't have an occasion to...

JM ...you know I saw him when they were evaling him, they he, he was talking about being a protester and all this...

MA Okay.

JM ...and I (inaudible)

MA Okay so you and Mark never brought in any protesters?

JM No.

MA Never brought any of the occupy people in?

JM No.

MA To your knowledge?

JM No.

MA Never brought anybody in that was on that video?

JM No.

MA Ah the only contact you maybe would have had was you saw the, the bushy haired, afro haired guy at the hangar but you didn't evalu him?

JM No.

MA Did you give him a ride back to the...

JM No I...

MA ...city?

JM ...didn't want anything to do with a protester.

MA Okay.

JM That's,

MA Okay and you guys didn't go down and really work that area where they were protesting as far as trying to find people?

JM No not, not Peavey Park we went down it's Nicollet Mall

MA Okay

JM It's a street or...

MA Okay

JM ...something. We went down that but we never made it down to where the protesters were.

MA Okay. And nobody told you to go target the protesters I assume.

JM No I...

MA Or anything like that?

JM I, the reason I left is cuz really I don't trust protesters so

MA Okay. Okay

JM Ah I don't want to sit and, and just what I thought would happen is people sitting out there recording and...

MA Um-hm.

JM ...I know that it's not a big deal if they record but that just, I'm not there to be recorded so

MA Sure.

JM ...I just wanted to get my job done and...

MA Sure.

JM ...move on.

MA Um of the four of five people that you and Mark brought in um did you end up having to motivate any of them by giving 'em any food or, or money or...

JM Yeah.

MA ...cigarettes?

JM We gave, wanna say I gave one guy maybe two guys like ten bucks.

MA Okay.

JM Bought some cigarettes. Think one of 'em wanted a pop. And then we hit a drive thru for another one.

MA Okay.

JM Got him some food.

MA Okay. Um did you, give any of them any illegal drugs?

JM No.

MA Of the four or five people that you brought in did any of them have any drugs on them when you patted 'em down?

JM No.

MA No?

JM Nope.

MA Ah so none of 'em, you didn't find anybody in possession of any...

JM No.

MA ...drugs? You and your partner didn't have any drugs on you?

JM No.

MA Or anything like that? Any evidence with you, you didn't take any drugs up to...

JM No.

MA ...the Twin Cities and...

JM No.

MA ...any of this operation?

JM No.

MA Okay. Um, so you did provide some food and some cigarettes and maybe some cash to...

JM Yes.

MA ...a couple people though?

JM Yeah.

MA But none of 'em were occupy protesters or anybody from that area?

JM No.

MA Where did you find your four or five people?

JM Um we found 'em, ah there was one trying to think, most of 'em were homeless people from the Salvation Army.

MA Okay.

JM And one of 'em, trying to think Franklin and something, maybe. Up in that area I you know I don't, it wasn't downtown. We found three of 'em I think three of 'em down by the homeless, down in that area.

MA Um-hm.

JM And then two of 'em off I think in North Minneapolis.

MA Okay.

JM Ah in that area.

MA And you took 'em back for evals, didn't take 'em anywhere else other than say you went for a drive thru...

JM Right.

MA ...for one of 'em.

JM And now that I remember our first one was a legal that they brought in.

MA Okay.

JM So, a State Trooper brought that guy in off a traffic stop.

MA Okay. Was...

JM Forgot about that one.

MA ...was he under the influence?

JM He ah that was a medical

MA Okay

JM He had, something had some mental, his mind worked but his limbs didn't so

MA Okay.

JM There was that guy.

MA Of the other ones that you brought in did some of 'em, were some of 'em actually under the influence?

JM Yeah they were all, under the influence. Well as far as my evaluation.

MA Okay.

JM We haven't got our results back yet.

MA You got, you did UA's and...

JM Yeah.

MA ...haven't got those back yet?

JM Yep.

MA Okay um, so just, just to make sure I'm clear. So you guys never patted anybody down and found any drugs on any of the people you brought in?

JM No. I mean we patted 'em down but we didn't find...

MA Find any drugs?

JM Yeah.

MA Didn't provide any of those people drugs that you brought in, didn't bring anybody in from occupy or the protester group or didn't work that area really.

JM No.

MA And the only guy that you saw that you recognize from the video is the bushy haired guy.

JM Yeah.

MA And you didn't evaluate him?

JM No.

MA And you didn't give him a ride back or take him anywhere? Had no one on one contact...

JM (inaudible)

MA ...or you and Mark had no individual...

JM No.

MA ...contact with him at all? Okay.

JM Didn't want to.

MA Um, what so we know I think it's pretty clear that you know we know that you're, didn't do any of that stuff that ah in those allegations. Have you heard anything about any of that from people? Would have ya...

JM No once I mean, not from any of those guys that was the last, want to say that happened like the last day or last second to last day of the program.

MA Okay.

JM And we were, my partners and I were done already so

MA You had your fifteen evals done and...

JM Yep.

MA ...didn't need to go any further?

JM I, I don't remember the exact day but it was right towards the end that they, I mean this all started, that video came out I think somebody said the last day I was there.

MA Okay.

JM And then we came back so

MA So when you had your, once you have your fifteen evals done do you still have to go up there?

JM No we had a, we had a final test the, the Wednesday like the 1st or 2nd of May and then there was a few people that had to do some yet but the people that were done, I was already going home so we didn't have to stay.

MA Okay. So if you had your fifteen evals you didn't and there was a night scheduled to do evals you don't have to go up there.

JM Yeah.

MA ...if you got your fifteen done.

JM I think the majority of the people got done that last weekend and then we had to come back for the test and there was maybe a handful of people that had to, still do a few.

MA Okay. Um as far as the, the instruction that you received when you were gonna go out and do this did the instructors ever talk to you about you know what's appropriate or not appropriate as far as you know obviously they probably told ya it's okay to buy 'em food or...

JM Yeah.

MA ...cigarettes or give 'em some cash, of course out of your own pocket I think right?

JM Yeah.

MA They didn't provide, the class doesn't provide any money.

JM No, nope that was...

MA Your agency doesn't provide any money?

JM No, nope.

MA Right?

JM Yeah.

MA But they told you that that would be okay I assume.

JM Um-hm.

MA And gave some instruction on that. Um did they talk about, you know what to do if you find somebody in possession of drugs or what was, what would be alright or not alright with that?

JM I don't, I don't remember 'em exactly talking about what to do if you found somebody or giving us, telling us what we needed to do with 'em.

MA Okay. Did they tell you that it would be okay to give somebody drugs?

JM No they, well I'm pretty sure they told us not to do anything illegal so,

MA Okay (laughs)

JM Yeah they that was, I don't even think that was addressed cuz I think it was,

MA Okay

JM I think that's common knowledge

MA As cops...

JM (inaudible)

MA ...most cops know that, that

JM I would think but,

MA ...you wouldn't, wouldn't do that. Okay. And that never really became an issue for you and Mark because you never found anybody in possession of drugs or anything like that?

JM Right.

MA Okay. Derek?

DW Josh have you heard of and I know there's conversation that goes on amongst the officers about how their trainings have gone or how that trainings going as far as the field work goes. Um outside of the classroom. Now has it ever been an issue was it ever talked about if someone was found um on the street and you were gonna take them to back to the training to do your evals um that they had narcotics or something on them could they, were you ever directed about how they could use it up

beforehand or um you know hey do you, say you found marijuana on someone um do you tell 'em hey um why don't you smoke that up before we go or your,

JM (inaudible), we were never told to do that.

DW But have you ever heard conversation about that or?

JM Um, I no not I didn't hear of anybody finding anything.

DW Um-hm.

JM On anybody you know a lot of our people are homeless so they, do a lot of depressants that they were on.

DW (inaudible)

JM We came across somebody that had something but Minneapolis PD got to 'em before we did cuz it was a complaint.

DW Oh okay

JM He had tons ah little bags and stuff on him so, we knew we weren't gonna get to use him.

DW Oh but did you hear anybody in the program ever, taking, having someone say hey um go ahead and use up what we found on you before we go? You're either gonna go to jail or use it up so we can use it for the test. Has that...

JM No I,

DW ...ever been conversation?

JM No I never heard, I never heard anybody say that that was done no.

DW Okay. So you never had conversations with anybody about that or heard other guys talking about that it's...

JM No.

DW ...been done?

JM No, no I never heard that anybody said that they found any. I, yeah to my knowledge I don't know of anybody found, that found anything...

DW Okay.

JM ...on anybody.

DW Um what about um Mike had talked to ya about giving um people cigarettes or, or food or you know whatever to or ever money um...

JM Yeah.

DW ...you gave some money to some people you said?

JM Yeah.

DW Okay was it ten bucks?

JM Yeah I think I gave two people ten bucks.

DW Each?

JM Yeah.

DW Okay and ah did you hear of anybody giving anybody alcohol or anything?

JM No I, not alcohol.

DW No not alcohol?

JM Mainly money and food is all.

DW Money and food?

JM Cigarettes. Kind of whatever you know they asked us, or we kinda asked them you know what can we do to help you.

DW Okay.

JM As far as us, that's how we came up with the stuff we gave 'em.

DW So did you hear of any ah officers during this program giving anybody drugs?

JM No not,

DW Or letting them use?

JM Not until the video came out and...

DW Okay.

JM ...that's the only information I have on anybody.

DW Okay. Did you ever see ah when you were with the other officers um did you ever see an officer that had a black box ah with maybe red evidence tape on it or some type of tape on it that was red? Did you ever see a box like that around in the training or in somebody's vehicle or anything like that?

JM No.

DW (inaudible) didn't see that at all?

JM No.

DW Okay. Um when you were up there doing the field training was there anything that ever made you feel uncomfortable about what you had to do to get the training done? Or something that you were uneasy about um that you needed to do to get the training done?

JM No noth, I mean not as far as being unethical or anything. There was, less desirable places that I probably wouldn't drive through again.

DW Um-hm.

JM But no there wasn't,

DW So it was more just having to do, the uncomfortable (inaudible) maybe had was just about going to do the training itself.

JM Right yeah nothing about...

DW (inaudible)

JM ...something that you had to do to,

DW Illegal or unethical or...

JM Yeah, no.

DW ...moral or...

JM No.

DW Okay. And ah then did ah Minneapolis did they ah help you guys at all find people?

JM Ah no we left a couple cards with a couple guys but they never, called us back.

DW Okay.

MA One last thing. Did, did the people that you did that you eval you document 'em on a sheet right?

JM (inaudible)

MA You have documented.

JM Yeah.

MA And you kept copies of that?

JM Yeah, yep. They're...

MA You be willing to give us copies of those just to add to your statement so we know which people you talked to that it's not any of the people in question.

JM Yeah we can do that. I, they're, they're, they don't use their real names though

MA Sure

JM Yeah (inaudible) that stuff

MA Okay

JM Whoever they may be.

MA And, and actually and they, those are also turned in though too right to the program...

JM Yeah they have...

MA ...keep track (inaudible)...

JM ...I just have copies of the reports. They have all the, they they'll have the sheet with the UA's with their names on it and then we have the, our whatever evals with that name to match up so.

MA Okay, okay so when you get the UA back you can kinda say well here's what...

JM Yeah

MA ...my eval determined...

JM Yep

MA ...and here's what the UA shows.

JM Yep.

MA So it shows that I'm right and...

JM Yep then they can,

MA ...that I was accurate.

JM Then they can give us our...

MA Okay.

JM ...final confirmation.

MA Okay is there anything else at all that we should know that you want to tell us that you want on the record about any of this?

JM Not, no not really as far as any of that so.

DW I guess, I guess I stepped out for just a second so I don't know exactly, I missed a couple minutes there but um did and Mike mighta asked you this already but did ah did you talk to any other officers about this once this thing came up and, and it came on U-tube and you guys knew kinda what was happening here um have you talked to any other officers that were in your program about this thing?

JM Ah just about the video.

DW Okay.

JM Not really, once it came out and there was all this going on I thought I, I don't want to be...

DW Um-hm.

JM ...any part of it as unfortunately I am here but no I, didn't ask any questions, don't,

DW Did you talk to your partner at all?

JM I, he talked to me and said the video came out yeah.

DW Okay.

JM He told me and I thought oh, and we were kinda laughing about it cuz you know we knew that we weren't a part of it so

DW Okay.

JM Yeah

DW Okay.

JM Not like laughing, laughing but ah we kinda saw it coming when we saw those guys we knew there was gonna be something recorded so, or saw that guy in there.

MA Um-hm.

JM That's exactly why I didn't go down and deal with protesters.

MA And nobody ever told ya I maybe asked you this too I forgot but nobody ever told you to, to go down and target the protesters in any way or...

JM No I...

MA ...anything like that?

JM ...I actually yeah I, I actually told him we weren't going down there so

MA Okay

JM If anybody did say anything which I don't think, no I think the majority of the people thought that we just didn't want to deal with protester type people so

MA Sure.

JM You want to find people that are, willing to go with you and kinda help ya out a little bit so.

MA Sure. Okay.

DW Okay um I don't have anything else.

MA I don't have anything else either unless you have something else you want to add or any questions Josh.

JM No that pretty well,

MA Okay.

JM ...covers it.

MA The time now is um 10:51 we'll go ahead and stop.

RECORDING ENDS.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1246 University Avenue, St. Paul, Minnesota 55104-4197

Phone: 651.642.0610 FAX: 651.642.0618 TTY: 651.282.6555

Internet: <http://www.dps.state.mn.us/bca>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

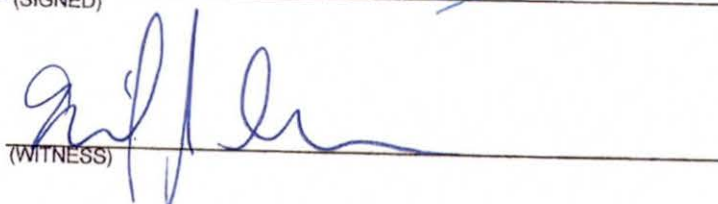
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


(SIGNED)

05/31/12
(DATE)


(WITNESS)

05/31/12
(DATE)

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 31, 2012	BCA CASE	2012-429
OFFENSE:	Conflict Investigation	EXHIBIT #:	2012-429/28.1
INTERVIEW OF:	Dustin Roemeling (DR)	INTERVIEWED BY:	SA Mike Anderson (MA) SA Derek Woodford (DW)
REVIEWED BY:			

MA Today's date is May 31, 2012, the time now is approximately 11:01 AM. This is Special Agent Mike Anderson of the Minnesota BCA. Also present with me is Special Agent Derek Woodford of the Minnesota BCA. We are currently at the Prairie Justice Center in Worthington, Minnesota conducting an investigation related to the ah, allegations related to the Drug Recognition Evaluation program and we are currently here with is it Dustin?

DR Yes.

MA Is that your full first name?

DR Yes.

MA D-U-S-T-I-N?

DR Correct.

MA And how about a middle name?

DR L-E-E.

MA And your last name?

DR R-O-E-M-E-L-I-N-G.

MA Okay and your date of birth?

DR 9-11-87.

MA Um, and the address here is it 1530?

DR Correct.

MA Airport Road?

DR Yep.

MA Worthington. And the ZIP here?

DR 56187.

MA And how about a phone number for ya at work?

DR 507-372-2136.

MA Alright and Dustin you work for—

DR Nobles County Sheriff's Department.

MA Nobles County SO? How long have you worked there?

DR Um, just the past two years now.

MA Two years?

DR I was with the Worthington Police Department before that.

MA Okay for how many years?

DR Year-and-a-half.

MA Okay. Alright um, like I mentioned before I turned on the tape I'm gonna read ya a criminal investigation warning um, and I'll letcha take a look at it here as well. But it says you are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in the criminal proceeding. It should therefore be clarified that any statements that you give to BCA agents as far as this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should not answer question—or must or should answer questioning by BCA agents as part of an internal investigation, you should disregard that representation. So what it's saying is is that your bosses have told you and your supervisor and employer has told you that you have to talk to us that's wrong. You don't have to okay? Is that clear?

DR Yes.

MA Okay. This statement is given by me voluntarily and I'm not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with me or my employer or any other individual. No consideration of reward has been promised me in an exchange for my agreement to make a statement. If that's correct if you'd just go ahead and sign and date.

DW Dustin while you're signing that um, I just want to (inaudible) before Mike gets started. We had had discussions on the phone and the initial discussion was that you weren't gonna give a statement.

DR Yep.

DW Um, so you're here now though and I didn't force you or Mike didn't force you to be here.

DR No.

DW Did you have a change of heart on that and can you just explain what happened on that?

DR Um, basically I called um, the Legal Defense Fund initially and they just set me up with an attorney off the bat. His idea was to get everybody just to be quiet and not say a word. Um, told me just to not talk. Well obviously that didn't happen you know and I hear people are talkin' and I didn't want to be one of the ones that didn't talk and make myself look you know guilty or suspicious so I just decided to talk.

DW Okay.

DR And then I also found out I'm not part of the Legal Defense Fund because when I switched over from the police department to the sheriff's department they never told me I had to re-sign up for the LDF.

DW Oh okay.

DR Yeah so.

DW But so you're fine giving a voluntary statement even though what he had initially told you.

DR Yep.

DW You felt that you'd rather talk to us is that right?

DR Yep.

DW Okay.

MA Okay well let's get started with the—just a couple things. In the beginning you said you've been at Nobles County two years, you were at Worthington a year-and-a-half before that. Have you worked any other places?

DR Ah, I worked for Rochester Police Department as a Community Service Officer.

MA Sure.

DR Just a few months before I was offered a full time spot so and also as a reserve here.

MA Okay. And so you worked patrol for the SO?

DR Yes.

MA Ah, rotating shift type of thing?

DR Ah, it's all 6pm to 3am shift.

MA Okay. That's not a bad shift.

DR I like it.

MA Um, let's talk about the DRE program.

DR Okay.

MA Tell us a little bit about that, you signed up for it or were selected to go to it this spring. Um, tell us about kind of how that worked. The classroom and the field stuff and what went on there.

DR Um, basically I think it was nine days of classroom and you know intensive classroom training, where you learn all about drugs and stuff like that. Ah, then after you take test and (inaudible) take a final test and if you pass that then you go out on the road, try to find people who are impaired um, by drugs, not alcohol. They can't be I think it was over an 06 or an 08, I'm not sure um, but (inaudible) influence (inaudible) you take 'em in, do a 12 step DRE evaluation on 'em and we bring 'em back.

MA Okay um, when you go out into the field did the field (inaudible) of the classroom you're partnered up with somebody?

DR Yes.

MA And you maintain that partner throughout the field portion?

DR Yes.

MA Who were you partnered up with?

DR Ah, Theresa Bremer with the State Patrol.

MA Okay. Um, and is it typical that they partner outstate people up with somebody that's got some knowledge of the metro area?

DR Yeah.

MA Kinda knows their way around?

DR (inaudible) lost.

MA Yeah okay so you and Theresa are partnered up and you're gonna go out into the field, take interviews and is it correct from what we've been told and what I'm aware of the program is that you try to find people to get them to voluntarily come in with you to do the test.

DR Mm-hm.

MA And it's okay to motivate them or to get them food—

DR Yep.

MA Cigarettes, small amounts of money.

DR Yep.

MA If you so choose, out of your own pocket right?

DR Yes it's all out our own pocket.

MA Right?

DR Yeah.

MA If that's what it takes to help encourage them if you want to.

DR Yep.

MA But it's not required to do that.

DR No it's not.

MA It's up to you if you wanna, wanna buy him a hamburger or something like that.

DR Yep.

MA Okay. Um, so you and Theresa start going out, did you start going out right away on the first night of field stuff?

DR Yes.

MA And what time did you guys typically go out at night?

DR Ah, I forget. We switched ah, at first we started out goin' like later at night. I want to say it was like 6:00 is when we first started our shift and worked 'til 2, 3, 4, depending on when it slowed down. And then maybe a week into it we switched to a

different time trying to get more people 'cuz we weren't havin' luck you know at that 11, 12, 1:00AM you know stage because people are gettin' junk by then.

MA Okay.

DR Um, I think we started our days 2 or 3, I don't remember anymore. I think we started at like early afternoon and stuff and then worked until about midnight or so.

MA Okay. Were you and your partner, were you able to find some people and bring 'em in for evals?

DR Yes.

MA Okay how many people would you say you found and brought in —and brought in for evals?

DR Don't know. We had a few legals we didn't bring in and we also (inaudible) that were already at the station.

DW A few what did you say?

DR Legals, legal evaluations.

DW Oh okay.

DR So—

DW So somebody who's actually been detained.

DR Been stopped and arrested or something like that yep. Um, I don't know, maybe four. Four or five.

MA Okay.

DR Four or five, maybe six, I don't know.

MA That you brought in.

DR Yeah.

MA Of those that you brought in um, I guess kind of why we're here you're aware of the video that's been out there on YouTube and the news right? You know some of the allegations that have been made, you're aware of that right?

DR Yep.

MA Um, of the people that you brought in were any of the people that you brought in on that video?

DR Um, no not that we brought in.

MA Okay.

DR I remember seeing a couple of 'em at the station but I didn't bring anybody in off that video.

MA Okay. When you—of the people that you and Theresa brought in were any of them—did you find any of them in the area of the protesters? Were they part of that group?

DR One time um, we were drivin' down and I don't know the streets down there, I think it was by the Peavey Plaza where they were um, we had people run up to our squad car and say hey we're high, we want to go.

MA Okay.

DR They had heard about our program so we just opened the door, put 'em in the back seat and then um, we just drove, 'cuz there's a lot of people around, we just quick drove around two blocks down, stopped and PBT'd 'em all just to make sure they were all good and that was it.

MA Okay.

DR That was the only time we picked up anybody um, you know associated with (inaudible) I believe.

MA Okay so those people you said there was a couple people that came up?

DR There was three that hopped in the car and there was more people around there that wanted to go but we didn't have room you know, there's two in the front seat already and—

MA Okay so the three that you took in the car—you took three back then?

DR Yep.

MA Was it males, females?

DR It was two males and one female but we didn't end up takin' one of the males 'cuz he was intoxicated.

MA Okay so you PBT 'em, if he's intoxicated he's eliminated, you left him there.

DR Yep.

MA You take one male and one female?

DR Yes I believe so.

MA Okay um, you and Theresa, did you take 'em back to the airport?

DR Yeah, Richfield DOT.

MA DOT by the airport. Um, so you take 'em back. Did you end up buying 'em any food or anything like that?

DR I don't remember. I don't think that we, I don't know, we might have transported 'em back, if we did we might have gave 'em a hamburger, but I don't know, it's all a blur you know as far as who we gave you know a hamburger to and who we didn't.

MA Okay um, of those—of those—this male and this female can you describe them to me?

DR No. They were early 20's probly I guess and the female's kinda heavier set. And the male I really don't remember.

MA Okay. Um—

DR Their weight.

MA And they had actually approached you guys?

DR Yeah. They ran up squad car.

MA And told you that they were high.

DR Yeah.

MA Did they tell you what they were high on?

DR Ah, weed.

MA High on weed?

DR Yep.

MA Okay ah, did you pat 'em down?

DR Um, no I don't think so.

MA Didn't search 'em or anything like that? Um, so you didn't find any drugs on their person?

DR No.

MA Anything like that.

DR No and I don't know if they had a bag or not but if they did have bags we would throw 'em in the trunk usually just in case they would have anything on 'em you know.

MA Okay and by bag you mean like a duffle bag or backpack, anything like that you'd put it in the trunk for safety?

DR Mm-hm.

MA Okay um, of those two people you know we're talkin' about that you picked up in your PB then um, did you—you said you don't remember you said you might have bought 'em a hamburger or something like that. Um, did you provide them any narcotics?

DR No.

MA Did you provide 'em any marijuana?

DR No.

MA Any other drugs, anything like that?

DR Nope.

MA Okay. So they told you they were high.

DR Yes.

MA But you didn't actually see 'em in possession of any drugs.

DR Nope.

MA And you didn't give 'em any drugs.

DR Correct.

MA And you take 'em back and you run 'em through the eval program right?

DR Yes.

MA Did they turn out to be—did it fit that they were stoned on marijuana, did it really fit the eval or –

DR They didn't—they weren't showin' very good clinical signs.

MA Okay.

DR You know it was, I mean you know they might have had a couple indicators but it wasn't (inaudible)

MA Okay.

DR They were you know probably borderline if they were high at all so they weren't showing much at all.

MA So they were in control of their faculties for the most part?

DR Definitely. Yeah they weren't out of it by any means and—

MA Okay and after you eval'd them did you and Theresa take them back to that same area or?

DR I don't remember if we did or not.

MA Or somebody else did?

DR Yeah.

MA Would it be possible if they were eval'd then by other people?

DR Possibly.

MA Okay so that takes care of those two. You didn't see any drugs on 'em, didn't give 'em any drugs. Of the other people that you actually transported and brought in ah do you recall any of them specifically um, you said they weren't picked up by PD squads or wherever and they weren't part of the protests or anything?

DR I don't remember who we all picked up or where they were.

MA Okay.

DR We had a few legals and stuff. I'm not familiar with the area at all so.

MA Did you—of those people though do you remember buying 'em any food or cigs or—

DR We did—I know for sure one guy that um, he was on antidepressants, some other group brought 'em in and then we did like the second or third eval on 'em. We brought 'em back and I know that we bought him ah, a Happy Meal—well not a Happy Meal but a Value Meal at (inaudible).

MA Okay.

DR Besides that I don't remember.

MA Okay. Of those people that you brought in um, did you see any of them have any drugs on their person in possession; you patted 'em down or anything like that—

DR No.

MA --did any of 'em turn any drugs over or did you find 'em in possession of any drugs?

DR No.

MA Did you give any of those people any drugs?

DR No I did not give any drugs.

MA Okay and your partner didn't give any of those people any drugs?

DR No she didn't.

MA Okay. Um, so probably about a half a dozen people that you brought in for evals, the other evals that you did were they people that other people had already brought in?

DR Yes or legal evals.

MA Or legal ones. So you still got to your fifteen?

DR Um, yeah, we got fifteen. Um—

MA So some of them were legals that other departments or officers had arrested?

DR Yep.

MA Detained at least for some legal purpose.

DR Yep.

MA And then you had some that were brought to the station by other people in the program would that be correct?

DR Yes. And just to clarify speaking, one guy did have drugs on 'em, he was a legal you know so we collected the ah, the weed as evidence.

MA Okay.

DR And then secured it in an evidence bag and then um, Theresa it was her call, she placed it in an evidence locker.

MA Okay.

DR Yeah, secured it that way.

MA Okay.

DR And you know we didn't give him the drugs by any means to smoke, we collected it as evidence.

MA Okay and on that guy then on that legal do you remember who had initially detained him or how you guys got that call or came in contact with him?

DR That was—we saw the guy slumped over on the side of the road um, behind the steering wheel so we turned around the vehicle. Because we initially thought that he was in the middle of the traffic lane but it turns out I think it was a parking lane or something. But we just still wanted to check on him and make sure he was alright. You know, turns out he had the key, he said he was under the influence of you know other drugs and um, so we hooked 'em up and then um, searched his vehicle and then found the drugs.

MA Okay and that was (inaudible) of marijuana?

DR Yes.

MA And did—he was arrested then?

DR Mm-hm.

MA And who arrested him?

DR Um, Theresa was the one that arrested him.

MA She was the arresting officer and so she booked and processed him and—

DR Yes.

MA Did all that stuff.

DR And then I was the one that did the eval on him.

MA And then you did the—you did the eval on 'em?

DR Yeah.

MA Okay um and he was drunk or high or both?

DR Um, he was under the influence, I forget what we called it, I think it was narcotics and—I think it was narcotics and cannabis.

MA Okay.

DR I think that was it, I'm pretty sure he (inaudible) and stuff like that.

MA Okay and his car I assumed was like impounded and stuff and—

DR Yeah it was totally and I don't know what the policy is for State Patrol and all that stuff but I remember a tow truck comin' up.

MA Yep. So basically that guy was treated just like any other person would be treated ah, stopped, arrested, DUI, whatever, with the only—the only difference is that you did the—did the DRE eval on 'em but he was processed, arrested, charged and—

DR Yep.

MA There's no doubts there reports that document all that.

DR Yeah I wrote the supplemental and she wrote the primary yeah.

MA Okay and she collected the marijuana as evidence and detained it as evidence?

DR Yeah, I'm the actual one that found it during the search and stuff.

MA Okay.

DR And handed it off to her but yeah she's the one that actually you know took control of it and stuff.

MA Okay um, so, at any times did you see any other people other than this arrest one did you see any other people, none of them had any drugs on them that you came in contact with?

DR Um, I don't want to answer that.

MA Okay ah, did you give any drugs to anybody at all?

DR No I did not give anybody drugs.

MA And did you see your partner Theresa give anybody drugs all throughout this program?

DR No, she did not give any drugs, not at all.

MA Okay um, I guess—I'm not sure why you didn't want to answer that, I'm a little confused so um, did you see anybody else give anybody drugs?

DR No I did not see anybody give out any drugs.

MA Any officers in the program whatsoever or anything like that?

DR No.

MA Mm-k.

DR Nope, nobody gave out drugs that I saw.

MA Okay. Did you see anybody give anybody alcohol as a motivator?

DR Nope not that I saw.

MA They didn't want a Happy Meal, or they didn't want Value Meal, they wanted a six pack, did you hear that?

DR Never heard that.

MA Okay. Um, as far as the ah, the ah, instruction went on this were you given instruction on what to do if you did come across somebody that was in possession of drugs?

DR Instruction for it?

MA Yeah.

DR Well I heard in the past and I don't know if we were specifically instructor by the instructor but I heard in the past from DRE's current and past that you know it's been routine that you know if you find drugs on person that you know you can give 'em the option—we give 'em the option of you know gettin' a citation, going to jail for it or you know goin' with us and doin' the eval.

MA Mm-hm.

DR You know I've heard of that being done.

MA In lieu of you know if they cooperate and do the eval then maybe they get out of the ticket and don't get tagged for the possession of marijuana somethin' to that affect.

DR Yep. And that's all you know that they're not forcin' them to do it by any means, it's all voluntary.

MA Sure um, but that didn't happen to you and your partner in this circumstance at all. I mean the only guy that had marijuana was the guy that got arrested and so he wasn't given a deal.

DR Yeah he's the only one that had marijuana on him.

MA Okay and you said you didn't have anybody else that had any drugs on 'em.

DR Um, no (inaudible)

DW And that's what I need clarification on. When you're saying um, question was um, no other drugs on 'em, are you referring to ah, when you're saying no comment is that—are we talking about a subject here on the street or about an officer?

DR A subject on the street. No officers.

DW Okay. So we're talking—

DR No officers had drugs is what I'm saying.

DW Okay but so the comment then is about—you don't want to answer is about a subject on the street is that right?

DR Yes.

DW Okay.

MA So you didn't never see any cops giving anybody any drugs.

DW Nope.

MA Didn't ever see any cops with any drugs that they were going to give to some subjects or any cops or say to you hey I've got some drugs here in case we can't find anybody I'll just give 'em it.

DR No I never heard that.

MA Never saw or heard anything to that nature, anything like that.

DR No.

MA I mean 'cuz you understand that's what we're here for, that's what the allegations are. You've seen the video I assume.

DR Oh yeah. Yeah.

MA Okay, it was on the news, that type of stuff. Um, do you recognize any of the people in the video? Did you have contact with any of those folks?

DR Yeah they explain to ya, I mean I think I recognized a couple of 'em.

MA Okay.

DR From the Richfield DOT but I didn't pick up any.

MA But you didn't pick any of 'em up but you saw 'em at the DOT building?

DR Yeah I think.

MA Do you remember which guys? Describe 'em at all?

DR The afro guy.

MA Okay.

DR I don't know his name.

MA Okay.

DR Um, I want to say there was one other person. He was bald you know like ah, lower 20's, bald head, I thought, I know I saw him at the Richfield DOT and I thought I saw him on the video.

DW Was he kind of a heavier set in the face?

DR No he was—he was a skinnier guy.

DW Oh okay I was just thinking of one of the other.

DR Um, I know the lead guy on that video, the heavier set—(inaudible) him there.

DW Oh okay.

DR Um, there was a—I don't want to like sound rude or anything but there was a guy that we couldn't or I couldn't really tell if it was a guy or girl and um, I'm pretty sure I saw that person at the Richfield DOT, I think they were on the video too.

MA Okay. Did you eval those people? Do you remember?

DR Not the afro guy. The guy that I'm thinking of with the—the shaved head, like no hair, skinnier white guy, I did eval him and I don't remember if I eevald this person.

MA Okay. And when you evaled 'em somebody else already brought 'em there.

DR Yes.

MA And did you take 'em back downtown or drop 'em off or anything do you know?

DR Um, I don't remember to be honest.

MA Okay.

DR I know I didn't ah, didn't take the guy with the afro. I don't know to be honest, I can't remember.

MA Okay did that guy that I'm referring to is the guy—one of the protesters maybe you recognize from the video—did he tell you or make any allegations to you about anybody giving him drugs or letting him use drugs?

DR No.

MA Or anything like that, he make any comments or mention that at all?

DR Not that I've heard.

MA Okay. Anybody else make any comments like that to you that hey somebody gave me drugs or—

DR Nope.

MA Provided me drugs, anything like that?

DR Nope.

MA And even the people that approached you down there, I mean they came up to you, they didn't say hey the last guys gave us drugs or will you give us drugs, anything like that?

DR No, no I didn't have anybody ask me for drugs.

MA Okay. Or suggest that anybody'd given 'em drugs?

DR No not that I heard.

MA Okay um, is there anything that you were—I guess let me rephrase this. You know, do you think it would be appropriate to give somebody drugs to do that? To actually give them drugs?

DR No. (inaudible)

MA Okay was it ever implied in the program that that would be appropriate or that you should do that if you needed to get somebody high?

DR (inaudible)

MA Was it (inaudible) specific said not to do that or—

DR Yes it was specifically said by our instructor, our lead instructor you know Rick Munoz not to give out drugs.

MA Okay so it was kinda laid out—this is what's—would be considered acceptable, buy 'em a hamburger, buy 'em a pop you know, cigarettes, those things. Would not be acceptable to give them drugs to get them high. Did he ever clarify or was there a clarification as to what you should do or was it left to your own judgment if you found somebody in possession of drugs to let them use them or not or—

DR I don't remember you know Rick specifically bringing that up.

MA Okay.

DR Not that I recall.

MA Okay. Okay. Have you talked to other cops obviously since this blew up that are involved in the program?

DR Um, you know before the official investigation started yeah.

MA Okay. Did you talk to Theresa, your partner?

DR Um, yeah I talked to her, I just asked her, you talk to the BCA or if the BCA had contacted her about talkin' yet.

MA Uh-huh.

DR She said yes and that was it.

MA Okay. Um, did you guys—did you have any concerns about any of the investigation based on anything you were involved with in this matter or anything you saw, anything like that?

DR Nope.

MA Okay. Derek you have some?

DW Just a couple things from earlier in the interview. You talked about that guy and the girl that ran up to the car and wanted to get in with you guys. Did they request anything from you guys, why, do you know why they ran up to you? Were they—

DR I-I don't think they request anything. From what it seemed like to me they thought this whole thing was cool. That they could go and (inaudible) a bunch of cops, do all their tests and then come back.

DW So they were bored, this give us something to do.

DR Yeah (inaudible)

DW So they didn't say hey we're hungry, we'll come with, get us something to eat or—

DR No.

DW Because I'm sure some people come out of there and say hey they got me a meal or they gave me ten bucks or you know.

DR Yeah.

DW Whatever but they didn't request anything.

DR Not that I remember.

DW Okay.

DR They just seemed like they were kind of just up for doin' it.

DW Bored okay.

DR Yeah.

DW Um, and maybe I was writing some stuff down when Mike was askin' ya. Now did you ever see any other officers ah, give anybody any drugs or let them use what they had on them? Did you see any of that at all?

DR Never saw any of that.

DW Okay did you ever see a black box, possibly with some red tape on it ah, looked like maybe-maybe it could have been evidence tape that an officer maybe had ah, in possession during this program?

DR Mm-mm. (negative)

DW Nothing like that?

DR Nope I never saw a black box at all.

DW Okay. Um, oh, ah, the other thing is Dustin during—during this whole field program was there anything ever during this time that you were out in the field um, did you ever feel uncomfortable with anything that maybe you were asked to do or um, thought you might have to do to get this program done? Do you ever feel uncomfortable about anything?

DR No.

DW Uneasy?

DR No.

DW Okay.

MA And I know you've been asked if you saw officers or (inaudible) use drugs and you clearly said you didn't. Are you aware of officers doing that?

DR No.

MA I mean that's the allegation in (inaudible) kinda here.

DR I'm aware that the allegations are out there but—

MA Right but I mean you're not aware of being told by officer hey I gave this guy some weed or I gave this guy some crack. No officer said that to you.

DR I never (inaudible)

MA No officer said my partner gave this guy some weed.

DR No.

MA Nothing like that, you're not aware of that?

DR Nope. Not at all.

MA Okay ah, I mean I don't—and I don't want ta—I don't want to push because again this is a voluntary statement. You're not under arrest but I just want to be clear on what it is the question you don't want to answer. And that is the question of did you see anybody in possession of drugs. And we're talking about a subject, not an officer there. So you never saw any officers.

DR I never saw any (inaudible)

MA Other than Theresa (inaudible) some drugs that you gave to her when it was evidence but still but I mean as far as possessing any drugs that like you never saw any officers—and you don't want to answer whether or not you saw a subject. With any drugs.

DR Yes.

MA Okay. Can I ask why?

DR No.

MA Well I can ask, you don't have to answer but ah, it just you know it again if somebody had then I'm just gonna explain somethin' here. If somebody had some drugs and they weren't arrested because they chose to cooperate or whatever because the officer said I'm choosing to give them a pass on this just like I'm choosing to give somebody a warning or a pass on a speeding ticket that's not, that's fine I mean it's—and I worked narcotics for many years, years ago and we caught people in possession of drugs all the time and a lot of times we never charged 'em. We said you know give us some info on who your source is, whatever it may be. I mean that's not—that's not a crime you know what I mean so—

DR Yeah.

MA I'm a little, I'm just a little confused as to why you're reluctant to answer that.

DR No, just don't want to.

MA Okay. Um, you're not worried about getting yourself into trouble?

DR No.

MA Because clearly by the answers you've given you didn't do anything. So it's not that. Are you worried about getting another officer in trouble in this interview? Is that-

DR I don't want to get anybody in trouble.

MA Okay. Okay.

DW Okay.

MA Is there anything else you want us to know for the record?

DR Nope, I think we covered it.

MA Okay so um, as far as the stuff goes you've kind of explained the contact with any of those people and the people you picked up and kind of what went down with you and your partners and how you handled things and—

DR Yeah and I guess that I can't remember who we all gave out. I remember givin' a couple bucks out here and there and I remember giving out or buying a (inaudible) value meal and if not another meal but besides that that's all I gave out so—

MA Okay.

DW Okay.

MA I don't have anything else then and ah, if you don't have anything else to add the time now is 11:29 approximately and we'll go ahead and stop.

End of statement.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1246 University Avenue, St. Paul, Minnesota 55104-4197
Phone: 651.642.0610 FAX: 651.642.0618 TTY: 651.282.6555
Internet: <http://www.dps.state.mn.us/bca>

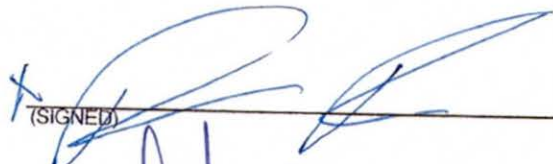
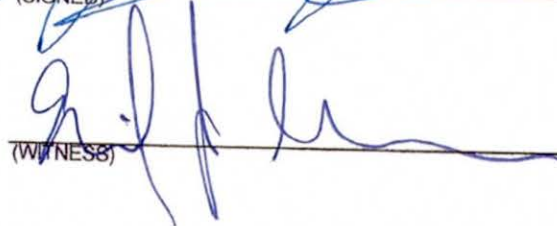
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


(SIGNED)

(WITNESS)

05-31-12
(DATE)

05-31-12
(DATE)

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM Today is 5/30/2012. Time is ah 9:54 a.m., 9:54. Ah, Museus and Rogers with Derek ah Schneider. Derek is a Trooper in the 3200 District um, what's your badge number Derek?

DS 530.

CM Badge 530 and we are um, at the DO Office here in Thief River Falls, um, talking with Derek regarding the ah, DRE training that he attended back in ah was it April?

DS That's correct.

CM Okay. Um, Derek, you've had a chance to read the criminal investigation warning that I've provided you and you've signed that and dated it 5/30/2012. Do you have any questions about the criminal investigation warning at this point?

DS I do not.

CM Okay and-and we've just met with you briefly off tape, ah, you've-you've ah, brought us to ah interview or a conference room here at the District Office and ah I've told you that um, this is a criminal inves-ah criminal investigation, which means that um, you have every right afforded to you just like any other citizen would, um, that you would deal with in your daily duties, you know, um, this is not a custodial interview, but it's the same Miranda Rights as if-if you would and I don't know how to equate it any better than that.

DS Um hmm. (POSITIVE RESPONSE)

CM Um, um and ah, w-we have been asked to talk to every ah participant in the-in the DRE ah training that um, has come under some scrutiny and ah, which has led us to talk to you and we have arranged to meet with you today, um, but just wanna make sure that you are not compelled to talk to us in any way, um, this is only the first part of a long process here. Down the road if-if your bosses compel you to talk and read ya a Garrity Warning, that's completely different than what we're doing here. Does that make sense to you?

DS Yes, it does.

CM Okay and ah, um, is it all right if we talk for a little bit?

DS Yes, it is.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM Okay. If there's any questions that you don't feel comfortable asking, that's okay, you're not gonna hurt our feelings, um, we're here to make sure that ah, we get ah, a story from you if you're, if you're able to provide it, um, but at the same time, we wanna make sure that we respect your rights as a, as a citizen, um, in addition to being a Trooper. Derek, how long have you been a Trooper with the ah State Patrol?

DS Ah, it's been ah one year and three or four months.

CM Okay, when did you start?

DS Ah, February of 2011.

CM February of '11?

DS Yeah.

CM Have you been assigned to the Thief River ah District that entire time?

DS No, I haven't. I've been assigned up here for approximately one year now.

CM Where did you start?

DS Ah, just the academy.

CM Okay.

DS Academy was ah, twelve weeks at Ripley and then five post academy weeks, so, started up here middle no, early June 2011.

CM All right and did you attend a, a drug recognition, is it evaluator or e-...

DS ...drug recognition of value, valuator is what they're saying now.

CM Okay and ah you attended that training when?

DS Ah, April 1st through our last day was May 3rd, I believe.

CM And that was ah, that entire time or did i-was it a week here and then a week off, then a week back or how'd that work?

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

DS It was, it was full-time training, um, er two weeks of classroom training and then two and a half weeks of certifications.

CM And have you seen the news and been briefed on the allegations that have been made against law enforcement officers?

DS Ah, yes, I have.

CM Okay and what is your understanding of that?

DS Ah, my understanding is active investigation from a BCA onto the allegations that officers were supplying ah drugs at-at this training, um, other than that, I guess, I don't think there's an internal investigation started at this point, but.

CM And, and ah, you understand that this is ah, a criminal investigation on our behalf.

DS Yes, I do.

CM Okay. Um, in the ah, in regards to that, the-the allegations are that-that at least one law enforcement officer did provide drugs, illegal drugs to a citizen, um, do you have any direct knowledge of that?

DS I do not.

CM Did you see anything like that happen?

DS I did not.

CM Did you hear of anything, ah, from other cops, troopers, or other citizens regarding that allegation, um...

DS ...yes, I have.

CM Tell me about that.

DS Ah, well, the youtube video, I watched that and it was made, um, while I was in the, while I was in the class, as a large group, you could hear people talking about um that that was, that was going on, um, as far as specific people, names that, I didn't hear any certain people's name and we were in a large group, um, my partner and I would come back, we'd type our reports, ah, we could hear that some of this was going on, um, but I

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

don't, I don't recall anybody's name exactly that's, that I can say a hundred percent sure they were distributing any kind of drugs.

CM When you say this was going on...tell me kinda specifically what that means.

DS Um, that people were providing the drugs, um, and at one point in the class, there was a, there was a complaint made earlier on towards Nick Otterson. I remember ah Rick Munoz coming back an-and telling us that there was a complaint made, um, and I, I believe the citizen in that case was, complained that he was, he was trying to get him to smoke drugs, ah, smoke marijuana, um, so in that case I, I don't know if he was passing it out or just had him smoking his own or what, but.

CM And-and who is Nick?

DS He's a State Trooper.

CM Okay, do you where he works?

DS Ah, the 4550 beat, I believe.

CM Okay.

DS Minneapolis.

CM Um, when you, when you said yo-you heard stuff was going on, w-were these citizens talking or were these other cops talking about other stuff going on?

DS I do recall there was talk about ah Pete's box is getting low or something and I assume that was the box of marijuana or something like that, um, I really wasn't paying a lot of attention to it, I don't, I don't recall if Pete said it himself or somebody else was saying that.

CM And who's Pete?

DS He was ah, Farmington officer.

CM Okay. Um and you just assumed that that was a box of drugs, marijuana, something?

DS Yeah, that's what I assumed.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM Okay.

DS Marijuana.

CM Um, as you're going through this eh, what were your expectations, what was the culture, what was the um, the overall sense of how this all goes down?

DS Ah, really, it was, there was such little direction in this, ah in how we should be doing these certifications, as far as when we brought em back, ah, it was-it was standard, ah eval that we all completed. As far as out picking up people, there was very little um direction in how you should be doing that, um, so really I, it seemed like e-I guess people, people were doing different ways of bringing people back and how they were doing that, but really I was, it was my partner and I, we spent majority of our time out on our own, picking up our own subjects to bring back, um, so I really, I never was with anyone other than my partner, Mark, when we were out ah picking up subjects, so I didn't see how other groups were doing it.

CM And who-who is Mark?

DS Mark ah Suki, he's a Ramsey County deputy, um, we were, everyone was-was given a partner, um...

CM ...and who arranged those partners?

DS Rick or the instructors.

CM Okay and Rick is kinda the head instructor there?

DS He's the state DRE coordinator.

CM Um and what was your own way of doing it? How'd you do it?

DS Ah, early on we were out of the Fifth Precinct in Minneapolis is where we're bringing back our participants to. We drove around, um, and you'd talk to, talk to as many people as you could to see if they've used recently and if they had, um, asked if they'd come do the eval and it was difficult to find somebody that was under the influence, they hadn't used, you know, two hours ago and so their signs weren't, weren't that well, so you ended up talking to a lot of people, um, the first good two weeks, that's how we picked up people ah, just by driving around, interacting with people. Mark, I believe he had worked for Ramsey County or has for fifteen, approximately fifteen years, um, so he had past informants that he worked with and he had partners that had informants so that

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

informants volunteered if they were high on meth or ah the meth was the main one we used there, um, they called us so we could go pick them up to do the eval on them. Um, towards the end, our, I remember three instances where the first um, I would ma-we moved from the Fifth Precinct to Richfield DOT shop is where we were bringing evals to. I met Mark at the DOT shop and he ah, he brought a couple people that he had, he knew, um, I don't think they were really friends, but just acquaint-acquaintances, ah, he brought them, they volunteered to come test, ah, so they smoked the marijuana at-in the parking lot, um, so I was present for that. Um, the next time, Mark and I were driving around, um, he, he overheard some Ramsey County radio traffic that they'd picked up, picked up a guy um, on a warrant and he had ah some marijuana in his possession. He was smoking while he was driving also, um, so we met him. They ah, Mark talked with him, the guy agreed to come do our eval instead of going in on the warrant, so he came, did our eval, he came, we brought him back to the parking lot and he smoked a little bit more right there in the parking lot, um, did the eval with him, um, another group wanted to do another eval on him, so we brought him back out, um, and we were gonna and at that point, Rick, Rick Munoz told, Mark came back out and said ah Rick, Rick doesn't want people having us let em smoke in the parking lot anymore, so he wanted, if we're gonna do that we gotta do that elsewhere is what Mark said that Rick had just told him. Okay, so we brought the guy back, our plan was to take him somewhere else and allow him to smoke again, ah, there was another group out in the parking lot that had another guy that wanted to do, our eval, so we allowed him to come with this guy that had the ah, had the marijuana, had the joint, brought them ah, I don't know, half mile away. There was an old building there so we allowed them to-to smoke there.

CM They would just go and smoke in the building and come back out?

DS No, just have em, they'd jump outside the car and smoke like kinda up against the building.

CM Okay.

DS Um, brought those two guys back, did evals on them, um, and then just gave em rides home. So those were, those were the three instances towards the end where um, I did, I was in the presence of people smoking marijuana.

CM And what kinda direction did ya get from the-the coordinators and from the-the instructors on that? Is that something that, um, is-is necessary to do in order to, you know, be able to control the environment a little bit better, to know exactly what they're using? Um, are you giving people immunity for ha-being in possession of that ah, you know, whether it's smoke dope or-or meth or otherwise?

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

DS Okay, the ah, Mark and I had a lot of debates on this early on when we're driving around in the car the first two weeks when all we were doing was picking people up and cuz we-we'd hear back at the DOT shop, the other groups were having people smoke down at the gravel pit which is nearby and they were just thinking is this, you know, sho-is this part of the training, should this be happening? Um, and so we'd have debates on that most days. At one point I remember, I mean it was, everybody was talking about doing it every day, you could hear ah and Mark said oh, you know, you're just gonna have to, just gonna have to get over that that this part of it, you know, this is part of the training or whatever, um, and people are talking in the-in the ah, the big group at-at the shop, you know, with instructors around, with Rick around, I mean this is all they're talking about all this, so it just seems like, ah, it's an acceptable part of the training, at least, you know, the instructors weren't saying people shouldn't be doing this and um, I'm getting myself off track. I can kinda talk on and on it seems like.

CM Well, I, I guess the point is is that ah what I'm gathering from you is that they didn't exactly say it's okay to do this, but they didn't say it wasn't okay.

DS Okay.

CM Is that right?

DS Ah...

CM ...I don't wanna put words in your mouth.

DS That-that's correct, I did have um, towards the end, right at the time that's, same time that I was in the presence of these people smoking, um, Mark and I, we had Chinese for supper with one of the instructors and-and I brought up to her, I said, I don't know if I feel comfortable having them smoke in my presence as part of the training, ah, and she said I didn't, she said back, I don't know how many years ago she did certs. She said back when I did certifications, I was kinda unsure about that either, um, but she said I had, I asked somebody to smoke in front of me and he did and ah, she said I was happy I had that, had him do that because I got to see the immediate effects of the drug on him. I guess he called in, she said he called in a, a complaint or something and her Lieutenant called her and-and she said well, this is part of the training, um, so there, you know, I just felt more comfortable doing it after speaking with her and also with...

SOMEONE CLEARS THROAT

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

DS ...um, just the other instructors and Rick you know just accepting and they seemed to be accepting this as part of the training.

CM An-and of those three instances that you talked about, did you provide or did Mark provided marijuana to the subjects or did they have their own?

DS They all had their own ah, the first group when he arrived there...

DROID

DS ...he knew, he knew that they were ah marijuana users that's why he called them. They had, they had their own that's why he arranged that. Mark would say too, you know, we-I mean we're never gonna provide anybody with any, anything, um, the other one was with ah, the guy we met with the warrant, he had, it was his own marijuana also.

CM Did he eventually go to jail on that warrant or did ah as part of his, his ah work, ah, as-as being a test subject for you guys, did you um, did he just not go to jail on the warrant eventually?

DS Um, that, Mark, ah, we ended up just giving him a ride home, um, Mark had a talk with him to try to get in and...

CM ...take care of the warrant...

DS ...next fews days, I guess, it was a pretty small warrant...

CM ...okay...

DS ...driving after...

CM ...and...

DS ...suspension or something.

CM And that's been, that's been done in other circumstances with, you know, like moms with kids, um...

DS ...yeah...

CM ...you know.

DS Yeah.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM Have you...

DS ...and...

CM ...you've seen that?

MR So you're saying it was a misdemeanor warrant that this gentleman had?

DS It was a misdemeanor.

CM Okay.

MR The kinda thing that, would it be your experience in your duties that like there was a mother of several young children who had a misdemeanor warrant and no one to take care of the children, would officers ah, have you ever seen officers say, please, you get to go home now, but you need to take care of this warrant or we will arrest you later?

DS I've heard of that happening, ah, up here, I run into warrants very sparsely, maybe two a month, um, so I haven't had a situation myself or saw it.

CM All right. Um...

MR ...and can I ask something else?

CM Sure, go ahead.

MR Um, these individuals who had their own marijuana and you were in their presence when they smoked, what kind of quantity of marijuana did you observe them having?

DS The first, the first two was a guy and a gal that Mark um, brought in, um, there was acquaintances, um, I, I believe they just had a joint. I never saw any-anything else, ah, they just smoked briefly for a few minutes with a joint, there wasn't any pipes or anything. Ah, the other one that ah, the warrant one, there was a bag the officer had the marijuana in, ah, it-it didn't ah, I really didn't get a good look at it, I never held it, um, he, I know he, they smoked using a joint, um, but it was...

MR ...what...

DS ...I don't think it was very much...

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

MR ...in general, what size of bag was it, you know, sandwich baggy, gallon ziplock, ah, fifty-gallon garbage bag, you know...

DS ...yeah...

MR ...what?

DS I think it was just a standard evidence baggy, um, I don't know what size ah, maybe six inches by ten inches and...

CM ...and that wasn't full of marijuana?

DS No, no, it was, had his wallet in there, um, yeah, I didn't really get a good look at it, it was a wallet and then a small amount.

MR So if I'm understanding correctly, that was because he'd been initially picked up on a misdemeanor warrant, that was a bag full of all of this individual's personal property including a small amount of marijuana?

DS The only personal property I can recall is his wallet was in there, um, I don't think there was a lot, there wasn't a lot of other property items in there.

MR Okay, ah, would, is it your belief that it was a small amount of marijuana?

DS That would be my belief, yes.

MR Okay.

CM And not a felony amount?

DS No.

MR And that was going to be my next question, as a trained law enforcement officer, ah, tell me what the ah, amount and-and penalty is for small amount of marijuana in the State of Minnesota.

DS Now you're putting me on-back in classroom...

MR ...yes...

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

DS ...you're putting me on the spot, and you know, let me think...

CM ...would you write a citation for it?

DS Ah, citation, petty misdemeanor for a small amount, yeah.

MR Okay.

DS The numbers are-are, I'm blanking in my head right now (LAUGHS).

MR Would it, ah, I guess instead of numbers, when you encounter someone in a traffic stop or in other circumstances ah, what starts to queue you on a marijuana offense that it's gone beyond a small amount, ah, that you need to start looking at numbers? Ah, basically I'm asking you know, is it an amount of marijuana the size of a quarter or is it an amount of marijuana that starts to fill up a gallon bag or what queues you in that you need to perhaps weigh the marijuana, perhaps it may be more than a small amount?

DS Ah, I, well, I wanna say the difference between petty misdemeanor 1.4 grams in a motor vehicle, something like that, um, up-ups it to a misdemeanor then if it's over that in-in a motor vehicle.

INAUDIBLE TALKING

CM And th-they weren't in a motor vehicle...

MR ...(INAUDIBLE)...

CM ...they were in a squad car...

MR ...motor vehicle.

DS Ah, forty-three grams.

CM Yeah, you got it kid, you're fine.

MR Yep, which would be over, ah, well, it would be well over an ounce, almost two ounces correct?

DS Ah, it's, I can't-I don't know the equation I guess, the grams to ounces.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

MR Was there any doubt in your mind that ah, all you ever saw during these three instances ah you spoke about were small amounts of marijuana under Minnesota law?

DS That's correct.

CM Do you know a Karl Willers?

DS Yes, I do.

CM Okay and who is Karl Willers?

DS Ah, police officer for Hutchinson, ah, Hutchinson Police Department.

CM Are you aware that Karl Willers is ah, is who alleged to have provided drugs to at least one citizen during this class?

DS All I heard was a Hutchinson officer, there was two at the training, I wasn't aware which.

CM Um, did you observe Karl Willers in the training?

DS Yes, I did.

CM And did you ah, have an occasion to ever work with him out in the field?

DS No, I did not.

CM Okay. Did you ever observe ah him to be in possession of a black box or bag with drugs in it?

DS No, I did not.

CM Did you observe anyone to be in a possession of any drugs ah, any law enforcement officers in-in possession of drugs or you know, in a box or a bag?

DS No, I did not.

CM You talked earlier about Pete's box, um, did you ever see Pete's box first-hand?

DS No, I did not.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM And did convers-she-excuse me, the conversation that you overheard was that Pete's box was getting low?

DS That's correct.

CM And you assumed that that meant that Pete's box contained drugs?

DS That's correct.

CM Did you assume that at the time or did, is that something that kinda made sense after the allegations kinda surfaced?

DS I assumed that at the time.

CM And what was your thoughts when you-when you heard that?

DS Ah...

CM ...did it make you uncomfortable?

DS I guess I wouldn't say uncomfortable, um, I knew I, I felt safe myself because I didn't have anything to do with that, um, I didn't think it was my role to-to say anything or inquire about it when I mean this is being said in front of instructors and-and Rick ah, you know, I, I thought his, you know...

MR ...(CLEARS THROAT)...

DS ...it really wasn't my role to direct how the program was being run.

CM Did you work with anyone other than Mark on a day to day basis? Anybody else that ah was Mark sick or gone one day where you had a different partner other than Mark?

DS There was one day, yes.

CM Okay and who was that?

DS Chaska Officer Josh something. I forget his last name, it was just for three ho-three-four hours.

Statement of DEREK SCHNEIDER

May 30, 2012 – 9:54 a.m. – av

Transcription Date: May 30, 2012

Bureau Number: 2012-429

CM = Chad Museus, Special Agent/Minnesota Bureau of Criminal Apprehension

MR = Mark Rogers, Special Agent/Minnesota Bureau of Criminal Apprehension

DS = Derek Schneider, Trooper/Minnesota State Patrol, 3200 District

CM And during that time did you guys ah have an opportunity to find anyone who was impaired?

DS We attempted, but were unsuccessful.

CM All right. Did you have conversations with this ah Chaska officer named Josh about um, anything that he observed or had participated in?

DS No, I did not.

CM All right. Any time during your training, did you provide drugs to any citizen as part of your training?

DS No, I did not.

CM Did you provide drugs to any citizen outside of your training?

DS No, I did not.

CM All right. Anything else Mark?

MR Did you ever ah, possess drugs as part of this training?

DS No, I did not.

CM All right. That'll be it, conclusion of statement of Trooper Derek Schneider. Time is now 10:21 a.m.

TAPE ENDS

2012-429.S01

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Witness

Date

Date

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

7-7 L
Signature

6-6-2012
Date

L. Schreck
Witness

6-6-2012
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 6, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Deputy Troy Lake (TL) Attorney Kim Sobieck (KS)	INTERVIEWED BY:	SA Michael Phill (MP) SA Scott Mueller (SM)
REVIEWED BY:			

MP Okay. It's June 6, 2012. Special Agent Michael Phill is sitting here with Special Agent Scott Mueller um Washington County Deputy Troy Lake and LES Attorney Kim So...

KS Sobieck.

MP ...Sobieck, S O B I E C K. It's approximately 0907 hours and we are at the LES offices in St. Paul. Ah Troy you've already given me your full name which is Troy Allen, A L L E N Lake, date of birth is 11-18 of 71, work address 15015 62nd Street North in Stillwater 55082. Ah cell phone for contact is [REDACTED] Um Troy you said you are a road deputy for Washington County?

TL Correct.

MP Working what shift?

TL Midnights from 10:30 to 7:30.

MP And that's five on, three off?

TL Five on, three off.

MP Okay you've been a deputy for how long?

TL Seven years May 16th.

MP Okay and you are DRE certified and that's the only specialty, certification anything you have with Washington?

TL Correct.

MP Okay.

SM You said something about...

TL Project lifesaver.

SM ... project lifesaver too?

MP Oh project lifesaver also. Um the class we're gonna, we think started around late March, early April ah drug recognition evaluation class. Can you tell us where the classroom portion was held and what happened there?

TL The classroom portion was held at the training center in White Bear Lake. Ah we met as a class ah in uniform and we went over ah the educational part ah, it was we had instructors um using power points and explaining drugs and, and ah procedures for the testing process.

MP Were all your instructors State Patrol personnel or where there from, some from other departments?

TL They were from several different departments.

MP Who ran the instruction?

TL Ah Sergeant Rick Munoz, State Patrol.

MP Okay. So there was power points, classroom session. How many hours did the classroom sessions go per day?

TL Ah approximately eight, eight to nine.

MP And how many weeks did that run?

TL That went for, about two weeks.

MP Okay. Ah once you were done with the classroom portion was there a, certificate given or anything like that? Something ah I've heard it was like a mini, a, a test or something. Was there a classroom test before you, hit the road?

TL We had, we had ah, a final exam.

MP Okay.

TL And after that we were presented with a certificate.

MP Okay.

TL In completion of the classroom portion of the DRE program.

MP Alright. So then were, what was your instructions for the field portion?

TL Ah we were to meet um at the feeftth, fifth precinct in Minneapolis and we'd go over instructions and we were to locate impaired um subjects and perform the tests that we were ah, trained in the classroom portion.

MP Okay. Were you paired up with another deputy officer?

TL I was.

MP Who was that?

TL Adam Connor, Lyon County.

MP Okay. Who made the pairings?

TL Ah I'm not sure. I, believe it would be Rick Munoz.

MP Oh really? Okay. It wasn't, you weren't, he wasn't a friend of yours you knew...

TL Nope.

MP ...prior to class?

TL No, no there was a list ah a list posted on the board...

MP Oh.

TL ...ah towards the end of the classroom portion and ah I believe though and it was stated was they tried to pair a metro officer with one of the outstate as best they could. But,

MP You're the metro officer?

TL I guess.

?? (laughing)

MP So for the field portion then you used your squad? And I, I'm assuming that.

TL Ah no, we used...

MP (inaudible)

TL ...the Lyon, eh we used my squa, I used my squad twice. Because he had brake issues...

MP Oh.

TL ...when he came up from Lyon County so.

MP Okay.

TL Until he got that fixed and.

MP Alright. So you were paired up with him and then it's up to you guys to work out your own schedule when you want to go ah the nights you want to go try to find people right or was it they have say (inaudible) Friday nights we want everybody to try?

TL We, we were to report ah Wednesday through Saturday nights.

MP Okay.

TL It was from 3:00 to there's I guess there was really no set end time.

MP Okay.

TL We just kept going and, until things slowed down or there was nobody left to witness the evals.

MP Okay.

TL Volunteers.

MP Well tell me how you and he did. How'd you do as far as finding subjects?

TL Ah, in all honesty we struggled. Ah we're not used to that environment.

MP Um-hm.

TL So you know within the parameters you know that, it was you'd go up and you look at somebody that may, may not be under the influence. You take to 'em. You know we're in full uniform so...

MP Yep.

TL ...you know they don't want to really talk to ya, give you a whole lotta time, little nervous scared whatever. And ah you know so you gotta convince 'em that there's nothing hokey and...

MP Um-hm.

TL ...you know we just want to, we're, learning to do ah learning some new skills and we went to use 'em for test subjects.

MP But it was difficult to get people to come back for the evals?

TL Yes.

MP Okay. How many people do ya think, and you did this for two weeks?

TL Ahh...

MP Three weeks?

TL ...probably about three weeks.

MP How many people did you, do you think you brought back for eval?

TL I would say, an estimate six?

MP About six?

TL We, a lotta times when people brought um people, other people brought people in.

MP Um-hm.

TL And they were impaired enough...

MP Um-hm.

TL ...we'd piggy back and maybe do a second eval on the same person that somebody else had done.

MP If they were a good subject?

TL Right.

MP Were any of your six good subjects?

TL We had, we had a couple that ah used marijuana that were pretty good that somebody else used. But ah really that's about it. Just the one...

MP Okay.

TL ...or just the two they were together.

MP What were you told about how to get these subjects to get to come back?

TL Ah that was, that was pretty much about it you have to, use your charm or use your interview skills or your sales pitch and ah do the best you can to get 'em to come back and do an eval for ya. We were ah it was suggested um but not ah required that if ya offer 'em McDonalds or...

MP Um-hm.

TL ...or you know something to eat or like that to get 'em to ah give 'em some kind a payback for their time.

MP Um-hm.

TL As there's, they had nothing to gain by coming back so.

MP Um-hm.

TL In order to make the sell.

MP Did you mostly try to approach pedestrians or street people or did you do traffic stops?

TL We did a combination. We were pretty (slight laugh)...

MP Trying everything?

TL ...we were pretty desperate I mean we were trying everything and you know our first, our first person was a, um a was a traffic stop and it was clear they were impaired. It just so happened that they were under the influence of meth so it worked out. Um, we made another traffic stop which ended up being just a regular drunk which was a fun process in a foreign land. So just ba...

MP And you are in downtown Minneapolis?

TL Right. Had a tow and,

SM What areas, would you guys normally go?

TL Well we really weren't I mean, we were directed towards the Franklin um ah downtown under bridges um Chicago, Lake those areas. Ah nothing specific but that's kinda where we...

SM (inaudible) Minneapolis...

TL ...dropped in and..

SM ...that are problems for drugs and...

TL Right.

SM ...(inaudible) use.

TL Right and so and we wandered over to um we were really not, we weren't given any boundaries so to speak. But we had to bring 'em back to our eval place where evaluators were at so...

MP Um-hm.

TL ...you didn't want to get too far out but we went into St. Paul a few times.

MP Oh.

TL With no luck.

MP Um what, did they well when you were encountering these people, pedestrians or drivers what were you told about what to do if you, if they had dope on them? If you end up finding drugs on anyone.

TL We weren't told anything. I mean ah for us we didn't rea ah except for the one traffic stop where we had the two people with marijuana we didn't ah we just talked to 'em. We came up to 'em.

MP Um-hm.

TL You know it was, you know have you used recently, are you using, are you under the influence that kinda thing but

MP Um-hm.

TL Um, we never went into ah you know but we didn't really, we didn't frisk 'em or search 'em.

MP Um-hm.

TL Prior to our contact so we never came across the fact that, dope on them at the time.

MP So when you did the, for the six or so you did bring back did you frisk them and cuff them or just frisk 'em, put 'em in the squad, take 'em back how did that work?

TL We just, we just patted 'em down for weapons.

MP Okay.

TL And ah we didn't search 'em. You know it was we kept a very um friendly ah...

MP So no handcuffs?

TL No handcuffs no.

MP Okay.

TL And then they were advised that ah that everything was anonymous and it was completely legitimate so we wanted to make it as comfortable for them as possible. You know eh keeping our safety in mind too.

MP Was that something else that was told to you to tell the subjects that they could not give you their true names?

TL Yes.

MP Okay so (inaudible) to say hey you don't have to give us your real name?

TL Right.

MP Okay.

TL And that makes it a lot easier for...

MP And then (inaudible)?

TL ...people who, yes.

MP Okay. That (inaudible)

TL I think most people did.

MP Um-hm.

TL I mean we didn't ID 'em or run 'em.

MP Okay.

TL So I mean we got some obscure names like James Brown and you know,

MP Yeah.

TL Bunch a different names and maybe there, some of 'em were real maybe they weren't but...

MP Okay.

TL ...some were obviously not.

MP Ah for the six or so you did contact what um what were you told about what to do with their property?

TL Their property, um we weren't told anything. I don't think.

MP Okay so what did you do if the guys had a backpacks or purses with them?

TL We had one guy that had a, he had a jacket and ah he was I think he was homeless.

MP Um-hm.

TL And he had some papers and stuff in his jacket. We just put that in our trunk and you know we did our eval and then when we left we gave it back to him.

MP Okay. So at, at the conclusion of your three weeks you never ended up with anybody else's property? Anything you had from somebody you gave back to them?

TL Correct.

MP Okay.

TL We didn't have anything.

MP Alright. From the times that you did go back um when you brought people back and other cops were there everybody's doing the evaluations did you at all hear of any officers watching anybody smoke dope or doing drugs?

TL I had, there had been, joking of going on and, and it was kinda one of those deals where you're getting to the end and it was very frustrating.

MP Um-hm.

TL Because, most people were having a difficult time picking people up. Um, and there, I mean there was comments thrown out but they never really seemed serious so it was never taken into consideration that it was you know it was just like one of those tension breakers. Um, but no I never, I never seen it I never heard ah there's no one in particular that I can even think of that said it, it was just kinda like a (inaudible) a room with a bunch a guys and everybody's trying to cut the tension.

MP So whatever you did hear you didn't take seriously?

TL Correct.

MP (inaudible) like that?

TL I, yeah I didn't ah, woulda never thought that it went that way.

MP Okay. And I have to ask you also for you and your partner you two never saw anybody or let anybody use drugs in your presence?

TL That's correct.

MP And you and your partner never provided drugs to anybody?

TL No.

MP No, okay. Ah was there at any point during the class towards the end did the instructional staff talk to you at all about giving you a warning because somebody else had done something wrong, give you guys a warning about how to proceed?

TL Um, there was a po, the after this several instances with the occupy group we were told at the very end that ah that, that group was off limits. And I don't, I don't recall if there was anything, any particular reason why but we, me and my partner never went down to that group anyway so it wasn't ah,

MP Nothing to worry about?

TL No.

MP Um along with that the occupy movement you know some things ended up on U-tube?

TL Oh yeah, yep.

MP Did you check that out and look at any of it?

TL I've seen the, I seen the longer video, thirty-five or forty-five minutes I did see that.

MP Yeah, and so you could see in that there's some officers squads, there's some uniforms.

TL Um-hm.

MP Ah you're not any into that, eh you're not on any of that as far as you know correct?

TL I'm not in there period.

MP Okay good and do you remember at all for any of the contacts you were in did anybody film anything? Anybody get out a cell phone for any ah your contacts?

TL Not that I know of.

MP Not that you know of. You mentioned earlier about ah areas to go to, to look for some of these people. Did you have, and I've kind of heard that Minneapolis PD would help. Did you have Minneapolis lead you to some of these areas or they just tell you on a map hey this is a good spot for, to contact people, um kind of spotters did you have anything like that?

TL Um, people were ah (sigh) the, the where we started the fifth precinct I think that's on Franklin or clo, I mean...

MP Um-hm.

TL ...it's right in the middle of the area so basically it's like you walk out the door and you know you're there. Um, so you know they, they said work this street and then you know Lake and Chicago and some of the other roads there. Or streets and, and see what ya come up with. Um you, you naturally had to branch out because you had all these guy, you had fourteen squads cruising the same area and some of the people you approached they've already been approached eight, nine times and they're getting you know they're getting frustrated (inaudible) you know that deal so um I mean we wandered, Target we were around the Target Field ramps. Um, we were never specifically told go here. It was just here's a suggestion. Um,

SM Places that Minneapolis or, or other agencies have had contact with people that would do (inaudible)...

?? (coughs)

SM ...be under the influence?

TL Right.

?? (coughing)

SM (inaudible) saying hey we've come in contact with a lotta people in this area or a lotta people in this area.

TL Yeah.

SM That kind of thing?

TL Yep this is a high drug traffic area or there's a lotta, run into a lotta you know users in this area. Ah there was also feelers out to the departments like Minneapolis knew we were there and...

MP Um-hm.

TL ...and if they found somebody the you know it would be appreciated to give us a call so we can do an eval, help us out and, and we were also responding to live calls if somebody would um somebody get into an accident or they suspected somebody was under the influence then we, certain people would go out if they were standing around the pile so to speak.

SM You guys started in the fifth, where was the testing location?

TL We started at the ah, I want to say for the first three or so days it was in the fifth precinct. And then we moved out to the Richfield public works building.

MP And do you know why they made that switch?

TL I believe that the class the, the room that we were using was being used, it was booked for something else.

MP Okay.

TL I believe that's, the reason.

MP Okay. So when did you first hear after you're done with the class and go back to Wash Co, when did you first hear that something hitting the media and that some investigation might start, how did you first hear about it?

TL Um, (slight pause) that's a good question. Ahh (sigh) well at the very last days um we knew something was up with the occupy group and the videos had, had already hit U-tube and we seen it.

Um as far as the actual investigation ah I believe I read it on the internet I don't know if ah it was the articles

MP Um-hm.

TL Ah shortly thereafter.

MP (inaudible) did any of your classmates contact you or did you contact any of your classmates about it?

TL Ah, no I talked to my partner to see what you know if he's heard anything. But ah yeah I didn't, that's the only reason why I knew I guess.

MP And, you know (pause) I sup, what I wanted to ask was you know you did hear some things that seemed like they were ah joking around.

TL Um-hm.

MP Or cops were rizzing each other, ra, razzing each other but if you did hear that somebody provided drugs to one of the street people...

TL Um-hm.

MP ...what would have been your reaction? If you, if you heard somebody say that they, seriously.

TL I you know what honestly I don't, I don't know. I mean um I was fortunate to have the partner that I did.

MP Um-hm.

TL Because we, we have the same methods. I mean we, we did hear ah, of people grabbing these guys, putting 'em on the hood you know patting 'em down, finding...

MP Um-hm

TL ...dope and then you know using that against 'em to do the eval. But that's not, you know that wasn't our st, that wasn't my style I'm, I'm more of a finesse kinda guy (inaudible)

MP Verbal judo?

TL Yeah I mean well you, you make friends with these guys and they're gonna give ya more. You know ya, you harass 'em so I mean, yeah I, I'd be appalled like I don't, it's, it's beyond my scope I don't you know I, I was surprised when I first when I heard that cuz I know um I told ya I heard the joking.

MP Um-hm.

TL But that's what it was because I just I can't fathom it you know I, I guess ah...

MP (inaudible) illegal activity. But ah maybe a step down from that would be letting them smoke crack in your presence or smoke weed in your presence um is that something else that you would never do?

TL No we wouldn't do that. So you, it ah I guess I wouldn't be so surprised...

MP Um-hm.

TL ...that it happened on that note but I couldn't, and I don't want any part of the liability that would happen if somebody you know, had a bad trip or...

MP (inaudible)

TL ...flipped out, yeah I mean I, it wasn't worth it. You know and, and that's like I said I was glad I had the partner I did cuz we're, we were on the same page there. That's why we did I mean we first heard about the occupy group, saw a couple, a couple guys came and said yeah we pulled up to this group and they just came up to us and said yeah we're using we want to do your test like it's like that's odd. You know who does that. It's like it was just right off the bat the light bulb came on it's like,

MP You guys didn't know (inaudible) anything do with these guys?

TL Yeah it, yeah I mean it's just I, I don't, I guess I don't know what to say it's just like it's not risk if it's too good to be true it probably is and that's what it was and, and I know we were in the office when somebody brought couple people in from this group to want to be testing and we're watching 'em test

'em and we were gonna do a test after if they were able but they weren't impaired at all. So (inaudible) think they're just messing with us.

MP Yeah, like they wanted to see what you guys were up to, what are you doing?

TL I don't I guess I don't know or waste our time. I guess that's what I thought they just want to waste our time. You know it's, but yeah I even I ah even made a comment to Sergeant Munoz it's like these guys are wasting our time. For what that's worth but,

MP Okay.

?? (inaudible)

MP Do you have any questions for me? Any questions about where we're gonna go with the investigation?

TL Sure. No I guess I don't have any specific questions but of course I'd...

MP Yeah the ah I think you're one of the last interviews so what I'm gonna do is I type this up and give it to ah Gary, he compiles the case file. He's gonna hand it to the commissioner. She'll get to read it. And then it's gonna go to Hennepin County Attorney and then he will decide if he should charge anybody or not.

TL Okay.

MP And then from there of course actually eventually things will ah get to the media.

TL Right.

MP So um but our job is just to put the case file together (inaudible)

TL Am I ah privileged to know who's on the ropes?

MP No I can't tell you.

TL Okay.

MP Can't tell you that.

TL Alright.

MP We'll contact um your sheriff when we hand it over because at that time any of the sheriffs and chiefs who want to do their internal investigations may start them. So there's a chance you may be called in for an internal that's separate from us, nothing to do with us.

TL Right.

MP So that may occur, okay. Um summarize real quick um your partner was Lyon County Deputy...

TL Adam Connor.

MP ...Adam Connor um you guys maybe picked up six or so people. Ah brought 'em back, none of 'em turned out to be really good subjects. Um when you were driving around you were in full uniform and you used both squads Washington County and Lyon County?

TL It was about ninety per, it ninety plus percent his Lyon County squad...

MP Mostly his?

TL ...(inaudible). We used my squad twice.

MP Okay. And you didn't see any illegal activity um occur in your presence?

TL No.

MP While you were doing these ah evaluations?

TL No.

MP Okay. Well we'll go ahead and terminate the interview. It's a presently ah 33 minutes after 9:00 A.M.

RECORDING ENDS.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1246 University Avenue, St. Paul, Minnesota 55104-4197

Phone: 651.642.0610 FAX: 651.642.0618 TTY: 651.282.6555

Internet: <http://www.dps.state.mn.us/bca>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

(SIGNED)

A handwritten signature in black ink, appearing to be "K" followed by a flourish.

(DATE)

5-31-12

(WITNESS)

(DATE)

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 31, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Officer Kenneth Willers (KW)	INTERVIEWED BY:	SA Derek Woodford (DW) SA Mike Anderson (MA)
REVIEWED BY:			

DW This is Special Agent Derek Woodford with the Minnesota Bureau of Criminal Apprehension. I'm with Special Agent Mike Anderson also of the Minnesota Bureau of Criminal Appre, Apprehension. We are at the ah Prairie Justice Center in Noble Coun, Nobles County Sheriff's Office in Worthington, Minnesota and the date is 05-31-2012. The time is approximately 0930 hours. Um we are with Kenneth Werner Willers and ah Warner is W E R N E R and Willers, W I L L E R S, date of birth of 07-06-1985, address is 1530 Airport Road, Worthington, Minnesota. Zip code Worthington you know?

KW 56187.

DW 56187 and a phone number, employee phone number of 507-372-2136. Um Kenneth before we get started um I have a criminal investigation warning that um I'll read to you and then I'm gonna have you look it over and, and sign it if you'd feel free to do that if you want. Um you are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as a part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so you may have been told that your statements could not be used against you in any criminal proceeding. Ah it should be therefore clarified that any statements you give to BCA agents as a part of the criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as a part of internal investigation you should dis, disregard that representation. And what that's saying is you don't need to talk to us and this isn't um this is a criminal investigation not an internal okay. Um, so if you want to read and then read the acknowledgment and if ah if you want to sign and date that ah to volunteer to talk to us.

(pause)

KW What did you say the day was?

DW It's the 31st today I believe. Thanks. Alright um so you've signed this. You agree to talk to us and give us a voluntary statement?

KW Yep.

DW About what we're gonna talk about, okay um Kenneth the reason we're here today is regarding the DRE um training that you went to and when were the dates on that again?

KW Started in April, April 2nd I believe whatever that Monday was and then ah the first week in May.

DW Okay so, so it was about five weeks?

KW About five weeks.

DW Five weeks of training, okay and that was this year 2012?

KW Yep.

DW Okay. Now, um DRE what, what is could you define and explain that program to us and the training that you went to.

KW Um it's for officers or us that find a impaired driver on the road that shows all the signs of being intoxicated but isn't drunk and so then they would call for a DRE to come, prove that it's either a medical rule out or they're under the influence of a drug.

DW So it was it kinda like a specialized training to assist you in um people that are intoxicated or under the influence of something?

KW Yes.

DW Okay. Um, and then ah you went to that ah training for about five weeks here in this last year ah April through May or first week of May. And did you complete that training?

KW Yes.

DW And do you get a certification for that or?

KW We got the certification for the classroom but not the um actual certification part and the final because the program was suspended.

DW Okay and, and what was the reason for being suspended?

KW The, video of U-tube and then um,

DW So the reason we're here today...

KW Yeah.

DW ...basically.

KW Pretty much yeah.

DW Okay. Oh so, so you got a certification for the classroom portion.

KW Yes.

DW But because of the, issues that have came up with the ah program outside of the classroom and could you define um you talk about U-tube and the video ah you know I think we've all seen part of it or some of the video and that. Define what um what your responsibility is um outside of the classroom.

KW Um you go around with a partner, each of us has a partner. Drive around the streets of Minneapolis, get out walk around um do whatever you want, see people that you think are under the influence of drugs and ah you go talk to them, make sure they're not drunk and um if they are high on something and they want to come with ya then you ask 'em to come with. Um some people offered food or cigarettes or something to kinda help these cuz most of 'em were homeless and stuff like that so.

DW So they would say hey, or say you if you come with get you a burger or, or...

KW Yeah if, if...

DW ...get you some cigarettes.

KW ...if they said yeah we'll go without anything then yeah then you didn't offer 'em anything.

DW Right.

KW If they, if they needed some help to go away for an hour then yeah we said we, someone can hook you up with something.

DW Uh-huh so do you have a partner in this then?

KW Yep.

DW Who was your partner?

KW Chris McCall.

DW And what agency? What,

KW Anoka County.

DW Anoka County? Okay. Um, and so you and Chris would go out, who's squad car were you guys in?

KW Chris's.

DW Chris's, so it was Anoka County Sheriff's Office car or?

KW Yes

DW Okay so you guys went out and ah how many people are you supposed to find?

KW We're supposed to find you have to do um fifteen total evaluations whether that's um actual being the evaluator or being a witness.

DW Okay so fifteen between the two of you?

KW Yeah.

DW Okay.

KW But then, it originally started off as twelve and then they found out later it had to be fifteen so then people started pairing up in groups of three and stuff at the office.

DW Oh okay.

KW To get done with the,

DW To try to get, few more. How did yours go did you find enough or?

KW We ah me and my partner by ourselves found three and one of 'em was his wife and one of 'em, heard his wife had a procedure done and then another one was illegal up in Brooklyn Park and then the first day we found some homeless lady so it only three we actually found by ourselves.

DW Okay. Now was that because the program was suspended?

KW No.

DW Or, or is the because, so you didn't have good luck finding fifteen?

KW No, not at all.

DW So did anybody find fifteen?

KW Every, there was people would a bring in like groups of people or...

DW Oh okay.

KW ...if one was um pretty high or something then they could be (inaudible)

DW Oh so other people, other groups could use that same person?

KW Yes.

DW Okay so did you use, get fifteen then?

KW Yeah.

DW Okay so you were using...

KW Every, I think everyone got fifteen.

DW So your, so you guys could, reuse people...

KW Yeah.

DW ...basically is what...

KW Yep.

DW Okay. So...

KW We just struggled at, finding (inaudible)

DW Right now,

MA Can I ask a clarification.

KW Um-hm.

MA So were you guys all doing this on the same date?

KW Yeah everyone,

MA So, so it wasn't like you could pick different days to go out?

KW No everyone (inaudible)

MA Everybody was doing it on the same days?

KW Same days.

MA When you go out and do these field things?

KW Yep.

MA Okay.

DW Um-hm.

KW (inaudible) location that we all were at and then we'd go out there.

MA Okay.

DW Where was that location?

KW Um we started in the 5th precinct.

DW Um-hm.

KW Downtown Minneapolis then we moved out to the airport.

DW The airport?

KW Um, yep.

DW There was like a building there?

KW DOT building.

DW Oh the DOT buil, okay. Um so you guys ended up finding and that was from other people were bringing other people back and then...

KW Yep...

DW ...you would use them? Okay.

KW ...that's pretty much what we ended up having,

DW Okay did you have to, um offer a burger or something to someone to get them to go with you?

KW (inaudible) like...

DW Obviously it was just the one homeless,

KW ...there was one lady and she was...

DW The other two you kinda knew?

KW ...(inaudible) she was nuts, so

DW Okay so the other two you kinda knew?

KW Yeah the oth,

DW And so it wasn't an issue.

KW No.

DW And then the one you found one homeless person and ah she was, she would go with you?

KW Yeah and sh (inaudible) medical rule out we,

DW Okay

KW She was, nuts.

DW Okay so there was nothing.

KW No.

DW Okay now did with that um girl was anything provided to her?

KW No.

DW Did you give her anything or feed her anything or cigarettes or anything like that?

KW No.

DW Nothing, okay. Um where did you find her at? Do you remember?

KW Um, I'm trying to think of that ah grocery store right across the street. I think it's K-mart.

DW Okay.

KW It was like at one, midnight or one o'clock in the morning.

DW Oh okay kinda right by your location.

KW Yeah.

DW Where you were... okay

KW (inaudible) couple blocks away.

DW Okay. So, then the other (inaudible) so the other twelve people you evaluated those were all from other, that people brought in?

KW Yep.

DW Okay. Now do you get all those evaluations done on the same day?

KW No it's,

DW Or does it go on for

KW I think we were up there three different weekends, (inaudible)

DW Okay.

KW ...three or four different weekends.

DW Okay so you go up and get try to get a couple done every weekend is that,

KW Yeah, yep.

DW Okay so how long are you working the road on this thing then? I mean what time do you go out, what time do you decide to quit?

KW Originally it started at six and then we'd come back at like two or three. And nobody was, getting anybody so then they switched it to like ah, don't remember if it was three o'clock to like nine or something like that. Three o'clock to ten.

DW Three in the afternoon?

KW Yeah, we started going earlier and...

DW Oh

KW ...if things were busy then we'd stay later if things (inaudible)

DW Oh,

KW ...we had a lot um bad weather so,

DW Okay when you're in the training and so you, do you have the classroom portion first...

KW Yep.

DW ...and say well when ya get done with the classroom then we're doing ah the field work?

KW Yep.

DW Okay. So you get done with the classroom um when the instructors would talk to you about the classroom portion or the, the field portion of it not the classroom. What were your instructions to do? What were you asked to do?

KW Just go out and find people that were under the influence um they said you can do pretty much, you can make a traffic stop if you want um if it's, there's a legitimate reason to make one um just go out and find people that are, under the influence and they said ah um you can offer 'em food, cigarettes or anything like that. If there's some ah um they said after a while these people have been through the program before they'll start coming with ya. They'll, they won't even, they'll fl, they'll be the ones flagging you down to come with. So just go out and, start talking to people.

DW Okay. Um, did they define when you give them something did they define what you give them?

KW Food or cigarettes.

DW Did they ever say...

KW Money.

DW Money?

KW Yep.

DW What was the offer for money? What,

KW They, they said you don't have to give 'em anything that's, it's all coming outta your pocket, don't give 'em anything if you don't want to but if you feel like you want to give them something or if they ask for something, give whatever you want. (inaudible)

DW So it was up to you to donate outta your own pocket?

KW Yep.

DW Did, did you know if anybody gave any money at all...

KW I...

DW ...to anybody?

KW ...I have...

DW Had you heard...

KW ...no idea.

DW ...you he, okay. Um did you hear any cigarettes or burgers or?

KW Yeah there was definitely, I know people some people bought a big carton of cigarettes and I know um other the people that we were doing evals on they said now we get to McDonalds after this or whatever so

DW Oh okay so was it, do you know whether they were giving out packs of cigarettes or to people or?

KW I have no idea.

DW Don't know, you didn't see it?

KW I didn't see it.

DW So but throughout the fifteen that you guys did, did you guys have to give any burgers or cigarettes to anybody? Any of 'em?

KW No.

DW Was that because they already offered, whoever brought them back there...

KW Yep their...

DW ...was already providing...

KW Yeah.

DW ...something for them?

KW Yep.

DW Okay. Um so you didn't hear about any money at all?

KW No I didn't.

DW Okay what about drugs, narcotics, alcohol?

KW No um I think someone got alcohol. Um, I can't remember um some kid um they were getting some beers and then I think it was one of the last days and this last guy got a bunch of it whatever (inaudible) from this guy's vehicle.

DW Oh okay so, so were, so some of the guys were, cans of beer of what was it? Whiskey or?

KW (inaudible), I didn't see it but I, I think it was beer.

DW Okay. You didn't see it but did you hear that from other people or?

KW Yeah.

DW Okay that they were giving out beer maybe?

KW I heard that last day I (clears throat) I heard the guy say I don't remember who it was tell this guy hey I got a buncha extra beer you can have the rest cuz we're done after this so.

DW Oh okay. Alright um so now did you actually, did you go on a watch any of this U-tube video or?

KW Yeah I watched the whole thing.

DW Okay so, what was your take on, on what was going on there? Did you I mean did you, did that, was that recognizable to you or were you ever down in that area that they're showing or?

KW I ah, I we were down there the last day. I, I wanted to see it, I, I'm from Worthington, Minnesota so (inaudible) I don't know what occupy is and

DW Right.

KW ...I drove by it and saw it, that was as far, close as I got to those people.

DW Okay. Alright. And then so but did you recognize any of the officers on that U-tube video?

KW Yeah.

DW And those were guys that were in your class?

KW Yeah.

DW Is that right. Okay. Alright. Um, so you didn't talk to any of the people from occupy?

KW We ended up doing some evaluations on them.

DW Oh, okay.

KW After they were brought in. Who was actually an occupy I don't know.

DW But you didn't bring them in so you wouldn't a...

KW No.

DW ...okay. Um so, then ah did you know of anyone then any other officers that would have provided any narcotics to, to these occupy...

KW No.

DW ...people?

KW Okay. Mike you got?

MA Yeah a, a couple things just to, to backup. So you and your partner from Anoka County um just so I'm, so I'm clear let's back up with the classroom portion was what days to what days?

KW That first one was Monday through Friday so the second whatever that was (inaudible)

MA Like 4-2 to whatever that week.

KW (inaudible), yeah.

MA So there's a week a classroom?

KW There's a week of classroom and weekend off, come back that next Monday.

MA Okay.

KW And then it was Monday through Thursday of classroom.

MA Okay.

KW Think it was that Friday, Saturday for evals out in...

MA Okay...

KW ...(inaudible)

MA ...so, I guess that's what I'm yeah trying to see ah basically not quite like you have like nine days of classroom?

KW I think it was ten or,

MA Ten?

KW yeah it musta been nine.

MA Nine days of classroom. Before you do, go out to do any evals?

KW Yep.

MA Okay. And so then you start doing the evals and are the evals all done on weekend type a thing?

KW Yeah it was Thursday, Friday, Saturday.

MA Okay.

KW Or Wednesday, Thursday, Friday...

MA And that's all scheduled stuff?

KW Yep.

MA So Thursday, Friday and Saturday.

KW Wednesday, Thursday, Friday, Saturday.

MA Wednesday, Thursday, Friday Saturday? Okay. And it's all scheduled it isn't like you can pick your own time and just say I'm coming up here today to do this.

KW Nope.

MA Me and my partner, it's scheduled by the class? By the instructors?

KW Yep.

MA Okay. So and the timeframe is scheduled?

KW Yep.

MA So would you all meet as a group first?

KW Yeah it um right away the first couple days everyone would kinda meet there then as we got later in the program people were just, cuz we some of us stayed at the hotel so if you were at the hotel then you had to drive all the way through the cities and all the way south to, the DOT building at the airport.

MA Okay. So what...

KW (inaudible)

MA ...what hotel did you stay at?

KW Um, the Mermaid, Moundsview.

MA Okay. Alright. I assume it's mostly outstate people who were staying there?

KW Yeah. It was all outstate.

MA Okay. So give me an example. So the first, the first day that you're gonna do field stuff would have been a Thursday then you think that Thursday?

KW Friday.

MA Friday?

KW Yep.

MA And so what time does that start?

KW I believe it's at six.

MA Six P.M.? So you meet with your partner.

KW Yep.

MA McCall, I'm just trying to get an understand how this works, you meet with him.

KW Yep.

MA And then you guys go out to find somebody is that right?

KW Yeah.

MA And is that when you found the homeless person?

KW Yeah it was way late that night.

MA So that first night is when you found her?

KW Yeah we, we talked to a lot of people but ever, everybody was drunk.

MA And it was a female?

KW Yeah she was

MA Um and she was, you said where did you find her at?

KW At, I believe it's the K-mart parking lot.

MA K-mart in what city?

KW Minneapolis.

MA And did the like did the instructors kinda tell you, good areas to go to to find...

KW Yep.

MA ...people? I mean you don't want to go out and like areas where there aren't gonna be any right?

KW Yeah.

MA They kinda directed you?

KW Yeah they gave us, they gave us some streets and stuff but (inaudible)

MA Where did they tell you where the, the best areas?

KW Me and my partner are not from there.

MA Yep.

KW So ah he was, rattling off streets and other people are rattling off streets, I, had no idea what they were.

MA Okay.

KW So we just kinda drove around and

MA Okay so the first person that you guys have contact with is this homeless female?

KW No we talked to quite a few people before her. Everyone was drunk.

MA Okay they were under the influence of alcohol?

KW Yeah.

MA So then you don't want them.

KW Yeah.

MA Because you're looking specifically for under the influence of drugs?

KW Yep.

MA So you talk to some people. Did you talk to any of the occupy people at that time?

KW No I never,

MA On the first day you guys didn't go down into that area where they were camped out or anything?

KW (no audible response)

MA Okay. Um but you find this female homeless in, in the K-mart parking lot. Do you guys keep some type of documentation about who you talked to? Is there like forms that you fill out?

KW When, when they come in for a evaluation they would give us a name but most or 'em were, fake names. They didn't need to be a, a real name.

MA Okay but I mean do you fill out a sheet or something...

KW Yep.

MA ...that you keep track of?

KW Yep.

MA And did you keep those sheets?

KW Um I believe...

MA Or do you turn 'em in?

KW ...they're in ah we turned 'em in and then we keep 'em on a disc drive.

MA Okay. So you submitted 'em though to the...

KW Yep.

MA ...instructors so they, so they have a tracking I guess is what I'm getting at of everybody that you evaluated?

KW Yep.

MA And then you get a way to keep that so for, so down the road you can ah you can say I'm an expert because I've done these evaluations and

KW Yep and that these are the first fifteen that are gonna be, so now when we go do ano, our first legal one that'll be sixteen.

MA Right.

KW (inaudible) already done the fifteen.

MA And they keep some record of that to...

KW Yep.

MA ...show that you've got...

KW (inaudible)

MA ...some experience?

KW Cuz then the urine test is on that um sheet so then they gotta track it to make sure the test was correct for what you said what drug they were on.

MA What, what you just did, what you determined?

KW Yep.

MA Okay. So that's what's establishing your credentials so to speak

KW Yep

MA That you got some experience in this area.

KW Yep.

MA So you find this homeless woman. You asked her to come in. And she says she will.

KW Um-hm.

MA You bring her in, you evaluate her, right?

KW Yep.

MA What, what was her like approximate age?

KW Oh um forties, fifties.

MA And did she give a name?

KW Ah Linda McCraney, it's one that I'll never forget.

MA (laugh) okay. And so you and your partner, ah McCall is it from Anoka you do the eval on her? Or,

KW She, or he did.

MA He did and you witnessed it?

KW Yep.

MA And what, what was the conclusion with her? What drug was she under?

KW She ah she was ah medically impaired.

MA Okay.

KW She had mental, issues.

MA She had mental health so she was not under the influence of drugs?

KW I, I think we, there, what was gon, she admitted that people forced her to do um crack earlier in the day.

MA Okay.

KW But there was just so many other issues and...

MA Okay.

KW ... (inaudible)

MA Did you get a urine sample from her?

KW Um, I believe we did but I don't know if we submitted it because we, um called it a medical rule out so...

MA Okay.

KW ...I don't remember if it was submitted or not.

MA Okay. Um and then when you got done with her where did you take her?

KW We dropped her off, she said there so we dropped her off.

MA Okay so she just said, you took her back to that area and...

KW Yeah we, we went, I think we it wasn't that exact area but we started driving down whatever street that was and she goes there.

MA Okay so you, you just dropped her off. Did you give her any money?

KW No.

MA Did you give her any cigarettes?

KW No.

MA Did you give her any food?

KW No.

MA It's okay if you did.

KW (inaudible)

MA No?

KW No.

MA Okay.

KW She, I, I guarantee after we dropped her off she didn't remember what she just did.

MA Okay.

KW So,

MA And was that do you think cuz she was high or because of the mental illness?

KW It's a little bit of both.

MA Okay.

KW Nope she was, she was crazy.

MA Okay was her evaluation consistent with being high on crack?

KW No.

MA No?

KW There was a, I think she had a high pulse um I don't remember about blood pressure but ah her pulse and her eyes weren't (inaudible) different.

MA Okay and you didn't give her any drugs?

KW No.

MA Didn't give her any marijuana to smoke? Any crack? Anything like that?

KW Nope.

MA Okay. And she wasn't associated with the occupy, the people to any degree right?

KW No. I don't think we, I don't think anybody knew about occupy until that last...

MA Okay.

KWthe last week.

MA Okay. So that's the, the first person that you guys bring in you and your partner.

KW Um-hm.

MA Who is the next person you bring in (inaudible)

KW He got a call from Brooklyn, Center...

MA Okay.

KW ...Police Department about a guy that they found um on a traffic stop. They, they watched a buy and then ah they arrested him.

MA Okay.

KW And that, they wanted us to come do a legal evaluation on him.

MA Okay so Brooklyn, Brooklyn Center calls they got a guy they want you to evaluate. Ah that they stopped on a traffic stop on a drug case.

KW Yep.

MA So you and your partner go there?

KW Yep.

MA Where was that?

KW Where?

MA Where did you go yep.

KW That jail (inaudible)

MA Oh Brooklyn Center's jail?

KW Yep.

MA Okay so then did you do the eval there?

KW My partner did. I...

MA Your partner did?

KW ...I said I'm from southwest Minnesota and if this goes to court I don't feel like...

MA Sure.

KW ...coming up here so.

MA Makes sense yep.

KW He said that's perfectly fine.

MA Okay so this, what's this guy what's his do you remember his age, his name?

KW Ah he was younger. I don't remember his name. White male. Bigger.

MA Okay. And so he's actually in custody?

KW Yeah.

MA And so your partner does the eval on him. Um what was his result or what?

KW Um, I believe there was two different um things that we put him on, but I don't remember thought one was a stimulant and then I can't remember if it was a narcotic or a, depressant (inaudible)

MA Okay. Did he make any admissions to what he was using?

KW Um he admitted to using heroin in the past but not for like a long time.

MA Okay. Not on that particular day.

KW Yeah.

MA And so he wasn't drinking?

KW No.

MA He didn't have any medical issues and did you guys do a UA on him?

KW We did a UA and ah they actually um they apparently he was gonna snitch out some people for drugs and guns. They've been having a big problem out there so they decided to drop the actual DRE part of it so then we just used it as one of our own evaluations...

MA Training?

KW ...and didn't, didn't do any part of theirs.

MA Okay. Did you give him any money?

KW No.

MA Any food?

KW No.

MA Any cigarettes?

KW No.

MA Did he ask for anything?

KW No he was in jail.

MA Okay. And you didn't give him any drugs?

KW No.

MA To use to get him high or anything like that?

KW No.

MA Okay. And so then you said there was one other one. What was the last one that you guys did?

KW Ah my partner's wife.

MA Your partner's wife?

KW She had a medical procedure done. I never asked what it was but it was an in and out procedure and she was I believe sedated for a little bit.

MA Okay. And so where did...

KW That's how desperate we got.

MA Where did (laugh) where did you do that one at?

KW At the airport.

MA At the airport, and she came there or somebody brought her there or?

KW Someone brought her there.

MA Okay and that was kinda knowing that she was having this medical procedure.

KW Yep.

MA She volunteered to...

KW Yep

MA ...to come in and do this.

KW I think she had a similar procedure or had this similar medication before we did this and so he kinda ran her through an eval just to see if she would show any effects of...

MA Okay and,

KW ...show any effects of it.

MA And what did she show?

KW I believe, I can't remember if it was a depressant or narco, narcotic.

MA Okay.

KW But it was one of those.

MA Which was consistent with what...

KW Yeah.

MA ...she had been given for her medical procedure?

KW Yep.

MA Okay. Um, and then once you were done with her somebody took her home or took custody of her?

KW My partner did.

MA Your partner did cuz it was his wife.

KW Yeah (inaudible)

MA And what day was that on? Did, (inaudible)

KW Um I, I don't know it that might have been well we were down at the airport so maybe the third weekend or...

MA Okay.

KW ...part of the, halfway through the second I (inaudible)

MA And you never offered her anything I assume.

KW I think he took her out to eat.

MA (laughs) okay, he mighta done that regardless.

KW Yeah.

MA But, but you didn't give her any drugs?

KW No.

MA Didn't offer any ah drugs or provide her any drugs or anything like that?

KW No.

MA Okay. Um so those are the, or just correct me if I'm wrong those are the only three people that you and your partner brought in for technically evals?

KW Yeah.

MA Is that right or did?

KW Yeah.

MA Okay you didn't bring anybody else back to the airport or take anybody else anywhere?

KW No.

MA Okay. You did some other evals though.

KW Yeah.

MA Is that right?

KW Yeah. We and we had to do (inaudible)

MA Okay and did you, did you get to your fifteen?

KW Yep.

MA Okay. So of, of the other twelve that you did um did you make contact with all of those people at the airport?

KW Yeah.

MA Okay. Never, none of 'em made, you made didn't make contact with any ah 'em anywhere else...

KW No.

MA ...like out in the field?

KW Nope.

MA Um did you, so you didn't bring any occupy people that you're aware of into the, into the airport?

KW I know I didn't.

MA And your partner didn't when you were with him?

KW Nope.

MA Okay. Did you guys and you had mentioned I think earlier that you had went by there just to check it out but you didn't approach any of those people and ask them to come in or anything?

KW Stayed in our car. I, I honestly I don't drive, can we drive by wherever they're at I don't, I don't Nicollet Mall or...

MA Um-hm.

KW I, I think we drove by Nicollet Mall but had no idea that everyone was, we didn't walk down there until the last day.

MA Okay.

KW So.

MA Okay um, so of the people that you had contact when you were down there you didn't bring any of 'em in though?

KW No.

MA Did you ask any of 'em to come in and they said no? Anything like that?

KW No.

MA Do you remember what day it was that you were down there?

KW Um, (clears throat) it was the last day, I don't know if it was Saturday? Cuz then we came back for a test the next week cuz I'm, I'm guessing it was that last Saturday.

MA Okay.

KW We were down there for, very little time.

MA Okay so you had, really minimal or no contact with the, with the people that would be identified as the occupy people?

KW Yeah. Cuz by that time the day that we went down there me and my partner already had fifteen.

MA Okay.

KW And I just said I'm done with this, I'm sick of talking to people and, and he was too so.

MA Okay so, of the twelve that you did, you had three that you brought in, we covered those three. That you and your partner brought in of the twelve that you did at the airport what do you remember of those. Do you remember doing any of the occupy people there?

KW Um I, don't know which ones. I don't know how many of 'em were occupy.

MA Okay. Do you remember doing, testing any of the people that you have seen in the U-tube video?

KW Um, no the guy with the afro I, I saw him in the building.

MA Okay.

KW But I don't, I don't believe we did a eval on him.

MA Okay so the guy with the afro from the video, um you saw him there, do you remember what day you saw him there?

KW No.

MA Okay but you didn't eval, evaluate him?

KW I'm almost positive we didn't.

MA And your partner didn't evaluate him?

KW Um, that I can't say for sure.

MA Okay.

KW I don't know if he, cuz then once we, we had to do six evals to where you actually did 'em. You had to do six that you witnessed and then the other three you could be like a third party...

MA Okay.

KW ...and witness it so I, and then so for where there was those third parties then me and my partner would have to split up cuz we can't have more than three.

MA Right there'd be three in a group then.

KW So I, I don't know if he was in that group or not.

MA Okay. Of the twelve that you did that other people brought in um you don't so you don't think any of those were people that would be identified with occupy or you don't know?

KW I, I'm sure some of 'em were but I don't know...

MA Okay

KW ...which ones.

MA And, from the video that you've seen the U-tube video right?

KW Yep.

MA The only guy that you recall seeing there is the afro guy?

KW Yep.

MA And you don't think you evaluated him?

KW No, I'm almost positive I didn't.

MA Did you go anywhere in private with him or take him anywhere or give him a ride back anything like that?

KW Hm, I don't think so.

MA Okay. Um of those twelve people that you evaluated that were brought in by other people was there ever a time when you and your partner gave them a ride back somewhere? Any of 'em?

KW Um I gave a couple, there was a male and female the male was too drunk um, ah but I gave them a ride back to ah, somewhere downtown. I had to drive 'em cuz my, that was the day my partner drove his, was with his wife. He stayed at the thing and...

MA Okay.

KW ... (inaudible), I didn't drop 'em off at occupy I know that.

MA Okay do you remember where you dropped 'em off at?

KW Okay they, I had to ask them for directions how to get there and how to actually get back to the

MA Okay and it was a male and female together?

KW Yep.

MA And how old were they?

KW The male looked older like forties and I think the female (inaudible) in her twenty or thirties. We did an eval on her at the I think the second, she did an eval with somebody else and then we did an eval with her.

MA Okay do you remember her name or anything like that?

KW She was heavysset. She had fake eyebrows. Um, oh if I had my sheets with me I could tell ya...

MA Okay.

KW ...who she was.

MA Did you and you said you've kept copies of all of those?

KW Yep.

MA You were able to keep those, okay. Um, and you turned 'em in also?

KW Yep.

MA They keep track of 'em up there right? Okay. Was she stoned or high on anything?

KW She was high on marijuana and I don't, know if anything else.

MA Okay.

KW Can't remember if she took medications or not but she was, high on marijuana.

MA Okay. Did you give her any marijuana?

KW No.

MA Did you give her any other drugs?

KW No.

MA Any food? Money?

KW Nope.

MA Anything like that? Um, of those people of those twelve that other people brought in were those the only two that you drove back somewhere?

KW Yeah I, I believe so (clears throat). You know there was one of the first days or no during the middle we gave ah a black guy a ride to North Minneapolis.

MA Okay.

KW Yep.

MA And um that was you and your partner together?

KW Yep.

MA Okay um didn't provide him any drugs?

KW Nope.

MA Anything else, food, money...

KW Nope.

MA ...cigs? No. Okay. It sounds like you and your partner didn't really provide any cigarettes or food to anybody.

KW No we, we didn't ah yeah because we, well trust me we offered I said I'll go buy you a buffet, cuz ah cuz that's how desperate we were getting cuz when we were at, we had those first two and everyone else was at like five and six and then we were like oh this sucks and...

MA Um-hm.

KW ...so I was offering food as much as I could.

MA Sure.

KW Cigarettes or anything and people weren't having a, people thought it was a joke at first when

MA They didn't believe ya?

KW (inaudible) you want to come with us and, no.

MA You say you were getting desperate so would it be fair to say that it was hard to find people?

KW Oh yeah it was,

MA That would come in a cooperate and (inaudible) this?

KW Yeah the way it sounded, cuz well you have twenty-six cops there so everyone's telling stories about people they've heard in the past. I've talked to other people that have been through it in the past and just hear stories and I heard it was easy and it just pick one and...

MA Um-hm.

KW ...they'd come with and, it's over.

MA Okay. Where was, where were you looking most of the time when you were trying to find people, what area were you looking at?

KW We would go down, we'd go downtown by Target Field and stuff like that and then we would ah then it would be closer to the 5th precinct down like Chicago was one of 'em that I remember.

MA So it was primarily in, in Minneapolis?

KW Yeah it was all, (inaudible) ah we never made it to St. Paul I don't think and so I think it was all Minneapolis.

MA Minneapolis, and all downtown Minneapolis?

KW Yep.

MA Which makes sense obviously you gotta go where there's concentrations of people and...

KW Yep.

MA ...people that might be under the influence so um okay. So you never gave anybody any food?

KW No.

MA Never gave anybody any cigarettes? Never gave anybody any money?

KW No.

MA And your partner didn't either to your knowledge other than maybe buying his wife dinner?

KW Yeah that was it.

MA Okay. And you never gave anybody any drugs?

KW No.

MA Um did you and your partner talk about that like maybe we should just give somebody some to get 'em high so that we can do this, we can get through our tests or?

KW I, never saw a drug up there, wouldn't have been able to

MA Okay

KW Wouldn't have been able to

MA But I mean did you even have a discussion about it even jokingly?

KW No.

MA Anything like that, nothing? (inaudible)

KW We were, we were both we talked before we went out and said he, he was a guy that doesn't like to get into people's business. I said that's, not me either and we're both not from here we just want to we're not gonna stop any, do any traffic stops or...

MA Um-hm.

KW ...anything like that. We're not gonna, frisk people down and we just let's get this done, let's get outta here.

MA Okay.

DW Alright. Um Kenny I got a couple of quick things for you and in think we're gonna about wrap this thing up here. Um, were you ever around um anyone or did you ever talk to any other officers that were around anyone that was using at the time or were you told it was okay to be around them if they were using like before they would go test say they had something on them, say they had crack or marijuana or whatever it was um did anybody ever talk to you, instructors ever talk to you about the fact of you know even if, maybe they were gonna get high and they haven't yet um it's okay to let 'em use up what they have quick before they go do the test?

KW Yeah, even before I went up there it seemed like it was okay and perfectly fine if, if you patted somebody down and they had drugs on them to give 'em the option you can either do this and come with me or you're gonna go to jail.

DW Okay.

KW And get a ticket. So that...

DW So was that, was that inferred by the instructors that or is that just people talking that this has been a, kinda of...

KW (inaudible)

DW ...that it's okay to do.

KW That's what I, that's what I've heard.

DW Okay.

KW Coming, be before I even got here that's...

DW Right.

KW ...there was really ev, every time I, would talk to somebody or someone would talk about their stories I want to say pretty much when you come up to DRE school certifications your morals are gone.

DW Okay.

KW Just go out there, you need to get your evals done Get 'em done.

DW Okay.

KW So if someone has drugs on 'em ah give 'em the option, they can either go to jail or...

DW Okay and that didn't happen with you two at all?

KW No.

DW Okay but that's been something that you've heard throughout the program that this, that's a possibility that that goes on?

KW Yep.

DW Okay. Now did ss, ever see anything ah about a box ah with some red tape on it that made it look like maybe red tape could have been inferred as evidence tape? Was there ever a red box floating around? Did you ever see it?

KW No I, don't even know what you're talking about.

DW Okay no that's fine. And ah, (pause/paper shuffling) now did one other quick thing did um did Minneapolis PD kinda help with, were they ever helping you try to find people or?

KW We would ah, when we were out walking around we'd ah see a Minneapolis cop and then...

DW Um-hm.

KW ...ah if they were some of 'em didn't want to have anything to do with us otherwise they'd kinda talk just a little bit and we'd just say hey where, where can we go to...

DW Oh okay

KW ...find some people and...

DW Okay

KW ...I don't believe any of 'em,

DW Okay well one of the last questions I have Kenny is did you ever feel throughout this program when you were doing the field stuff did you ever feel uncomfortable about anything that was going on up there?

KW No I, never not,

DW You didn't run into any of these, what you just said earlier was moral issues. You never saw or ran into any of that personally?

KW Um-um.

DW Okay.

KW No I, I tried to stay ah we, we just wanted to get done I was sick of being up there, my wife's due to pop a kid out any day now and...

DW Okay.

KWso I was ready to get home and she's just about on bed rest so,

DW Okay. Alright.

KW I didn't want to have to, do any go up the cities for reports or, (inaudible) with BCA (inaudible)

MA Just a clarification on that too. So De, Derek had asked about um you know as far as the understanding that you said that if you found somebody with drugs on 'em that you could certainly use that as a way to motivate them if you if you know...

KW Yep

MA ...you can either go to jail for possession of the drugs or if you want to cooperate with us we'll give you a pass.

KW Yep.

MA Um was that, you said you had heard that but was, did then what did the instructors say about that, did they say that that would be an appropriate thing or did they not say it would or it wouldn't be appropriate or was it never ever addressed?

KW I don't remember, specific um what they specifically said. Like I said you had twenty-six officers up there and, every time you're with a bunch a cops everyone's story tries to get better and better and ah yeah I don't, I don't remember specific wordage on what they said about that.

MA Okay but you never, ended up in that situation?

KW No ah,

MA So it's kind of irrelevant for you because you didn't find anybody with drugs on them personall.

KW No I, I don't even um the lady that we brought with us of course we patted her down before we...

MA Um-hm.

KW ...put her in our squad other than that I, didn't touch anybody.

MA Okay.

KW I didn't want to.

MA Okay. Kinda one of the last questions I have is you know so we know what you've seen. You know what you did. Um, the kind of the last question this is important is what have you also been told though. Did anybody tell you that they gave anybody drugs or found anybody with drugs and they used drugs?

KW I never had anybody come up to me and say I gave these people drugs before they came in.

MA Okay.

KW And I don't,

MA Did anybody say that they, let somebody use some of their own drugs?

KW I, I no one actually came up to me and said I have these people, these people were found with this, I had them smoke this before they came like that, no one actually ever came up and told me that.

MA Okay but have you heard that?

KW It was from second and third hand people.

MA Okay.

KW That, this person mighta had this on them, they searched 'em and they said smoke it or

MA Okay and what did you hear even second and third hand about that? About,

KW Just that ah I believe it wasn't ah it was one or two times someone had some drugs on 'em when they um did a stop on 'em for whatever reason and then they agreed to do whatever drug it was and came in for an eval.

MA Okay. Um, and, and do you know who the person is that had the drugs on 'em? Was it somebody that's in the video that you've seen?

KW No it, it definitely wasn't ah any of those people.

MA Okay.

KW I think it was earlier in the, program.

MA Okay.

KW That the, I don't, I didn't see any occupy people, none of those people told me hey this cop had me do drugs blah-blah-blah, cuz that was one of the questions on the (clears throat) evaluation is where did you do the drugs and most everybody said on the street.

MA Okay. Did anybody say anything beyond on the street or?

KW Um, at home ah I think most of ours were on the street. Ah cuz most of the people that we dealt with were homeless.

MA Okay. Um who have you talked to since this kind of I don't know what you want to call it, issue came up with the occupy. Have you had contact with your, with your partners, with from...

KW With my partners and my...

MA ...McCall?

KW ...brother ah (inaudible) um Dustin and Josh the two that you're gonna talk to then my brother works in Hutchinson I've talked to him

MA Okay

KW And ah I gave a call to my, partner up in Anoka.

MA Okay.

KW Just to see if he's been contacted.

MA And what did he say?

KW He said yeah he was gonna talk to them later in the week.

MA Okay.

KW So it sounded like he was contacted a couple days before we were.

MA Okay and did you guys discuss anything about this is what we're gonna say or don't tell 'em this or anything like that?

KW No I've, I actually text my partner the day the, video came out and I said thank God we weren't anywhere down there and we can go home and...

MA (laughs)

KW ... (inaudible) not hear about this but...

MA Okay.

KW ...of course it ended up being, lot bigger than what it was so.

MA Sure, sure. Okay is there anything else that we should know? Is there anything you're holding back or anything that we should know about this or anything that went on?

KW No I, don't think so.

MA And everything you're telling us is the truth?

KW (no audible response)

DW Okay. Well Josh ah, sorry Kenny um if you don't have anything else we're gonna stop this interview then. The time is gonna be ah 1010 hours.

RECORDING ENDS.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1246 University Avenue, St. Paul, Minnesota 55104-4197
Phone: 651.642.0610 FAX: 651.642.0618 TTY: 651.282.6555
Internet: <http://www.dps.state.mn.us/bca>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

all
(SIGNED)

5/31/12
(DATE)

(WITNESS)

(DATE)

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	May 31, 2012	BCA CASE #:	2012-429-A01
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Adam Connor (AC)	INTERVIEWED BY:	SA Derek Woodford (DW)
REVIEWED BY:			

DW This is Special Agent Derek Woodford with the Minnesota Bureau of Criminal Apprehension. Um the date is 05-31-12, the time is approximately 1448 hours. I'm at the ah, Lyon County Sheriff's Office in Marshall, Minnesota and ah, I'm gonna be speaking with Adam John Conner, date of birth of 12-03-84. Um, work address of 611 West Main Street, Marshall, Minnesota 56258. Work phone number of 507-537-7666. Ah, Adam, before we talk a little bit I'm wanna read ya', ah the criminal investigation warning and then I'll have ya' read the acknowledgement and if you would like ta' sign it, I'll have you do that at that point. Um, you are hereby advised that you are being interviewed by a Special Agent ta' the Bureau of Criminal Apprehension as a part of a official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as a part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as a part of an internal investigation, you should disregard that representation. Um, so if you want to read that over and then read the acknowledgment and it just talks about this statement is given by me voluntarily, blah, blah, blah and if you read that and you agree to that then go ahead and sign and date that.

(pause)

AC You want me to read this out loud?

DW No.

AC Okay.

DW Just as long as you acknowledge I and...if yer' good with it just sign it and. Okay thanks. Alright, so Adam ah, what we're talkin' about today obviously is the DRE program. And ah, do you want to explain what the DRE program is?

AC Ah it's, its (inaudible) program with the systematic...um approach with ah taking people who are suspected of dealing with the influence, ah and running them through a series of ah tests. Um regular field sobriety tests and what not as well as checking pulse, ah blood pressure, vitals, eyes and whatnot, pupil size and ah based on those...outcomes of the tests, um determine if somebody's under the influence of a drug or whether or not its medical rule out. Ah if they aren't under the influence of drugs or whether its alcohol causing the impairment.

DW Okay now DRE, is that like drug ah recognition expert is that what that stands for or what does that stand for?

AC Technically that's what it stands for but for court purposes its Drug Recognition Evaluator because...

DW Oh, okay.

AC ...we can't consider ourselves experts (inaudible)...

DW Okay.

AC ...courts so.

DW Gottcha. Alright, so you go ta' this program, when does this program start? (pause) Was it around the first of April, second of April?

AC Yeah it was right around the beginning of April I think.

DW Okay so its first part of April.

AC Um-hm.

DW And then it gets done like the first, second week of May or?

AC I think it was the first week of May. It was the first of May and then we went back for two days after that, so that Wednesday Thursday after the first week of May.

DW Okay.

AC And then it was done.

DW Ta' try ta' complete...

AC Yeah.

DW ...some training is that?

AC Um-hm.

DW Okay, now initially is it set up where you guys have classroom first and then...

AC Yep.

DW ...and then go out in ta' the field and and do some of your other training?

AC Nines days of classroom then after that then it's the field work of...finding impaired people and try ta' get them ta' do the evaluations.

DW Okay, so after yer' classroom...

AC Um-hm.

DW ...do you have a written test on that?

AC Yep.

DW You guys take that first, do you pass that then?

AC Yep.

DW Okay. And then go out and start doin' yer' ah, tryin' ta' find impaired...

AC Um-hm.

DW ...people after that?

AC Um-hm.

DW Fer' week, couple weeks or three weeks?

AC Yeah.

DW Somewhere in there?

AC Yep.

DW Okay so, when instructors at this class are talking ta' you, um what are they telling you ah as far as when you go out ta' do the field work, what are they tellin' you to do?

(pause)

AC It, not really a whole lot. It was kind of just...ya' know you need ta' do evaluations so you kinda just go out there and try ta' find people who are under the influence (inaudible). It was never really kind of explained much beyond that. Um...yeah they basically just kinda said go try ta' find people and then...

DW Um-hm.

AC ...gave us some ah...I guess if you wanna call it hot spots.

DW Oh.

AC Where there's ya' know, known people who um, ya' know transients and homeless people that like ta' hang out who are...ya' know like ta' use drugs, where they like ta' hang out underneath bridges and whatnot so.

DW Okay. Now um, did they ever give you (sigh) ah things what not ta' do?

AC Um, initially no. Um...ya' know they had kinda brought up that people in the past had ya' know had people either smoke things in the back a their car or ya' know done things with...with them nearby. Um, they didn't really say...don't do it, but...didn't really say to do it, it was just kinda brought up.

DW Okay was it more like kind of a be careful or was it more like this has happened before, um...

AC It was...

DW ...I guess was it more of a hint that we don't think we should maybe do it, but if you're struggling for people, um be careful if you do let this happen, I mean I...

AC I guess I...when I went up there...I still took my same morals and values that I have down here. And the guy I worked with was ah from Washington County, Troy Lake.

DW Troy Lake, that was your partner?

AC That was my partner.

DW Okay.

AC We both had the same kinda values and whatnot that, ya' know when it comes down to it I'm gonna treat people and do things up there the way I would do it down here as if I have, ya' know people of Lyon County watching...

DW Um-hm.

AC ...me and taking part in that.

DW (inaudible)

AC I'm not gonna let loose but.

DW Right.

AC Ya' know I guess some people maybe could of construed it as...its happened in the past, not...

DW That its, it's an option maybe?

AC (inaudible) maybe type deal.

DW That maybe it's an option...

AC Yeah.

DW ...that they would have and if, it wouldn't be, did they never told you or did they tell you um, hey um...if you have drugs on you, give it to them ta' get them high?

AC No.

DW I mean they never told you that?

AC No.

DW So it was, but did they ever talk about if the person has drugs on them, if, was an option ever given ta' them to smoke it up quick or use it quick or go to jail and then instead a going ta' jail they could smoke it up quick and, and get evaluated in this program?

AC That was kind of mixed in with the...um...they used in the car. It was kind of...

DW That was all kinda together?

AC ...it was kind of ya' know.

DW Um-hm. So it wasn't really said either way whether it should be done or not done, just that this has happened in the past?

AC It's happened in the past kind of (inaudible).

DW Okay. So, okay so um...so during yer' process, how many um, you go out with your partner.

AC Yep.

DW And how many people do you actually find and bring back?

(pause)

AC Total (inaudible).

DW You gotta do fifteen?

AC Well it was initially it started out as twelve.

DW Okay.

AC It had ta' be twelve with three different categories. And then...it was the beginning of the third week or end a the second week when it came it was ah possibility of fifteen evals' with four different categories. So it kind of, it ch', I actually only have thirteen evaluations done.

DW Oh okay.

AC So I'm hopin' it's only twelve.

DW Okay.

AC So I mean, I guess...

DW So ya' got thirteen done and so there was a, there was a twelve number given and a fifteen number given...

AC Yep.

DW ...at some point, okay.

AC And I think I got, I think we got maybe five or six...ourselves and the rest were when we were in (inaudible) reports or whatnot.

DW People are there already?

AC Piggy backing off...

DW Piggy backing off other people that were...

AC ...or somebody calls and say hey we got two people...

DW Okay.

AC ...come in and...

DW Right.

AC ...do one and then we'll switch halfway through...

DW Okay.

AC ...whatever so.

DW Yeah so you could go off of other people that are brought in by other...

AC Right.

DW ...able officers.

AC Right.

DW Okay. So the five or six that you guys found...

AC Um-hm.

DW Did, where did you find them? (pause) Did you find 'em down at the PV Plaza or...

AC I...

DW ...or down by the...

AC ...I didn't...

DW ...occupy moment?

AC I didn't even make any, I didn't even know where PV Plaza was, I didn't even drive by there or so.

DW Okay, so these people you found, were they just like on the corner of a street, at a store, what?

AC Basically down Lake and Franklin. You just (inaudible) down Lake and Franklin and try ta' find people...ya' know.

DW Okay.

AC Homeless people or people who look like they're under the influence walkin'.

DW Okay.

AC Or sittin' somewhere.

DW So did you ever have ta' coax 'em ta' get inta' yer' car or, or ask 'em or say we're gonna give ya' somethin' ta' eat or um cigarettes or whatever ta', ta' have 'em do the testing?

AC It, it helped yeah.

DW So out of your people, how many did you guys either provide um food for or um cigarettes or give some money to um...

AC Me personally I know...bought two guys McDonald's. (pause) Bought a guy a...two bottles a pop. (sigh) I think another group bought in two people and they bought Popeye's for 'em and then we paid half of it.

DW That like chicken?

AC Yeah.

DW Okay, so...so there was some of the, ya' know getting food or drinks?

AC Um-hm.

DW Pop for some of the people you used for the program?

AC Um-hm.

DW Um did you or your partner ever give 'em anything other than food?

AC Food, pop and then I think we gave a guy...couple cigarettes.

DW Cigarettes or a pack or just some cigarettes from?

AC I think it might a been a pack.

DW 'Mkay, so... um did you ever um, you or your partner ever give anybody any drugs.

AC Um-um.

DW Or tell 'em heres some drugs smoke this up...

AC No.

DW ...before we go? 'Mkay, so did you hear about that happening at all?

AC The only time I heard about it was after that video came out.

DW That YouTube video?

AC The YouTube video.

DW Did you watch that?

AC Yeah.

DW Okay. (clearing throat) Um...from the YouTube video, is there anybody on the YouTube video that you dealt with?

AC Um, the only one was the...the buzzed hair, looked like a guy that had...

DW (inaudible)

AC ...was a female.

DW Okay.

AC Shorter, a little bit...

DW Oh okay.

AC ...chunkier girl.

DW What was your involvement with her?

AC Um, they called us and said hey we got, he goes three or four people back, come back here and do an eval' on 'em.

DW Uh-huh.

AC Him. Um I actually think was a female. Ah started doin' the eval' on her and the initial pulse and initial eye tests and field sobriety. There was no impairment whatsoever.

DW So that was?

AC So we got, I think I got through...I think the walk and turn...and we kicked her loose.

DW Did you have ta' give her anything?

AC No.

DW Okay.

AC No.

DW So...so you had outta yer own pocket you had ta' buy some maybe some lunch or some drinks...

AC Um-hm.

DW ... or some cigarettes to a couple a these people?

AC Um-hm.

DW Is that it then?

AC Yeah.

DW Okay. Did, um...did you ever um...see any other officers do anything other than that which would be like if, um let 'em smoke or let 'em use and then take 'em in?

AC No, I...

DW Do you ever see any a that...

AC No.

DW ...go on? Um do you ever hea', ah see any other officers there um have any drugs on them or giving drugs...

AC No.

DW ...ta' anybody?

AC No.

DW Okay.

AC Someone had made a joke once that they had a bag of marijuana. I don't remember who it was we were written, do reports it was just kinda somin' I heard off ta' the side and somebody, what I took it as a joke said ya' know I got a bag a marijuana in my trunk you go down and oh and gets some people ta' use.

DW Okay.

AC And from what I remember everybody kinda laughed. I took it as a joke, I didn't think anybody was...

DW Serious.

AC ...serious enough ta', ta' go do that.

DW Alright.

AC Apparently... there's been a couple that did.

DW Okay, well that's what we're kinda checkin' on.

AC Yeah.

DW Um, so did you notice any officer that had black box with red tape on it? That coulda been like evidence tape or um...

AC No.

DW You didn't see any officers, any black boxes?

AC Um-um.

DW Anything like that, okay. Um...and so recapping so far what we have is, you picked up five or six people outta your twelve or thirteen that you had ta' do or your thirteen that you got done.

AC (inaudible)

DW The other ones you kinda piggy backed off of whoever was...

AC Um-hm.

DW ...ready in the training.

AC Um-hm.

DW Um...you gave some people some food, cigarettes, pop...

AC Um-hm.

DW ...for helpin' out.

AC Um-hm.

DW Okay. And ah, and that's it?

AC Um-hm.

DW Didn't see any ah...Adam obviously yer' an officer so did you see anything down there during this period of time that would make you feel uncomfortable or uneasy or that (inaudible) maybe this isn't good?

(pause)

AC No.

DW Did you see or hear anybody talk about giving them beer...or alcohol...for comin' down?

(pause)

AC I thought somebody had mentioned that they got those little shooter glasses. Those little, their right at the, the checkout line.

DW Oh those little shot...

AC (inaudible)

DW ...kinda, it's like, it's like a, like a small bottle a alcohol?

AC Yeah.

DW Okay.

AC It's like a shot or somein' whatever it is.

DW Um-hm.

AC I thought somebody had mentioned that they got that, but I don't know if they actually...handed it out ta' people.

DW That they had gotten it though ta' give ta' people maybe?

AC Yeah.

DW Okay.

AC Whether or not they actually did, I don't know.

DW But that was somethin', a conversation?

AC Yeah.

DW Somein' ya' heard. Was that somethin' ya' heard directly or was it more in like the marijuana thing where you heard it...

AC No that was, that was more directly.

DW Do you know who that was talking about that or which officer was talkin' about that?

(inaudible)

AC It was one of us who stayed at the hotel. (pause) I think it was ah...Had', Hadlend(sp) from Freeborn. No ah not, not that one. (pause) Filmoore(sp).

DW Oh, oh ah Filmoore(sp) (inaudible)?

AC Yeah like (inaudible).

DW He, isn't that name of those on that YouTube? Is that...

AC Yeah he was the, the guy who said that he's family had been...threatened.

DW Oh okay.

AC He was with the Dakota County (inaudible).

DW Dakota Cou', okay so he was the one that maybe?

AC No and, and whether or not he did, I don't know...

DW Okay.

AC ...but that's...

DW But that's just conversation?

AC Yep.

DW okay.

AC Yep.

DW Alright um...now this was at their Richfield DOT station (inaudible)?

AC Ah initially we started out at the I think it's the Fifth Precinct, yep Fifth Precinct.

DW (inaudible) okay.

AC Um and then they had their bands practice one night, so we had to switch to a different location and they picked the ah the Richfield DOT shop and then we just stayed there afterwards just because it was basically nice and wide open and we didn't have ta' deal with anybody.

DW Uh-huh.

AC Parking was easier there and whatnot so.

DW Okay and then the people that you dealt with did they usually give you their real names?

AC We told 'em not to give 'em their real names.

DW Oh you tell 'em right out?

AC Yeah.

DW And what, what's that for or why do they?

AC That's what they told us ta' do.

DW Oh that, yer' their, their told, so you guys are directed, before you go in the field, we don't even want their real names?

AC Right.

DW And did they give you a reason why that was or?

AC I don't know.

DW Okay. But that's what they told you?

AC Yeah.

DW So then that's what you guys did?

AC Yep.

DW Okay. Um...okay. (pause) Now have you talked to any other officers about this? Ya' know anybody you've went ta' school with or with your partner or anything about this thing going on?

AC About the interview?

DW Yeah.

AC Or about the...

DW Or about the whole thing...

AC ...investigation?

DW ...yeah.

AC Yeah.

DW Who did you talk to?

AC Um Troy Lakes.

DW Yer' partner.

AC My partner.

DW Okay.

AC Um...one of the Olmstead, the female Olmstead County Deputy.

DW Okay.

AC Ness. I don't remember what her first name is (inaudible). Um and then I've just talked, just a couple text messages with um... Chaska PD.

DW Oh okay. Um...

AC Don't remember what his name is.

DW What's, what's everybody's take on, on this? What ah did, I mean do you know if there's some officers that had seen some things that seemed a little strange or?

AC As, as far as what I, I know everybody was kind of shocked at, I mean hearing this.

DW Okay.

AC I mean from the way it sounds most of us have or had a (clearing throat), a good...morale compass and a good...

DW Uh-huh.

AC ...understanding (inaudible) there that we were, aren't gonna bend the rules and whatnot so.

DW Yeah.

AC And.

DW And that was where you were at with it is?

AC Yeah I mean when, when the video first came out I figured it was...bogus tryin', them tryin' ta' get attention and whatnot.

DW Okay.

AC And then when it came out that somebody saw it and apparently everything, I was actually pretty shocked then.

DW Yeah. Um so when you're working, you and your partner are pretty much by yourselves usually as far as when you're out finding people?

AC Yeah. I mean if you show up initially, everybody's kinda there ta' begin with and then everybody splits up you may some but, see somebody just drivin' down the road.

DW Yeah.

AC Otherwise it's just you and your partner pretty much all night.

DW Okay. Alright, um...so as far as how you see everything and and when you went out there, um you said you were a little bit surprised about this...

AC Um-hm.

DW ...what happened, um so...throughout now knowing what you know, is there anything you can look back on and say oooh maybe I did see the (inaudible), this maybe was going on that maybe seemed a little shady at the time or is there anything that you can think of that would ring a bell now knowing what you know?

(pause)

AC Not really I mean, we...we didn't really talk a whole lot ta' the other groups. I mean...we kinda showed up and (inaudible) our thing and if they were there when ah we were doin' our evals', just kinda talked ta' them briefly and see how many they had and what they all got and whatnot.

DW Um-hm.

AC But never, I mean I'm still...I still never really seen anything (inaudible) ya' know besides the one guy joking about given the, someone pot.

DW So that's the only thing you heard about with...

AC Yeah and I...

DW ...(inaudible)?

AC ...mean and, and I guess ya' know I don't know if it's just me being naive or whatnot I guess I took it as a joke. Whether or not, whether or not that, I and like I said I don't remember who was, who said it so I don't know if it was one of the alleged parties or not, but.

DW Did you sense any frustration that it was hard ta' find people?

AC Oh yeah.

DW I mean the, that...

AC I, I was, I mean (inaudible) we were one of the last groups ta' get finished. We were one of I think three groups on the last night.

DW Um-hm.

AC And like I said I still have thirteen.

DW Okay so you (inaudible) that?

AC So I mean I, I possibility of maybe havin' two more (inaudible) ta' do.

DW Okay.

AC Before being certified and ya' know everybody was frustrated (inaudible).

DW I thought that was just hard ta'...

AC Two weeks of class room ya' know. Two three weeks out in the field, that's five weeks away from yer' department, ya' know from us guys and from the out state, five weeks....

DW Right.

AC ...of bein' away from family...

DW Right.

AC ...and kids.

DW Um-hm.

AC Ya' know two three hour drives home every night or...

DW Yeah.

AC ..you know every week (inaudible) so everybody was gettin' frustrated.

DW Ya' you's, so but you never say anybody get to a point where it's like, you know what we need ta' find someone here, take this marijuana and smoke it so we can do this?

AC I, I never saw that, no.

DW Okay. Alright um did you, out of the people that you had, did you ever find any dope on anybody that you had?

AC Yep.

DW Then how would you handle that then?

AC Ah that, that one group it was five kids in the car, not kids but younger people in the car. Um they'd all been smokin' weed and I think there was one packed bowl and...a little bag a weed in there. Um...and when we did the traffic stops, I kinda stayed out of it since I'm from out here and let my partner deal with 'em so that way if somein' does come out of it.

DW Right.

AC Um he can deal with it up there versus havin' me to. Um...he found I think a little bag of weed and packed bowl. Um they were just on their way to their buddy's house ta' smoke it and um they were given the option A, if you want to ya' know would you mind using for us and doing evals and they agreed to it.

DW So then they were allowed ta' smoke it?

AC Um-hm.

DW All of 'em or?

AC Nope.

DW Just the one guy?

AC Just two of 'em.

DW Two of 'em?

AC Yep.

DW So that, so two were allowed ta' smoke dope, smoke up the marijuana?

AC Yep.

DW And then...

AC Well they, they said they would do it yeah.

DW They would do it, okay.

AC Um-hm.

DW So was the option kinda smoke it or what was the other option?

AC I guess that was the option. Either smoke it or...

DW Or did they think...

AC ...get sited for...

DW ...they were gonna be gettin' charged right?

AC Yeah.

DW Okay, okay and was that, was that the only time that that happened then?

AC Um-hm.

DW So, so that incident, um you had that happen...

AC Um-hm.

DW ...but then the other people they didn't have any dope on 'em? (pause) The other people that you stopped. You stopped these people but...

AC Yep.

DW ...you had other, you had like four or five more you took back?

AC Yep.

DW Did they have any (inaudible)?

AC Not, not as far as I knew.

DW Not that you found?

AC No.

DW Okay.

AC No.

DW Alright. Okay, um and by being given that option to smoke it or get charged, did you guys feel that that was part of the protocol on this deal ah ya' know that this is kinda what happens when yer' in this training is that this, did they tell you that that's an option?

AC That was kinda that (inaudible).
DW (inaudible)
AC The kind of inferred thing sayin' sometimes ya' know...
DW This happens.
AC Yeah, ya' know I mean yeah...
DW Okay.
AC ...sometimes it happens and sometimes that's what you need to do to get our evals' done so.
DW Gotcha. Um did they...these people that were smokin', were the kids ah, ah how old were they?
AC Twenty, nineteen I think.
DW Adults but they were younger adults?
AC Um-hm.
DW Okay. Did they say anything about that? About...getting allowed ta' smoke, did they say anything ya' know about that or that being an issue or...ya' know sometimes (slight laugh).
AC (inaudible)
DW I mean kid around about it or ya' know.
AC Kind of kid around about it ta' try ta', I mean...ya' know kind had ta' loosen up a little bit, but ah yeah they're kinda kiddin' about it sayin' now that they have a ah, ah four twenty story for 'em 'cuz it was on four twenty when it happened.
DW Oh.
AC So yeah they were kinda jokin' around with it then. It was unusual in an unusual event that happens obviously.
DW Yeah.
AC So.
DW Okay. Alright um (sigh) so after thinking about all this, is there anything else that maybe I'm forgetting or anything that you can think of that during this program that was somein' that would stand out to you?
AC Not really no.
DW Okay. Alright well you know what I think ah that'll be the end of the statement. And we'll wrap it up and the times gonna be ah 1516 hours.

End of tape.

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 6, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
2nd INTERVIEW OF:	Deputy Kenneth Willers (KW)	INTERVIEWED BY:	SA Derek Woodford (DW)
REVIEWED BY:			

DW This is Special Agent Derek Woodford with the Minnesota Bureau of Criminal Apprehension. The date is 06-06-2012. The time is approximately 1950 hours. I'm at ah Nobles County Law Enforcement Center in Worthington, Minnesota and I am with um Deputy Kenneth Warner Willers, date of birth of 07-06-1985 and ah I am here to um conduct a second interview um briefly with Kenneth about information that ah myself and ah Agent Anderson had spoke with him on I think it was May, believe it was May 31st um 2012 and ah Kenneth before we talk briefly here um I had read you the criminal investigation warning um the first time we did the interview correct?

KW Yes.

DW And you understand that this is not an internal investigation. That this is a criminal investigation and that you obviously have the right not to talk with me.

KW Yes.

DW And that the internal investigation is separate from a criminal investigation.

KW Yep.

DW And you had signed a criminal investigation warning the first time we've ah talked and are you okay, do you want to sign a second one and look at it again or are you okay with going with the first one and understanding what that warning is?

KW I'm okay with the first one.

DW Okay. Alright. So um we had talked ah myself and Agent Anderson had talked to you um last week and ah we had asked questions to you about the DRE program that you had attended ah April through first part of May...

KW Yep.

DW ...of 2012. And you had as, answered those questions and um I have gotten some information on Friday, last Friday um that um and I believe that would have been the first um June 1st, 2012 and ah that maybe um there was some more information that we need to talk about. Um so um would you have any idea what that is or what I need to talk to you about?

KW Not at all.

DW Okay.

KW I don't think.

DW Okay. Um the questions that I have is Kenneth back at the end of this DRE program was your group called in um and shown this U-tube video?

KW I, I don't know if, I left [REDACTED] or the day before so I went up there, took my test and I left (clears throat) as soon as I handed my stuff in. I don't know if they showed the video that night to ev, to the people that stayed. But I had left immediately after I handed my stuff in.

DW Okay.

KW There was still people testing.

DW Okay. Now do you um do you remember seeing or the ah um administration or the instructors um acknowledging or talking about that U-tube video in, into your classroom?

KW The first thing that um I think it was during our test um Munoz came out or somebody it started I started hearing whispers and stuff and then they were talking about the U-tube video and then the couple that were in it um I heard them talking about it and they went to the other room, I don't know to go watch it I think the instructors were watching it in a different room. And then um Munoz came out and um stopped the test and just asked about it quick.

DW Okay. Now after your test did you guys break for lunch or?

KW No.

DW Nothing like that? Okay. Was there a day toward the end of the program that you guys broke for lunch and um you went with a trooper um to lunch?

KW Ah dur, during the time of my ah trainings there I went out to eat with troopers but just one trooper by himself? Just me and him?

DW I, I don't know if there was more than him in the car or that trooper in the car, there could have been you know more people but I don't know.

KW Did I ever get in a car...

DW I guess...

KW ...with a trooper?

DW I guess if you're not...

KW I'm trying to,

DW Yeah um it would have been about the time that this U-tube video was addressed and then you went to lunch after they showed the U-tube video?

KW No.

DW Were you around at that point?

KW No I left. I, I like I said I don't know if they showed it to the group or not. I left right away.

DW When did you leave?

KW As soon as, I took my test I had um I called Munoz the day before I said shit's going on with my wife um she's on bed rest, I don't ah, I want to come up there I want to get this test done, I don't want to have to come take it he goes you don't have to come up at all and I said I just want to come up there hand my stuff in and so I went up there, took the test, I had ah couple papers that I had to turn in, he was kinda busy with that whole watching the video thing so I um handed in my test, came back got my papers done I thought people would start getting done with the test but there was still a lot of people testing. And I went and handed my papers and I said um I didn't even hand in my papers I said cuz he was busy with that I said do you want me to hand 'em in now...

DW Um-hm.

KW ...or do you want me to give 'em to Dustin or Josh and to hand in tomorrow.

DW Okay.

KW And he said hand 'em in tomorrow. So I gave then I gave my papers to Dustin.

DW Okay.

KW And then I played around on the computer a little bit cuz I thought we were all gonna go out to eat and have a beer or something and then

DW What time was that? Was that in the afternoon or in the, or lunchtime or like on the

KW Well the test was at 3:00.

DW Okay.

KW So um I would assume it was it didn't take me a couple hours to do it so maybe 5:00 o'clock and then um nobody else was ah Jo, we were waiting for Josh and Dustin to get their test done and they were just taking too long and I wanted to get back home so I just, I left.

DW What date do you remember what date that was or?

KW Oh I got it in my book here. It's a Wednesday or ah, Thursday I believe. No it was a Wednesday.

DW Um-hm.

KW Wednesday the 2nd.

DW The 2nd of ah?

KW May.

DW So that was like right at the end?

KW Yep it was the last day.

DW Okay. Um so second to last day, did anybody talk to you about or did you know that they showed this video to the group?

KW No.

DW Were you in that group?

KW No. I wat, I actually watched the video on my way home.

DW Oh on?

KW In my squad computer.

DW Oh okay.

KW That's the only way I,

DW Now um, I'm just I just want to find the part so I'm sure here. (pause) Okay so, and I guess I'm not sure that they ever showed the whole video or whatever but there was a big discussion about it um do you remember having a discussion in the classroom about the U-tube video?

KW There was a um I never actually saw the video in the classroom.

DW Okay.

KW There was,

DW And I don't know for sure if they showed it.

KW Yeah.

DW But they had a discussion at least about it.

KW There was um Rick, during the middle of the test Munoz came out and said how many of you people picked up people from occupy. Certain number of people raised their hand.

DW Um-hm.

KW I didn't.

DW Right.

KW How many of you people gave them drugs.

DW Uh-huh.

KW And I believe nobody raised their hand and that was, that was the two questions he asked and then that was it.

DW Okay.

KW I was, doing my test.

DW Was there, was there a discussion about this a thing during the, there would have been some discussion and then going out and finding more evals?

KW No. They mighta done it the next cuz some people stayed for the last day...

DW The last day?

KW ...on Thursday.

DW Okay.

KW But I went, I went home Wednesday night.

DW So you were home Wednesday?

KW Yeah I didn't go to the last (inaudible)

DW Did you do an eval Wednesday night?

KW No.

DW Okay.

KW I went straight, I wasn't even in um uniform.

DW Did you do some evals during the day at all?

KW No.

DW On Wednesday? On Wednesday?

KW No.

DW No so there was just the test. Um,

KW I, I was maybe in the cities I went out to eat with my or ah went over to my buddy's place by St. Louis Park immediately after and talked to him for a little bit.

DW Okay. So did you ever get into um the last few days there ah did you ever get into the, a squad car with a trooper ah for lunch?

KW The, we went for this ah it wasn't the last week.

DW Okay.

KW Um, there was ah it was me, Josh Mccuen and Mark Hibbard. I was riding in the back um end of the, his squad.

DW Okay.

KW And that was we went to I believe Subway.

DW Okay.

KW But that was, that was more towards in the second week or third week that we were up there it was.

DW Okay.

KW Don't believe it was during the last.

DW Okay. Um well I'm, here's the comment that we were told that was made.

KW Um-hm.

DW And the comment was um you evidently got into a squad car um and said I don't know what the big deal is I just gave them marijuana, it's not like I hurt anybody.

KW No, absolutely not.

DW So that comment, wasn't made by you?

KW Absolutely not.

DW Okay.

KW Is it, did they eh if I can ask a question (inaudible)

DW No that's, go ahead. We're trying to figure it out I mean

KW Yeah. Did they say, did they actually say my name Kenny Willers?

DW Well um what happened was um they indicated it was an Officer Willers.

KW Did,

DW And then...

KW My brother was also there.

DW Yep. And then that and we knew that so that was discussed. Um, and ah do one of you wear glasses or?

KW Ah Karl has contacts.

DW Oh okay. Um, and I guess what, what with this statement we had the other agent had discussed with this officer that yeah there were two Willers and, and the, and what it sounds like to me what happened is they actually um you know identified you as the one.

KW Tha, that, that is a hundred percent false.

DW So that's what we're trying to I mean that's what we're trying to figure out is...

KW Yeah.

DW ...and if you weren't I guess you know if you weren't there Thursday um, you went back Wednesday night and then Tuesday you, do you even remember a conversation about eval or about um this occupy thing?

KW I never,

DW Be, before breaking for lunch?

KW I never broke for lunch. I never,

DW Well you did certain day I mean,

KW Oh, certain days but we, we didn't know about the video until that day.

DW Which day did you know about the video?

KW That Wednesday.

DW And that was when it first,

KW Yeah that's, that's...

DW So,

KW ...the first time I heard anything about it.

DW Okay so what time on Wednesday?

KW During the middle of the test.

DW What time was that at?

KW We took the test at 3:00 I, I believe it was at 3:00 o'clock.

DW Okay. Did, so, saying it's lunch could it actually be at 4:00 o'clock you have dinner or lunch, 3:00 or 4:00 o'clock?

KW I didn't go any, with anybody. Nobody,

DW So you didn't go that day?

KW I didn't go out to eat with anybody.

DW Okay.

KW Stopped at ah,

DW Is it possible your brother did?

KW Did, if he went out to eat?

DW Yeah.

KW Yeah I, I...

DW Did he stay until Thursday?

KW Yeah.

DW Is it possible that he made that comment and,

KW I,

DW ...and didn't...

KW I can't say if he did or not I

DW Right I mean I, I guess we're just trying to figure out,

KW I, I am a hundred percent positive that was not me.

DW And, that you didn't make that comment?

KW No. You guys asked me multiple, I told you...

DW Right

KW ...I told you the three people I picked up.

DW Yeah.

KW That, and those were,

DW And that was my, and I guess...

KW (inaudible)

DW ...Kenny that was my concern when I got this information was...

KW Um-hm.

DW ...well this is who you know we can verify that I mean this is who, you indicated you picked up the three people and...

KW Yeah that was at, and...

DW So, okay so based on everything that you told me as far as a statement goes the first statement is that um is there anything that you can remember after you gave that statement that you either didn't tell us or that you forgot to tell us? I mean we, did we cover everything?

KW Yeah.

DW I mean do you know of any of this, do you know of any officers that gave marijuana to anybody or, or said they gave marijuana to anybody?

KW No.

DW Or any, or any dope?

KW No and the, the one thing that stuck in my mind from the interview was the black box with red tape.

DW Um-hm.

KW And I had, I even asked Josh and Dustin right after cuz that, that's one that stuck in my head I'm like...

DW Uh-huh.

KW ...I have no idea what he was talking about.

DW Uh-huh.

KW And that, that's the one thing

DW Or just a black box?

KW Yeah just a black bo...

DW Um-hm.

KW ...I didn't know, I had no idea.

DW Nothing?

KW Um-um.

DW Okay.

KW But this is, when you said you wanted to talk to me again

DW Um-hm.

KW And then, and my, Deb said it was based on someone's statement I thought the only thing that someone could have said that, Kenny Willers gave, Kenny Willers said he gave marijuana to somebody and that's and that's what I told her today I said I will talk, forever to that...

DW Um-hm.

KW ...did not happen.

DW Um-hm. And so why did, why did you think that was what was said?

KW Because I thing sh, she told me that she asked you ah um does this make him a suspect.

DW Yeah and I said it could.

KW Yeah it could.

DW Yep.

KW I said well it must be a pretty big, if, if someone said a statement

DW Um-hm

KW (inaudible) there, I saw Kenny Willers give someone drugs or Kenny Willers said this.

DW Right.

KW And that's the only, only thing that I could of thought that,

DW And you knew that you hadn't given anybody drugs?

KW I knew for a fact and I wanted my name...

DW And...

KW ...fully cleared from this.

DW Do you remember saying anything to any cops even kiddingly or you know maybe some guys joke and say something and then it's taken the wrong way?

KW No I,

DW I mean do you remember ever kidding with anybody or?

KW I would have never, I never ever said I gave marijuana to anybody.

DW Um-hm.

KW And I, there was even to joke around about it there was no reason to because I, didn't.

DW Okay.

KW So,

DW Alright um and I guess that was um that was the main thing I was I wanted to talk to you about um is there, like we talked about just a minute ago is there anything else that, so we don't have to come back is there anything else that we can re, that you can remember that was, that came up or someone said or someone heard or?

KW No I,

DW Nothing?

KW No I thought, I thought this was all done.

DW Okay.

KW I was...

DW Alright and then...

KW ... (inaudible) for it to be done.

DW And you, and just and just to reiterate, you had left Wednesday you left.

KW Um-hm.

DW And you left at what time?

KW I, I would say the test didn't take me an hour and then I maybe play on the computer, getting my papers ready to go, maybe sat around for another half hour, forty-five minutes.

DW Um-hm.

KW But I sat at my desk I wasn't, wasn't talking to anybody or,

DW And that was, so what time did you get done?

KW I would assume around 4:00.

DW Okay.

KW But then I, I, I think I left before 5:00 because I wanted to go see my buddy's new place and then I had to get home to...

DW Okay.

KW [REDACTED]

DW So you came home Wednesday night?

KW Yeah I was,

DW And, so after you left you didn't go get lunch or go eat with anybody or...

KW No I,

DW ...anybody from there?

KW I ate in St. Peter or something like that. I,

DW What was the, was there ever a time you were in the squad car just with one other guy ah besides your partner on the evals?

KW No.

DW Where you went to lunch?

KW No.

DW Can you ever think of a time where you went to lunch with one, other officer?

KW Well, the only time I didn't go to lunch with my, partner was when I rode with Hibbard and Mccuen in the back ah his squad.

DW Okay.

KW That was the only time.

DW So you had never went to lunch with anybody else or if you did there was other people with?

KW Yeah.

DW More than one?

KW Yeah there was always...

DW Okay.

KW ...there was always a group of us that went.
DW Okay and you would, be in a sq, which squad car?
KW Um if I was with my partner he always drove me. The only time I went in another squad um was with Hibbard in the back ah his.
DW Okay.
KW And then,
DW Were you ever in a trooper car?
KW That was a trooper car, Hibbards.
DW And, Hibbards?
KW Yeah Mark Hibbard.
DW And he was, and that was um, you were in the back?
KW I was in the way back.
DW And someone else was in there too?
KW Josh Mccuen was in the passenger seat.
DW Josh Mccuen.
KW (inaudible)
DW Oh the Worthington guy?
KW Yep
DW Yep, and then ah what about Dustin?
KW Dustin wasn't no.
DW He wasn't in there? Um, was it was just you three right from down here?
KW Yeah.
DW Okay. So there was three of you in there and Josh was in there and you were in the back. Was there a cage in there?
KW Yeah it was a cage.
DW Okay.
KW So I (inaudible) say anything.
DW And the trooper's name was who?
KW Mark Hibbard.
DW Oh okay. Okay. Alright um, I can't think of anything else at this point to ask ya ah Kenneth I guess ah so you're just saying that, wasn't said by you?
KW I, guarantee it. I would take (inaudible)
DW And you never gave marijuana to anybody ever?
KW Absolutely not.
DW Okay. Alright we're gonna conclude this statement then. The ah time is going to be ah 2010 hours.

RECORDIGN ENDS.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

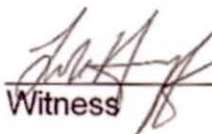
This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.



Signature

6-7-12
Date

 #1389

Witness

6-7-12
Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 7 th , 2012	BCA CASE	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	429/34.1
INTERVIEW OF:	Lt. Tiffany Nielson (TN)	INTERVIEWED BY:	SA Gary Swanson (GS) SA Luke Hanegraaf (LH)
REVIEWED BY:	S/A Swanson		

GS This is a digitally recorded interview. The date is June 7th, 2012. The time is 1444 hours. Being interviewed today is Lieutenant Tiffany Nielson, N-I-E-L-S-O-N of the Minnesota State Patrol, date of birth: 11-12 of 1978, address is 2005 North Lilac Drive, Golden Valley, Minnesota 55422, phone number 763-591-4680. This is in relation to BCA case number 2012-429, ah present for the interview are Minnesota BCA SA Gary Swanson and Luke Hanegraaf. Ah, interview is being conducted in a conference room at the Minnesota BCA on Maryland Avenue in St. Paul. Um, Tiffany the, the reason that we're here today is ah, it's our understanding that ah, you were an instructor at a recent drug recognition expert training program?

TN Correct.

GS That was put on in the metro area here early in April? Or I guess it ran pretty much through April into early May.

TN Correct.

GS Um, can you tell, first of all, maybe I better back up here a bit, prior to us starting this interview you were shown a, ah document here commonly known as the BCA Criminal Investigation Warning. Is that correct?

TN Yes.

GS Did you have an opportunity to review that document?

TN I did but I didn't read it like, I skimmed it.....yes.

GS Okay, after reviewing that document um are you ah okay talking with us?

TN Yeah, yeah.

GS Okay, ah as the document states this is a criminal investigation we're doing. You don't have to talk to us. This interview is strictly voluntary. If you want to end it at any time you can.

TN Okay.

GS Okay, um back to the class, um you were an instructor in (inaudible) class. Is that correct?

TN Correct.

GS Okay, when, when did the class start?

TN April 2nd.

GS Okay, and if I understand correctly there's two parts to this class?

TN Correct.

GS The classroom and the certification portion?

TN Correct.

GS Okay, um focusing on the certification program um can you tell us what that, that kind of entailed?

TN Um, well the certs is field certs.

GS Um-hm.

TN Um, in the past it's been twelve evaluations on impaired subjects.

GS Okay.

TN Done with a instructor observing the student administering the evaluation.

GS Okay, and where did they, the students locate the subjects to evaluate?

TN In and around Minneapolis...

GS Okay.

TN ...I mean they can go into St. Paul as well.

GS Uh-huh.

TN Yeah.

GS And what instructions were they given on how to find these folks?

TN Um, well I was present when we discussed certs.

GS Okay.

TN So um you know going out and talking to people.

GS Um-hm.

TN Um, two points that I made certain I said and I think this is important is um there's a lot of city ordinance violations that you can stop and talk to these people for.

GS Uh-huh.

TN And then another point which is interesting in conjunction with this investigation is, made a point to instruct the students to stay away from Occupy protestors which I dealt with the week before...

GS Uh-huh.

TN ... with the Minneapolis Park Police.

GS Uh-huh.

TN And that's where the video footage of the Minneapolis Officer pushing a camera down came out.

GS (inaudible).

TN So I remember making those two points.

GS Uh-huh.

TN Typically when we discuss certs.

GS Uh-huh.

TN So.

GS Um, when, when the students went out and located people that they believed to be under the influence of narcotics. What were they supposed to do?

TN Um, bring them in for voluntary evaluation.

GS Okay.

TN Yeah.

GS Were they given any instructions as to what to do if they encountered people that had narcotics on them?

TN Not specifically, no.

GS Okay.

TN Yeah.

GS Um and then if they did ah, locate people that were under the influence. Where did they take them?

TN Well, in the past they brought em to Minneapolis fifth precinct.

GS Uh-huh.

TN But this year they brought em down to the um DOT shop at 66th and Cedar.

GS Okay.

LH Is that in Richfield?

TN Yes.

GS Okay, um did, what kind a, were these officers, did they go out on their s-, on thier own, by their self or were they teamed up or how did that work?

TN I mean they work in pairs so...

GS Okay.

TN ... the pairs were assigned.

GS The instructors assigned the pairs?

TN Um, no Munoz assigned the pairs...

GS Okay.

TN In part looking at who is familiar with the geography.

GS Okay.

TN Partnering them with somebody who is not as familiar with the geography.

GS Okay, how bout instructions as to um, if they were supposed to identify these people?

TN Yeah, I mean the instructions for, we don't really need to know their identification.

GS Uh-huh.

TN I mean for the purpose of the certs we want the evaluations done but there's you know, they want, if the person who's coming in to voluntary cooperate does not want to give their name we don't demand that they give that.

LH Okay, was it typical or was it a normal circumstance where most people who came in to get tested would not give a name or they...

TN Um, I, I mean I, I can speak to my own class and I've taught this is the second class I taught and I helped Wisconsin certs. Yeah they don't want to provide their name. We don't expect

them to give their true name and I think the logs were, people were giving names like Mickey Mouse or you know.

GS Uh-huh.

TN I mean we just want to connect the, the urine sample to the person, you know, whoever was evaluated for the purposes of (inaudible) correctly identifying their drug categories.

GS What if these people ah committed a crime and that's what caught the officer's attention. Were they given any instructions on how to deal with that?

TN It was at the discretion of the officers.

GS Okay.

TN Um, for my own personal, when I did my search with my partner, we made the decision, were out here to search, obviously if we find something egregious were gonna deal with that.

GS Uh-huh.

TN But if it's a minor offense we want to get the evaluations done.

GS Uh-huh.

TN So.

GS Yeah, I, I might have asked you this already but um if, if, if they stop someone that was ah that was in possession of narcotics what were the supposed, what were they told to do, anything?

TN Nothing, specifically.

GS Okay.

TN Yeah, I mean that was.

LH At their discretion?

TN Right, I mean...

GS Okay.

TN ...but between the two of them what are they going to make an arrest or...

GS Uh-huh.

TN ...are they going to issue a citation.

GS Uh-huh.

TN Yeah, there's nothing been specifically directed what to do with the individuals.

GS Okay.

TN Yeah.

GS How bout the instructions as to what to do if they came across someone that was using drugs?

TN Like actively using, um, I would say that you hear things in the program where if somebody has something in possession it's not a common, at least it's happened, where officers have said, I'm not gonna arrest ya, I'm gonna come back and pick you up in ten minutes.

GS Okay.

TN And come back and do the evaluation.

GS Were they given any instructions as to whether or not they were to allow people to use drugs in their presence?

TN Ah, no, not that I, yeah

GS Okay.

TN Yeah.

GS Okay, um an obviously early on during this whole thing um there was some allegations made by the Occupy Minnesota protestors that police officers were supplying them with marijuana. Did you see any kind of indications that that, that could've been happening?

TN I did not observe anything of that sort.

GS Okay.

TN Yeah.

GS Was there anything that came out prior to those allegations by the Occupy people that that was going on?

TN No, cuz with reference to the Nick Otterson.

GS Um-hm.

TN The complainant um, Craig Isaacson was on duty that night and I think he went out and spoke with the complainant in person because he was homeless and didn't have a cell phone and I don't know what the complainant told Isaacson.

GS This is on the Otterson incident?

TN This is on the Otterson incident but my understanding that the next day was the allegation was that Otterson, the person had it in their possession, Otterson and his partner said smoke it, come to the evaluation but nothing was given.

GS Uh-huh.

TN So when I saw that in the media later.

GS Uh-huh.

TN It was news to me.

GS Okay.

TN Yeah.

GS Um, so the, the Otterson incident, that was um brought to your attention the next day?

TN Ah, I might have checked my email that same evening.

GS Okay.

TN But I wasn't working until the next day, yeah.

GS Okay, was there, was there ever any allegations brought to you personally that anybody in the class was supplying drugs to anybody?

TN No, not until saw what was on the news.

GS Uh-huh.

TN Yeah.

GS Okay, was there any discussion between you and the other instructors after that came out?

TN Um, yeah I did talk to some of the other instructors.

GS Okay, and after that came out did, did any of the instructors give any of the ah the class in, did they give the class, the whole class or portions of the class any direction on you know, what had happened and what they should do?

TN It was my understanding that Munoz had addressed the class following that.

GS Uh-huh.

TN To say, I don't know what he said specifically cuz I wasn't there.

GS Uh-huh.

TN But it's my understanding that he addressed the class about these types of decisions.

GS Um-hm, um when did you get certified?

TN 2010.

GS Okay, did you, have you ever heard in prior years and prior classes, of any allegations of this kind a thing happening?

TN Not giving things to people.

GS Okay.

TN Um, but I have you know heard of people had it in their possession already ta walk away or let em use it on their own and then pick em back up later.

GS In the YouTube ah allegation there was something brought up about a, and I, I not sure where it came from but there was something brought up about ah somebody saying that a police officer supplied someone with marijuana that was in plastic bag that had evidence tape, read evidence tape on it. Did you hear anything on that?

TB No, no I haven't heard anything about that.

GS Okay, um...

LH Did you ever see any types that were, has anyone ever come to the instruction portions of that class that may have had some kind of container or had any plastic bags or...

TN No.

LH Was there anything prior to everybody going out to their shift that said were gonna go through the cars and make sure the cars are clean. Obviously when they're picking these folks up their driving em back in a squad car, correct?

TN Um-hm, correct.

LH Okay so is there any type of instruction or protocol or is it up to the officers themselves to make sure their car is clean and clear before they go out?

TN Yeah, I mean it's, I mean officers are working as a, a pair. I mean we don't as instructors do anything where searching them or vehicles.

LH Um-hm.

TN I mean it's, you know their own safety that they're searching individuals.

GS Um-hm.

TN And searching their back seats after that and we don't, I mean as an instructor I wouldn't even like think about doing something, searching somebody on behalf of them or a squad or yeah and I'm not aware of anybody bringing things. I've never heard of anything like that, so.

LH Okay.

GS Was there, when the officers brought these individuals to the testing facility to be evaluated. Did they fill out any paperwork or anything?

TN Just the evaluation form and the cover sheets that go on there.

GS Okay.

TN (inaudible) observations.

GS Uh-huh.

TN For the student's ability to do the evaluations.

GS Yeah, are those kept?

TN Yes.

GS Okay so ah Sergeant Munoz would probably have them?

TN Yes.

GS Okay.

LH And when these persons came in for the evaluation at the Richfield DOT building, were there instructors there at all the time watching the evaluations as they took place?

TN Yeah, each of the um subjects, the students conduct the evaluations and the instructor has to witness each evaluation. Now, I actually didn't do certs, I stopped down there (inaudible) scheduled to do it for the night so I don't know how many instructors they had down there but in previous classes sometimes were watching two groups simultaneously because we were short instructors.

GS Um-hm.

TN So.

GS Ah, with regard to the Nick Otterson incident again, um did you have any opportunity to talk to him or the individual that made the allegation regarding the (inaudible)?

TN I spoke to Nick I have had no contact with the individual that made the allegation and...

GS Okay.

TN And what was, I don't even know Craig Isaacson was ever able to reach him following that night.

GS Uh-huh.

TN I don't know if there's been any further um contact information for him.

GS Okay.

TN Yeah.

GS Okay, um I guess I don't have anything else.

LH I just wanna, I, I'm sorry I'm thinking maybe I was misunderstood when I was trying to ask the previous question. What I was talking about is when the students bring the subjects back for evaluation.

TN Um-hm.

LH Did you guys, when you were in your testing processes, say you should maybe check your cars after every person or subject is in them to make sure they're clear. Not meaning that you yourself or the State Patrol would go an clear everyone's car.

TN Um-hm.

LH But just make sure where you're transporting a lot of people in your cars, make sure they're clean.

TN I mean I think that's common sense officer safety stuff.

LH Yep.

TN So during certs that wasn't discussed as...

LH Okay.

TN ...make sure you do this, I mean that, you know. These are officers. Most of em have experience on the street so it's not, I mean we weren't that specific about direction.

LH Okay.

TN Yeah.

LH Alright.

GS Do you have any questions?

TN I don't um, no.

GS Okay, alright we're gonna end the interview, it's ah 258.

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 11, 2012	BCA CASE	2012-429
OFFENSE:		EXHIBIT #:	
INTERVIEW OF:	Deputy Michael Hadland (MH)	INTERVIEWED BY:	SA Dave Schafer (DS) SA Tom Oliveto (TO)
REVIEWED BY:			

DS Recorder's on now ah it's ah June 11th ah 2012. It's approximately 10:35 A.M. Ah my name is Dave Schafer I'm an agent with the BCA out of the Rochester Field Office. Also present is ah Agent Oliveto and we're here talking with ah Fillmore County Deputy...

MH Michael Hadland. H A D L A N D.

DS Okay and what's your middle name Michael?

MH David. 5-21-1969.

DS Okay. And ah what's your, Fillmore County Sheriff?

MH Yep.

DS What's the address?

MH 901 Houston Street, Preston 55965.

DS And the phone number there?

MH 507-765-3874.

DS Okay and how long have you been with the ah Fillmore County Sheriff's Office?

MH Fourteen years. Two part time, twelve full time.

DS Okay and what's your call number there?

MH 2312.

DS Okay and ah you understand why you're here today, you came in here voluntarily.

MH Yep.

DS We advised you that we're conducting an investigation into the ah DRE class from April and May of this year. Ah prior ah to turning on the tape you had a chance to look over the criminal investigation warning and um you didn't have any questions about that, you signed off and...

MH Yep.

DS ...again just explaining to you that ah this is a criminal investigation. There's not a specific allegation against you. You're simply being interviewed as, because you were part of this class.

MH Correct.

DS Um and originally when I called and talked to you ah you were willing to come in for an interview and then I had gotten or ah Deb Ellis had gotten a hold of me and...

MH Yep.

DS ...she's a LELS attorney.

MH Yep.

DS And then ah we tried to work out a schedule, you had an unfortunate incident in your life that you had to deal with and...

MH Yep.

DS ...stuff but ah anyways um you're here now without Deb so you've talked to Deb,

MH Yep.

DS and,

MH She says I don't have nothing to worry about. The investigation is not involved with me into the point where any allegations of me and I'm free to talk to you guys.

DS Okay so you're here understanding...

MH Yes.

DS ...that you can have her if you want her...

MH Right.

DS ...present we can delay this...

MH Yep.

DS Okay, alright. Um so fourteen years Fillmore County Sheriff's Office. Ah part of your training or work requirements um you did attend this DRE class?

MH Yes.

DS Do you remember the dates?

MH Started April, well I went up April 1st but it started April 2nd was classroom. That went 'til April 12th. April 13th and 14th we started our night evals where we went out and looked for people that were high.

DS Okay.

MH Um, and then I think we went back it was always Wednesday through Saturday so that went all the way 'til May 3rd.

DS Okay.

MH I believe, was the last day yeah May 3rd I think that Thursday or May 4th was the last day we had

DS Okay and this was a two part class or it was two weeks of classroom.

MH Yes.

DS And then you start these, you had to go out and you had to have a certain amount of these...

MH Fifteen evals. We had to have four categories.

DS Okay. And you, fifteen between you and a partner correct?

MH No fifteen individually.

DS Okay.

MH But you were assigned a partner.

DS Um-hm.

MH And with, usually you'd get fifteen together but there was a couple times where he was gone back to Dakota after our class and they needed a DRE so he sat in I think with one, one DRE he had, he had two ahead of me.

DS Okay.

MH Um he I think he leap frogged one with when we got to the point where we were having a hard time getting our fifteen, went from two people to three so

DS Okay

MH ...if somebody would come in with one, one of us would get in with another two people and more or less just witness.

DS Yep

MH You'd kinda stand back and watch it and then you'd have to write your own report reference that.

DS Okay. Who was your partner?

MH Bryce Schuenke ah S C H U E N K E.

DS And he was with?

MH Dakota County.

DS Okay. So you're, you're ah focusing on the second part of the class now you're going out to get your evaluations, you each have to do fifteen, you're teamed up with Bryce?

MH Yes.

DS Um the class was sponsored by?

MH State Patrol put it on is all I know.

DS Okay and that's what I meant by that. Who, who was in charge of it?

MH Rick Munoz.

DS And Sergeant?

MH Sergeant for the State Patrol.

DS Okay and then a but as, as part of this class there were numerous law enforcement instructors from all different jurisdictions?

MH Right,

DS Okay

MH There, there so, university um there was a female from Roch I can't think of it, several other state patrols Apple Valley um like I said there was, there was a lot of 'em. I have the names of a lot of the instructors.

DS Okay

MH Back in my ah office.

DS If we needed that we could get that from you?

MH Oh yeah that's, I would think you could get 'em from (inaudible) ah Munoz, who else was instructors.

DS So um and you're going out um was there any specific instructions from any of the instructors on how to handle um finding ah some of these people that were gonna be evaluated? Some of these volunteers you know like what to do, what not to do kinda thing?

MH We were, we were told the lake area was one of 'em that was Cedar, Lake um Franklin was the areas that was the most pronounced um through the past and through what we've heard from Minneapolis cops. Um, we were just supposed to cruise around, find somebody that was appeared to be high which one they'd be leaning on buildings, stumbling um someone in the same category as someone that's walking a, intoxicated.

DS Right.

MH Um it was always try to get someone that was alone maybe one or two but groups were never ah it's an officer safety thing up there, groups were not advised to go to.

DS Sure.

MH So what you do is you drive around 'til you found someone that was stumbling or, or just appeared to be impaired you just go up and make contact.

DS Okay. And then you would, offer them...

MH We'd ask, we'd ask 'em if they were high. Um if they're high we didn't want to know their names. Um we'd take their first name, we'd make up a last name we'd make up a date of birth all that. We didn't want to know who they were in case they had warrants.

DS And that was, that was to protect their identity?

MH Protect their identity, we weren't there to make arrests. That was one of the things we were told.

DS Sure.

MH As we're there to get evals from people.

DS Okay.

MH So, if we came across ah a homeless guy and um he had taken marijuana twenty minutes prior and he says he was gonna take some crack you know we actually picked him up drove him to a spot, he went, thirty minutes later he comes back and, and I didn't think he was coming back but he did. And he had crack and he sat down on the sidewalk and smoked it for us so we could do an eval. Um he had done it in the years past and he knew he was gonna get fed and that was one of the things that I did um Bryce did we both you know chipped in our money ah we bought people McDonalds, we bought people Arby's um pimp and a prostitute we bought Popeye's chicken.

DS Okay.

MH It was something to help you get evals.

DS Right.

MH As you'd offer somebody like homeless people you'd offer 'em food and that was huge.
(phone ringing)

DS That was done out of your own pocket?

MH That was done out of our own pocket just so we could get you know,

DS More or less a way of saying thanks.

MH Yep.

DS Appreciate ya

MH And, and we were told in the beginning of the class that cigarettes, menthol cigarettes was one of the things that the crack people would like because it, it cools their throat I guess. I don't, smoke so.

DS So ah kinda going over some of these how you, how you came across 'em. Um this one guy you said ah had just smoked marijuana and he said he was gonna go and smoke crack and...

MH Yeah that was his daily routine.

DS Okay.

MH So what he does is he takes, he smokes marijuana twenty minutes before he smokes his crack cuz what that does the marijuana mellows him

DS Um-hm

MH And then he'd smoke the crack, it would bring him back up to level him out to make him ah his, his perfect high is what he'd say.

DS Okay. Um and when you, when you were talking to these people or looking for volunteers did you ever request them to use drugs in order for you to (inaudible) your,

MH No, they were always either already high or they were going to anyway so like we had one pimp and prostitute said meet us back here at I think it was 26th and Bloomington at seven o'clock.

DS Okay.

MH Or 36th and Bloomington and seven o'clock cuz they were gonna, she was gonna work and from her working they were gonna go and get their crack, smoke it and then and they figured it would be you know an hour.

DS Okay.

MH So they'd smoke it before we come back, at seven o'clock he was standing there she wasn't. We picked you know she was (inaudible)

DS So they were doing this outta their...

MH Outta their own money.

DS No, not in your presence?

MH Out of our presence they did.

DS Okay.

MH The one time.

DS Um had anybody ever done it in your presence?

MH Yes I watched a homeless guy named Ray do it in my presence and then um a pimp and prostitute later did it in our presence but not in the car or nothing just to get eval and then get food.

DS Okay and here again...

MH Yep.

DS ...that was not at your request?

MH Nope.

DS They said they were gonna do this anyways.

MH Right.

DS And, okay.

MH We were just gonna, we were gonna how do you want to say it benefit from them doing the drugs.

DS Right.

MH And then for like I said for them doing that I would, I bought 'em Popeye's chicken.

DS Okay and what were the circumstances? They, they left for a while, came back had the drugs and...

MH Well they had left for a while or they, they and they said well meet us here you know and we'll go get it and then we'll smoke it and then you guys can do an eval if you guys buy us something to eat.

DS Okay.

MH Cuz a lot of people up there have already done this in the past.

DS Um-hm.

MH In the years past so they kinda knew the homeless guy knew he was gonna get fed pretty much during that time we were up there. And so I don't know if it was a benefit or what.

DS Okay.

MH But he knew what was going on.

DS So two people that smoked drugs in your presence?

MH Yep.

DS Okay and the beginning of this ah the evaluation part of the class,

MH That was act, sorry there was actually three. We had a, a Mexican guy smoke some marijuana in front of us too.

DS Okay. And ah do you recall on the evals what their names were or what you identified them as?

MH One was Ray. And I think I want to say I think I named him Ray Charles. And then ah James was one of 'em. I don't (sigh) I don't know what we named James last name. And then the Mexican guy was Jose or something.

DS Okay. Um going back to the beginning of the ah um ah evaluation part of the class. Um there was a trooper it sounds like ah an incident with a trooper that precipitated or ah an instruction coming from the class or from Sergeant Munoz. Do you recall that?

MH Well there was allegations that a trooper had ah grabbed somebody in an alley and supposedly took his twenty dollars and his fake fur coat and we were told that we're not there to, cause issues with that's not it's, that was not acceptable practice is what it was.

DS Okay.

MH And that's unacceptable and the troopers were gonna do an eva, evac, investigation on that.

DS Okay and you never talked to the trooper about that?

MH I didn't get into it with him. He had (inaudible)

DS (inaudible) never had any firsthand knowledge of that incident?

MH I did not see it, did not know if it's true or not.

DS But focusing more on the instruct, or ah the instruction from the instructor bad way to phrase that but it, did they at, that's when they clarified at that time what to do or what not to do?

MH What not to do.

DS Okay.

MH That, that we're not up there to do that. We're not up there to cause problems. We're up there to get evals um and like I said that was, that trooper was he was, that was his...

DS (inaudible)

MH ...(inaudible)

DS So um, it seemed like at some point um there was a some occupy ah wallstreet people down on the Peavey...

MH Yeah

DS ...Plaza and ah it seems like there was a lot of potential ah volunteers down there and initially some of these ah some of your classmates in this DRA, DRE class were getting volunteers from there.

MH Right.

DS You went down there one day correct?

MH We went, we went actually we went two days. We went there two days prior to all this cameras and we picked up a guy and a girl. Um, we evaled the guy I don't, I can look at his first name um little chunky guy um probably about 5'6" but I don't know his name off hand.

DS Um-hm.

MH Um and then the female was done by another group. Ah cuz like I said you'd bring two in.

DS Sure.

MH But they were already high.

DS Um-hm.

MH Ah we went back a sss, on the ss, 27th accord and that's, the only reason I know that is cuz it's the video on U-tube. Um and we looked I was looking for somebody that was higher.

DS Um-hm.

MH I was looking for (inaudible) a narcotic, that was the only classification that I needed. I had three classifications already.

DS Um-hm.

MH And we started walking up it's the Nic, it's called Nicollet Mall.

DS Um-hm.

MH Nicollet Mall area.

DS Yep.

MH And when we were walking I started seeing cameras following us everywhere and it just kinda made ya uneasy you knew something was up and that's when I told Bryce I says we gotta get outta here I said cuz something's not right. Well and that's when we got back to the car and a bunch of people come up and I don't know who the guy was, he was a talking to Bryce about um that officers are giving people drugs and everything like that and I know for a fact that me and Bryce never gave anybody drugs, never paid for anybody's drugs or anything like that.

DS Okay.

MH And then I told him then we gotta get outta here. And I even, I even you know I told him on camera you can, you can watch the video that we're not here to cause problems I don't care what they're doing you know I, I actually threw the F bomb out there and I already told my supervisor that I did swear but um that we're up there to try to get evals for a class, we're not up there I don't care what they're occupying or anything like that.

DS Ah between you and Bryce did either of you have any drugs on your possession, from an evidence room or anything like that?

MH Nope never had any drugs. I never seen any drugs in our car. Um he drove every time because I had no clue where I was up there.

DS Did, did you ever witness or have direct knowledge of any other of your classmates either providing drugs...

MH I never saw anybody ah that would be all speculations on my part.

DS Okay did you ever see anybody in possession of like drugs from an evidence room that would have (inaudible)

MH Oh God no.

DS Okay.

MH Nope.

DS Tom?

TO (no audible response)

DS Alright um I think that's all we got ah for ya. Ah anything you want to add that we didn't talk about or?

MH No I just, I just hope they don't get rid of the class. I think, it's a great class, I've already you know I've already seen people that normally I would probably let go on the DUI that you know the know they're on something.

DS Sure.

MH I mean I it's, it's a valuable class but I just, there definitely needs to be some organization on and, and like I was you know talking to you prior it'd be great if they could set it up with Hennepin County or a methadone clinic where you could, where you could ah get that kinda training...

DS Sure.

MH ...without like you said trying to it, it is weird. It is a weird class to go out and try to find someone high and not arrest 'em so.

DS Right. I'm gonna shut the tape off now. It's about ah 10:50. Thanks.

MH You bet.

RECORDING ENDS.

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/27 Case Agent: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	Compact Disc of Interview with Officer Mccuen.
2	1	Criminal Investigation Warning signed by Mccuen.

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature

Name

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Address

City/State

Telephone

Date Received 06/12/2012

Owner/For Owner

Released By

Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Verified By

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/28

Case Agent: Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	Compact disc of recorded interview with Roemeling.
2	1	Criminal Investigation Warning signed by Roemeling.

State authority to release or manner of disposition:

AGENT INVESTIGATION

I hereby certify that I have received the above listed property

Signature

Name

Address

City/State

Telephone

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received 06/12/2012

Owner/For Owner

Released By Anderson, Micheal (1353 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Verified By

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>

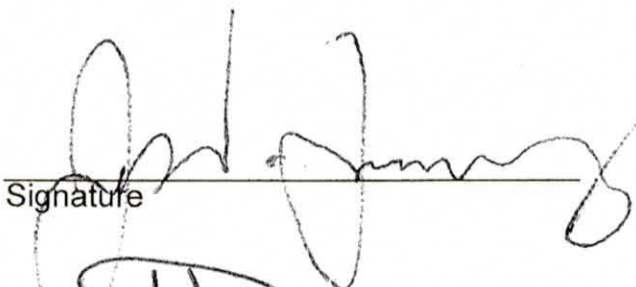
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

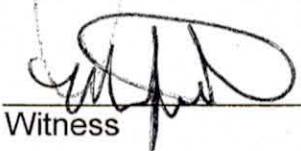
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.



Signature



Witness

5-29-17
Date

5-29-17
Date

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Date

5/25/12

Witness

Date

5/25/12

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>

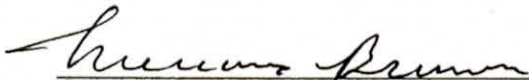
CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

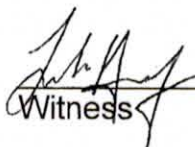
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5/25/12
Date

 #1389
Witness

5/25/12
Date

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension
1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>


CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.


ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

5/25/12
Date

 #1383
Witness

5/25/12
Date

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802
Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555
Internet: <http://www.dps.state.mn.us/bca/>


CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

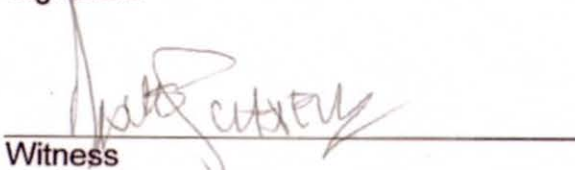
ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.


Signature

6-11-2012
Date


Witness

6-11-12
Date



**AT&T Subpoena Center
RESPONSE COVER SHEET**

3 ATT Plaza
308 South Akard Street – 14th Floor –M
Dallas, TX 75202
Phone 1-800-291-4952 Facsimile 877-971-6093

**To: KATHRYN MEIERS
1430 E. MARYLAND AVE
SAINT PAUL, MN 55106**

File Code: 1135049

From: RC

**Phone Number: (651) 793-7015
Fax Number: 1**

**Request Dated: 5/16/2012
Received On: 5/16/2012**

**Number of Pages:
Date: 6/2/2012**

If you are not already doing so, please begin addressing all legal requests to **AT&T**. Additionally, effective immediately, please fax all legal requests for **WIRELESS numbers** to AT&T at 1-877-971-6093. **For more efficient and faster response, please provide an email address on future requests.**

**- All available requested information is enclosed.
612 414-6395**

CONFIDENTIALITY NOTICE

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

NCC Official Use Only

U	R	C	O
----------	----------	----------	----------

1135049

AT&T MOBILITY

STATE OF MINNESOTA
Department of Public Safety
Bureau of Criminal Apprehension

Lori Swanson
Attorney General

Bureau of Criminal Apprehension
1430 E. Maryland Ave
Saint Paul, MN 55106
Tel: (651) 793-7000

Date: 05/15/2012

No. of Pages: **2**

To: AT&T

Fax: (877) 971-6093

Subpoena # 12-00715

**PLEASE E-MAIL YOUR RESPONSE DIRECTLY TO
BUREAU OF CRIMINAL APPREHENSION**

ATTN: ANALYST Katie Meiers

E-MAIL - kathryn.meiers@state.mn.us

FAX # (651) 793-7015

TT - 1 (612) 414-6395

Date Range - 01/01/2012 at through 05/13/2012 at
If date range is left blank provide the most current information

DEPARTMENT OF RECORDS MANAGEMENT

***** CONFIDENTIALITY NOTICE *****

The document(s) accompanying this cover sheet may contain confidential information which is legally protected. The information is intended **ONLY** for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that **ANY** disclosure, copying, distribution, or taking of action in reference to the contents of this telecopied information by you is strictly prohibited. If you have received this document in error please notify us by telephone at (651) 793-7000 to arrange for the return of the document(s) to us.

**STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE SUBPOENA
(Order to Produce Records)**

TO: Custodian of the Records, or any
Authorized Representative at:

AT&T

National Compliance Center

PO Box 24679

West Palm Beach FL 75202-0000

Phone: (800) 291-4952

Fax: (877) 971-6093

You are hereby commanded, pursuant to Minn. Stat. Sec 8.16, to produce, forthwith, the following records, at the MINNESOTA BUREAU OF CRIMINAL APPREHENSION (BCA), 1430 E Maryland Ave, Saint Paul, MN 55106, (651) 793-7000, these records being relevant to an official felony criminal investigation being conducted by the BCA:

DESCRIPTION OF RECORDS

TT - 1 (612) 414-6395

Please provide:

(1) The current or last know subscriber's address and date of birth; (2) any additional names or telephone numbers associated with this subscriber; (3) telephone numbers IMEI, IMSI, and ESN (4) the beginning and ending dates of service; (5) any credit or billing information;

Date Range - 01/01/2012 at through 06/13/2012 at

If date range is left blank provide the most current information

WARNING: You are required not to disclose the existence of this request to your subscriber. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

WARNING: You may not disclose to any other person the fact that this subpoena has been issued or the fact that the requested records have been produced except:

- (1) insofar as the disclosure is necessary to find and produce the records, or
- (2) pursuant to court order.

WARNING: Minn. Stat. Sec 8.16, subd. 5, provides that the willful failure to produce the records is a crime.

You may comply with this subpoena by E-MAIL kathryn.meiers@state.mn.us

to Special Agent Gary Swanson

via Criminal Analyst Katie Meiers

or you may mail information to the BCA or fax (651) 793-7015

You may submit an itemized bill for reasonable expenses incurred in producing the records.

Date: 05/15/2012

Case #: 2012-000-429

Case #:

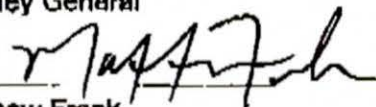
Subpoena #12-00715

I hereby certify that the records requested are relevant to an ongoing legitimate Law Enforcement investigation.

MINN. Stat. Sec 8.16, subd. 5

GARY J SWANSON

Lori Swanson
Attorney General

By: 
Matthew Frank
Assistant Attorney General

SUBSCRIBER INFORMATION

199020440687

C/T

Financially Liable Party

Name: PHILLIP ROJESKI

Credit Address: 2956 ARONA ST, ROSEVILLE, MN 55113

Customer Since: 11/07/2011

Photo ID Type:

Photo ID State:

Photo ID Number:

DOB:

SSN:

Contact Name:

Contact Home Phone: (612) 414-6395

Contact Work Phone: (612) 414-6395

Contact Home Email: P_ROJESKI@YAHOO.COM

Contact Work Email:

Billing Party

Account Number: 199020440687

Name: PHILLIP ROJESKI

Billing Address: 2956 ARONA ST, ROSEVILLE, MN 55113

Account Status: Active

Billing Cycle: 8

User Information

MSISDN: (612) 414-6395

IMSI: 310410457941015

MSISDN Active: 11/07/2011 - Current

IMEI/ESN: 012936003927275/

Name: PHILLIP ROJESKI

User Address: 2956 ARONA ST, ROSEVILLE, MN 55113

Service Start Date: 11/07/2011

Dealer Info: VAR8N VAR8N

Payment Type: Postpaid

Contact Name:

Contact Home Phone:

Contact Work Phone:

Contact Home Email: P_ROJESKI@YAHOO.COM

Contact Work Email:

Status Change History

Status Change Reason:

Status Change Date:

ReportCT_1135049

1135049

06/02/2012

SUBSCRIBER INFORMATION

AT&T

199020440687

C/T

FINANCIALLY LIABLE PARTY

Name:PHILLIP ROJESKI

Credit Address:2956 ARONA ST, ROSEVILLE, MN 55113

Customer Since:11/07/2011

Photo ID Type: Photo ID State:

Photo ID Number:

DOB: SSN:

Contact Name:

Contact Home Phone:(612) 414-6395 Contact Work Phone: (612) 414-6395

Contact Home Email:P_ROJESKI@YAHOO.COM Contact Work Email:

BILLING PARTY

Account Number:199020440687

Name:PHILLIP ROJESKI

Billing Address:2956 ARONA ST, ROSEVILLE, MN 55113

Account Status: Active Billing Cycle: 8

USER INFORMATION

MSISDN:(612) 414-6395 IMSI: 310410457941015

MSISDN Active: 11/07/2011 - Current IMEI/ESN: 012936003927275/

ReportCT_1135049

Name:PHILLIP ROJESKI

User Address:2956 ARONA ST, ROSEVILLE, MN 55113

Service Start Date:11/07/2011 Dealer Info: VAR8N VAR8N

Payment Type: Postpaid

Contact Name:

Contact Home Phone:

Contact Work Phone:

Contact Home Email:P_ROJESKI@YAHOO.COM Contact Work Email:

STATUS CHANGE HISTORY

Status Change Reason:

Status Change Date:

RC

AT&T Proprietary

Page:1

The information contained here is for use by authorized person only and is not for general distribution.

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 15 th , 2012	BCA CASE	2012-429/42.1
OFFENSE:	Narcotics	EXHIBIT #:	42.1
INTERVIEW OF:	Donald Turner (DT)	INTERVIEWED BY:	SA Gary Swanson (GS) SA Scott Mueller (SM)
REVIEWED BY:	S/A Swanson		

GS This is gonna be a digitally recorded interview. The date is June 15th, 2012. The time is 1045 hours. Ah this will be ah a recorded interview with Donald Steven, S-T-E-V-E-N, Turner T-U-R-N-E-R, date of birth 8-2-92. Ah address is 1212 Raymond Avenue in St Paul, Minnesota. Phone number is 651-643-0631. Ah, present for the interview are Minnesota BCA ah SA Gary Swanson and ah SA Scott Mueller. This is in relation to BCA case number 2012-429 and this interview is being conducted ah in an office area at 1212 Raymond Avenue, which is a transitional living home in St Paul. Donald is everything I read into the record there is that correct?

DT Yes.

GS Okay um, as I explained to ya' before we turned on the tape um, we're conducting an investigation into allegations that were made ah, regarding a Drug Recognition Expert training program that was put on in late-April and early-May in the Twin Cities area here. Um, we were ah given your name as the person that might have been involved with this training program as a—ah, subject that was evaluated during the program. Can you tell us what happened and kind of basically what happened and if you can remember when it took place when you had contact with these officers?

DT What they had done is they came to Peavey Plaza—

GS Uh-huh.

DT On 12th and Nicollet okay and they picked me up. They were looking for someone who was under the influence of whether it was marijuana, cocaine, alcohol, heroin, anything okay? My friend Jay Rowland had told me that it was okay, I could give them a fake name.

GS Uh-huh.

DT Okay so I smoked weed with him before we left and then the State Patrolman took me um, to almost near the airport okay, south of Minneapolis and we went to this basically it was a garage—

GS Uh-huh.

DT For Minnesota First Responders. We did the your basic ah, drug evaluation your sobriety test. And I mean they mea—they didn't give me any drugs at all, they just did the evaluation and when we were done they took me to the gas station and got me a pack of cigarettes and took me back to the plaza and dropped me off.

GS Okay.

DT I have a lot of reason to believe that some of the people that made allegations that the police had been giving them drugs are false.

GS And why is that?

DT Because the people that I know that—I mean I know them personally, I mean if I was a cop I'd be doing a damn good job. I can make profiles on everyone at the plaza and every person that has made allegations only two of those allegations from two people would I take seriously and they're probably the people who have the most truth in it.

GS Mm-hm.

DT And they may have smoked, marijuana or used a drug or had consumed alcohol in front of them---

GS Mm-hm. You mean in front of the police?

ST In front of the police but I can assure you that the two people that I know for sure will give you an honest testimony will tell you that they did not get it from the police.

GS Who are those two people?

ST One is Michael Anthony Bounds.

GS Uh-huh.

ST He is known as Panda.

GS Uh-huh.

ST Down at the Plaza.

GS Uh-huh.

ST Okay he was with him and the other lady is her name is (inaudible)

GS Okay and you say both of those people would probably tell us that they weren't—they were not given drugs by the police?

ST Yes. I know for a fact that they both went okay?

GS Mm-hm.

ST One of the ladies okay—the one lady that she was on camera okay with the gentleman, his name is Forest, I don't know---

GS Forest Oliver?

ST Forest Oliver. That young man is quite a subject. He comes down to the plaza and tries to mooch weed and drugs.

GS Uh-huh.

ST Drugs from people daily, not weekly.

GS Uh-huh.

ST Okay ah, he had a bowl that he claimed to have received from the police.

GS Mm-hm.

ST I know for a fact that he did not receive it from the police.

GS Mm-hm.

ST And I have since then confiscated said bowl from him.

GS Mm-hm.

ST Because he got the bowl.

GS Okay.

ST Okay I gave it to him long before this ever happened.

GS Okay.

ST He did not receive a pipe okay—some lady from the Pioneer Press took a picture with him and that bowl and I saw it and that was the day that I confiscated it from him and I told the reporter lady I said please report that I took this back from him.

GS Okay do you ever see anybody in possession of a black ah, like a bag or a pouch containing marijuana?

ST Yes.

GS And whose—who did that belong to?

ST His name is Ben um, he's down there every day, I'm sure he's down there now.

GS Mm-hm.

ST Okay? He uses heroin and meth and marijuana.

GS Okay.

ST Okay um, yeah he had this—he has a black little lock box thing.

GS What's it made out of?

ST Metal.

GS Metal okay. I'm talking about a black like a leather pouch. You ever see anything like that?

ST Mm-mm, no.

GS Okay. But to the best of your knowledge you—you don't believe that any police officers gave anyone drugs?

ST No, not at all.

GS Okay.

ST I—I mean I'm aware of the DRE program okay? Basically what they're doin' is training new officers okay? I know Jeff Mercil, I believe that's his last name. He's Minneapolis police officer. Um, veteran police officer. Um, I talk with him frequently, I see him downtown frequently and I mean he and I both agree this is—is basically training new officers okay—

GS Uh-huh.

ST How to do a sobriety test okay and they're not gonna give people drugs just to make sure. That might have been done way back in the day.

GS Mm-hm.

ST Okay? This is 2012. The world's supposed to be ending this year.

GS Mm-hm.

ST 'Kay, if so many people go crazy about so much stuff I don't think you're gonna see a professional give someone some random person that doesn't have a real name, drugs okay? That's—that is—that would be detrimental to the Minnesota State Patrol, Minnesota Sheriff's Departments in any county okay and Minnesota Police in any city.

GS Mm-hm.

ST I don't care if you're working the beat or you're out in the suburbs.

GS Mm-hm.

ST It's unheard of. Okay, I use marijuana. I got bench warrants for that okay? I could sit here and say yeah I know everything about you know I know who's been gettin' drugs, who's going here and there you know, I could be tryin' to you know work my position ta you know get help with my own legal situation. But really that's not what it's about.

GS Mm-hm.

ST Um, Monday rolls around I'm gonna go to County and I'm gonna say hey, I got a bench warrant. Let's-I'm gonna come spend the night with you guys, let's go to court in the morning you know?

GS Mm-hm.

ST That's—they were making me do that here so I could stay here.

GS Sure. Um, are you affiliated at all with the Occupy Minnesota Movement?

ST I am deeply. I have been affiliated with it since October 9th at the Government Plaza.

GS Okay so you know all these people that are involved and all the people that were involved in this incident down at Peavey Plaza?

ST Yes and I can with hours of work I could come up with detailed profiles on everyone.

GS Um-hm. Has any a these, when you were approached by any a these officers in the DRE program, were any of 'em lookin' for information from you about the Occupy Movement?

ST No.

GS Okay.

ST No, they were not concerned about that at all.

GS Uh-huh.

ST They were more concerned about finding people that were under the influence of one thing or another.

GS Um-hm.

ST And getting them to trust them enough ta' go with them ta' do this.

GS Um-hm.

ST And come back.

GS Okay.

ST That was basically, I mean they had tunnel vision...basically they didn't care who you were.

GS Um-hm.

ST They didn't care if you had warrants. That name there that I gave you is the man's real name, Jake (inaudible) real name.

GS Um-hm.

ST And he had warrants goin' with 'em.

GS Um-hm.

ST He had outstanding warrants.

GS Um-hm.

ST And he (inaudible).

GS Um-hm.

ST Okay, so that was the de', the defining point at PV Plaza okay, they weren't tryin' ta' take our (inaudible) in movement, they weren't even aware that this was a a sister operation of Occupy Wall Street. They hadn't, no knowledge a that until people started tellin' 'em why they were all down there.

GS Um-hm.

ST Okay 'cuz basically ta' them and to the untrained eye, all you see is a larger than usual group of users.

GS Um-hm. Why do ya' think these people came out in the, on YouTube and in the media with these allegations if they weren't true?

ST Popularity.

GS Really?

ST That is plain and simple their popularity.

GS Um-hm.

ST And they wanna be famous, they want some kinda compensation for their time.

GS Um-hm.

ST Okay. I know when I first got outta the car, I was almost shell shocked by the amount of people (inaudible). Whoa they took you. They were doin' drugs and everything. I was crabby.

GS Um-hm.

ST I was crabby, so I'm comin' down of a weed that was pretty good and that I wish I coulda just sat and enjoyed.

GS Um-hm.

ST And I didn't get to. I wanted a cigarette so I popped open the pack and they were like, where'd they take you? They give you drugs, all this and ya' know I'm tellin' 'em no they didn't and they just get bored with me, they're goin' on ta' the next person that's sayin' yeah they got me all (inaudible) and this and that and I mean that's not what happened.

GS Um-hm.

ST I can assure you that's not what happened.

GS Um-hm. Okay.

ST They...

GS So ta' the best a yer' knowledge you don't know of anybody that was given drugs by the police?

ST Absolutely.

GS You don't, you don't know?

ST I do, I have no knowledge of anyone receiving drugs from a uniformed officer.

GS Okay. And ah we had quite a trouble, bit a trouble finding you didn't we?

ST (slight laugh) That was...probably one of the most stressful few days of my life.

GS Yeah.

ST Was Monday and Tuesday um I had people comin' outta the woodwork saying don't go home someone told you were they, someone told them where you live.

GS Uh-huh.

ST Don't go home they're gonna arrest you, they're gonna lock you up and lose the key and...

GS Well we were told that, that ah by several people down in PV Plaza that both you and ah the guy that's known as Jay Rollin didn't wanna talk ta' us.

ST (sigh)

GS And that you were avoiding us.

ST I was scared. I was, mostly I wasn't afraid of the BCA.

GS Um-hm.

ST I was afraid of Minneapolis PD, the Sheriff's Department okay.

GS Um-hm.

ST I didn't want ta' deal with that.

GS Um-hm.

ST Okay? 'Cuz I was told they were the ones carrying my picture saying, do you know this person ya' know, have you seen them, where do they frequent?

GS Well we did talk ta' a couple ah Hennepin County Deputies on Tuesday during the day when we're down there and we did give them a, one a copy of yer' picture.

ST Um-hm.

GS Simple because we were trying to...

ST Yep.

GS ...ah we were trying ta' locate ya'.

ST Yeah.

GS Ah, but yeah we were told by several of the people down in PV Plaza that ah, you didn't want ta' talk ta' us and neither did Jay, ah Jay Rollin.

ST Yeah. See I don't know where he went.

GS Yeah.

ST (inaudible) worried about...

GS Yeah.

ST ...because...

GS Well we got information on his whereabouts on Tuesday night too that he was, he's supposedly going through treatment and he's living with ah, ah an x-girlfriends mother or somethin' like that so.

ST Okay. Well that's definitely good ta' hear.

GS Yep.

ST Um I'm not only just affiliated with Occupy Minnesota; um I'm affiliated with Occupy Wall Street.

GS Um-hm.

ST And how these connections working, okay is, we've got basically train dogs okay. People that (inaudible) jumpin' freights from place ta' place, okay. Some people are trafficking, some people are just...I guess working in ta' this way of life that is completely alien ta' them and basically from city's all over the United States there are people comin' together, they're forming this massive group and it is primarily addicts.

GS Um-hm.

ST Okay and whether it's one scheme or another they are hell bent on doin' shit (inaudible).

GS Um-hm.

ST Okay, whether it goes jumpin' a train from Minneapolis ta' Denver. I sent off a friend of mine, Devin (inaudible) the other day, because the reason why I sent him off is because I personally gave Jeff Mercil (sp) Devon's name. And then I turned around and said ta' Devon okay yeah you really do got some serious warts bud, you should probably get up and go. I know where he is, I know where he's headed. Right now he's...(inaudible).

GS It's 11:00.

ST It's 11:00, yep he's probably still on a train headed ta' Denver. But ya' I watched 'em jump last night, he got on the train, got himself stashed and I walked away.

GS Uh-huh.

ST I didn't even see the train start movin'.

GS Uh-huh.

ST (inaudible) find out that it's moving right now.

GS Okay. Well um...anything else you wanna aid with regards to the DRE program and the allegations that were made?

ST That's it. (inaudible) I don't have names at the moment fer' people that would have information for you other than those two.

GS Uh-huh.

ST (inaudible) they were probably the only true accounts that I would trust.

GS Um-hm.

ST Okay. If you need profiles on anyone, you know where I live you-you got my number.

GS Yep.

ST Pretty skilled with that.

GS Okay well we appreciate you talkin' to us. We're gonna end the interview, it's ah 11:05.

ST Okay.

End of tape.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Bureau of Criminal Apprehension

1430 Maryland Avenue East, St. Paul, Minnesota 55106-2802

Phone: 651/793-7000 FAX: 651/793-7001 TTY: 651-282-6555

Internet: <http://www.dps.state.mn.us/bca/>

CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

Signature

Date

Witness

Date

BUREAU OF CRIMINAL APPREHENSION

TRANSCRIPT

INTERVIEW DATE:	June 18, 2012	BCA CASE	2012-429
OFFENSE:	Narcotics	EXHIBIT #:	429/43.1
INTERVIEW OF:	Mark Suchy (MS)	INTERVIEWED BY:	SA Gary Swanson (GS) SSA Drew Evans (DE)
REVIEWED BY:	S/A Swanson		

GS The date is ah June 18, 2012. The time is 8:37. This is gonna be a digitally recorded interview. Being interviewed this morning is first name Mark middle name Andrew last name Suchy, S U C H Y date of birth is 2-4 of 1969, address is 1411 Paul, P A U L Kirkwood, Kirkwood K I R K W O L D, Drive Arden Hills, Minnesota 55112, phone number is 651-266-7300. Present for the interview are Minnesota BCA SA Gary Swanson and SSA Drew Evans. Interview is being conducted within an interview room at the Minnesota BCA in St. Paul. This is in relation to BCA case number 2012-429. Ah Mi, ah Mark or before we turned the tape on we ah provided you with a ah form ah that's commonly known at the BCA here as a criminal investigation warning. Did you get a chance to review that form?

MS I did.

GS Um and ah after reviewing that form did you agree to the, the contents of the form and sign the form?

MS I did.

GS Okay. Um the, the reason we're here today is we're conducting an investigation into um some allegations that were made regarding the ah recent drug recognition expert training program that was put on in the metro area and ah for probably most of the month of May I believe is that correct?

MS That's correct.

GS Were you part of that class?

MS I was.

GS Ah as a student right?

MS Yes.

GS Okay. Can you kinda go over with us what kind of ah instructions, I guess we're what we're main, mainly interested in here is the certification portion of the training. Where ah you were assigned a partner right?

MS I was.

GS And who was your partner?

MS His last name is Schneider a Derek I believe Schneider.

GS Derek Schneider? Do you know where he works?

MS State Patrol.

GS Okay.

MS Minnesota State Patrol up in Thief River Falls I believe.

GS Okay. Okay and during this ah certification portion of the training ah what kinda instructions were you given by the instructors as to how you were to go about locating people to evaluate?

MS We were paired up ah in this case myself and Schneider and we were supposed to go out and look for people who appeared to be impaired. Talk to 'em and if they were impaired ah we were to make sure they weren't overly impaired with just alcohol we were looking for drugs not necessarily alcohol.

GS Um-hm.

MS And ah if so to, to bring 'em back eh originally to the Minnesota ah Minneapolis 5th precinct and do evaluations in front of the ah instructors there and toward the end it was to the ah DOT building in, was it Richfield? Ah to the instructors there.

GS Okay. Did they give you any kind of ah instructions as to what to do if you ah came across someone that was committing a crime?

MS Ah a crime is a crime that, that doesn't change.

GS Uh-huh.

MS Ah we ah, actually was told that we had a like a joint task force kind of a power that we could make arrests in a county other than our own.

GS Um-hm.

MS Ah but being with a state trooper it made it easier for me I didn't have to worry about that so much.

GS Um-hm.

MS And we had I know in one case ah they made a DWI arrest and ah they called in a local a trooper and I think he helped with it but...

GS Okay.

MS ...we could also do it ourself.

GS Okay. How about if you came across anyone that was um in possession of drugs? They give you any kind of specific or non-specific instructions on, as to what to do?

MS Ah I don't recall anything about if somebody had possession of drugs no not, not instructions for that no.

GS Okay. Um how about identifying people what did they tell ya to do regarding identifying people that you brought in for evaluations?

MS Yeah identifying people they were not too concerned with it and if they didn't want to use their real name then we could basically make up a name if chose to for them.

GS Okay.

MS I didn't run across that too much though.

GS Did they tell you where to go look for these people?

MS Ah in, in Minneapolis they gave us some suggestions ah, um Franklin and, and 24th I think was one and under a bridge um just off a 94 and 394 in that area.

GS Um-hm.

MS Um, but no other real spe, specific places that I can recall.

GS Okay. Was anything mentioned about the ah Peavey Plaze or the occupy Minnesota people?

MS Nothing, nothing came ah about that until toward the end and then ah Munoz essentially said stay away from...

GS Okay.

MS ...those people.

GS Okay. Did you ever ah when you were out looking for evaluatees did you ever go to the Peavey Plaza area?

MS I, I drove by it once, or maybe twice ah with Schneider but I ah, I was here for a ah occupy Minn, not like the a, the RNC.

GS Um-hm.

MS And some of those events and I just, had no interest in ah in dealing with it.

GS Okay so the evaluatees that you picked up weren't occupy um protesters?

MS Nobody I picked up was no.

GS Okay.

MS But not, not that I know of unless they were way away from it.

GS Uh-huh, okay. Were any of the people that you picked up to bring back for evaluation ah in possession of drugs?

MS Um, yes.

GS Okay.

MS I think that two.

GS And what...

MS I would say two.

GS Okay and what did you guys do with those people?

MS You know I, I didn't pick up people I, all the time I ah some of 'em I called.

GS Uh-huh.

MS And I called people that I knew I said hey if you got anybody that would be interested and if they smoking marijuana anyhow I could use 'em for a class.

GS Okay.

MS Um, one guy gave a me a, a name a person, I went to his house picked him up it was his nephew and then while we were there his ah, the guys brothers girlfriend or ah whatever it was came with so they both came.

GS Okay.

MS I guess I didn't really pay attention, I thought they had smoked marijuana and when we got to the ah Richfield they, they had a joint they had a marijuana joint. And, I, I let 'em smoke it, they smoked it in front of me.

GS Okay. Did you, at any time did you provide anyone with drugs?

MS I, I did not provide anybody with drugs no.

GS Okay.

MS And I didn't see anybody provide anybody with drugs.

GS Okay.

DE So when, when you told us too is that those two there (inaudible)

MS Nope there, there was one more that, that had drugs ah um he had been smoking ah he had more with him and ah the, the drugs were there um

DE What kind of drugs?

MS Marijuana.

DE Okay. And did he smoke more of that?

MS Ah, ah he did smoke more of it yes.

DE Where did he smoke it?

MS It was ah, well it was in Richfield um, (inaudible) the first one smoked at the, at the, at ah at the DOT building they sat on the curb I don't knew where we were for the second one. But the second, group ah the first was a group of two the second one was an (inaudible)

DE Outside of your car or inside?

MS Outside the car.

DE Okay. Did they provide any instructions surrounding that? That that was okay to do? Not okay to do? Didn't talk about it at all?

MS Not, not that I heard no.

DE Okay.

GS Did you hear of anybody of the, the other participants in the class did, ah did was there conversation between you and the other students as to whether or not they did the same thing? Ah as far as allowing people to use drugs in their presence.

MS Specifically, talking about using drugs you know I think people said yes but who and, and what I, I don't know.

GS Okay. Did you come across anyone with anything other than marijuana?

MS I never ah, did I?

GS Yeah.

MS That we tested?

GS Yeah.

MS I ah not in possession of it but I, I...

GS Okay.

MS ...people that smoked methamphetamine...

GS Okay.

MS ...a couple and, and ah I had ah some that had heroin. I, I believe it was heroin anyhow but she said she, heroin and crack that she smoked.

GS Um-hm.

MS And injected but they were not in possession of it.

GS Okay. Okay.

DE Ah I, I guess part of the reason we ask is, is I mean there were other students in the class that, that people smoked marijuana in front of the instructors and that so um what we're trying to figure out is, is do you think this is just a kind of a consensus among the students? Was it inferred from the instructors or why do you think so many officers, do you think it's just a general feeling about marijuana amongst police officers that it's okay or that's what I guess we're trying to figure out.

MS I can't, I can't say what other people think um as far, as far as myself ah they had the marijuana there and we were told that ah we, we, we're not really out there if somebody smoked a drug we're not out there to target them for anything (inaudible), they're not in trouble.

DE Um-hm.

MS Um, but we want to use 'em for, for the ah for the evaluation um that doesn't necessarily apply to having it smoked in front of our presence.

DE Um-hm.

MS But it's something I did, I know

DE I guess I mean it's a petty misdemeanor that you were watching right?

MS Well, ah yeah I can speak for myself ah I don't see it getting charged, I don't it's a it's no excuse but I allowed it yes.

DE Yep. But the amount you saw it would have been (inaudible) amount...

MS Oh absolutely yeah.

DE ...right? Okay.

GS Small amounts.

MS Yes.

GS Yeah. Um do you ah anything you want to add for the record here?

MS For the record?

GS Yep.

MS Um, no. No.

DE Did, wa, would, are you aware and I think we asked this sort of but are you aware of any other police officers talking about, referring to providing drugs to anybody else in this class?

MS No not (inaudible)

DE Okay.

GS Did you, did you see any other officers in possession of any drugs? Whether they were drugs they took away from people or,

(pause)

MS I seen people with you know cigarettes that they said they got like cigarettes and stuff from ah, I thought they said they got it from the evidence room or something. Cigarettes and, and lighters and shit that they, they were giving away and we were told we could buy 'em a sandwich or, or give 'em a pack of cigarettes...

GS Um-hm.

MS ...for helping us.

GS These cigarettes and lighters that you say you thought maybe came from an evidence room, were they in a container?

MS No, I shouldn't say in a evidence room I but, but I, I thought, I thought somebody said they got it from an evidence room door that it had somebody give it to 'em...

GS Okay.

MS ...evidence room might be, the wrong term maybe it was from their police department somewhere but...

GS Sure.

MS ...or leftover cigarettes or whatever.

GS Okay.

MS I don't know where they came from.

GS Were they in a container?

(pause)

MS Yeah I don't know if I ever seen the damn things I ah, I heard 'em talking about it.

GS Do you know who it was that was talking about it? Do you remember?

(pause)

MS Is there a, a Zajack? Is it, is there a Zajack or something along that line? Z, and then one ah (inaudible) if I get the wrong name then I'm gonna be...

GS Yeah there's a Pete Zajack from Farmington PD?

MS I would guess him.

GS Okay.

MS And I, yeah I hate to get the wrong one but is there was is it Nick ah, he was there from Olmsted County ah Nick.

GS Nick Jacobson?

MS That would be him. Now, again I'm not sure on these names.

GS Um-hm.

MS But those are two that I think, that I recall talking about that having things that they had like a, a for lack of a better term a goodie bag of full of shit to, to give um for incen, ah incentives or, or rewards or whatever you'd like to call it for, for assisting or for going through the process.

GS But to the best of your knowledge there was no drugs in, in that...

MS I never seen any drugs no.

GS ...goodie ba, or okay.

MS No, I'm trying to, I'm trying to think if, if I seen any drugs in that thing. I seen drugs, I seen marijuana um one had a joint one had a little baggie of it.

GS One of the ah,

MS Of my guy, the guys that I brought in.

GS Okay but I mean we're talking, I'm talking a police officer.

MS Yeah that's, cuz that's what I'm trying to think I'm trying to think if I seen any other drugs I, (pause) I don't recall seeing anything.

GS Okay. You ever recall seeing a, a container that would be described as a black um...

MS That's my...

DE That's yours to turn in?

MS Yeah.

DE Okay, sorry.

MS (inaudible)

GS Um a black like a, vinyl case, zippered case?

MS Well we all got a zippered case was a, was a bag it, that said DRE ah evaluator on it as part of the program.

GS Okay. How about a, like a smaller without anything on it like a black vinyl case?

MS I, not that stood out to me I don't think

GS Okay I, I don't have anything else. Drew?

DE I don't either.

GS Nothing else you want to add?

(no audible response)

GS Okay. We're gonna end the interview it's ah 8:51.

RECORDING ENDS.

Minnesota Bureau of Criminal Apprehension

Property Release/Disposal Receipt

Offense Number: 2012-429/26 Case Agent: McDonald, Kenneth (1355 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Item	Quantity	Description
1	1	Recorded interview with Trooper Schmutzer 6-1-12

State authority to release or manner of disposition:

RELEASED

I hereby certify that I have received the above listed property

Signature

Name

Address

City/State

Telephone

Swanson, Gary (1347 / Metro Homicide / Minnesota Bureau of Criminal Apprehension)

Date Received 06/13/2012

Owner/For Owner

Released By McDonald, Kenneth (1355 / Out State Homicide / Minnesota Bureau of Criminal Apprehension)

Verified By

KPM

Memorandum

To: Mona Dohman, Minnesota Commissioner of Public Safety
Wade Setter, Gary Swanson, and Drew Evans, Minnesota Bureau of Criminal
Apprehension

From: Gail Bacz and Emery Adoradio, Senior Assistant Hennepin County Attorneys

cc: Michael Freeman, Hennepin County Attorney
David Brown, Chief Criminal Deputy

Date: 9/25/2012

Re: DRE Investigation and Declination of Criminal Charges

I. ANALYSIS OF CRIMINAL INVESTIGATION

The Bureau of Criminal Apprehension (BCA) has investigated allegations of law enforcement officers providing controlled substances to individuals as part of a drug recognition certification program. The investigation appeared to be professional and comprehensive. We have reviewed the allegations and for the reasons identified below have concluded that there is insufficient evidence to issue felony charges in this matter.

Background

The Drug Recognition Evaluator (DRE) course provides important training to law enforcement officers in Minnesota and throughout the country. DRE trains officers to accurately identify specific drug impairment and, by observation, the characteristics and behaviors of drug impaired drivers. DRE helps officers detect and apprehend drug impaired drivers who endanger the public.

During April and May of 2012 the State Patrol conducted Drug Recognition Expert (DRE) training for law enforcement officers throughout Minnesota. The course began on April 2, 2012 with two weeks of classroom training. The classroom training occurred in White Bear Lake.

The classroom training was followed by certification training, which required students to go out into the streets to find people under the influence of drugs and evaluate them. The officer students were then supposed to persuade these individuals to voluntarily accompany them to a

Richfield testing facility where they would provide a urine sample. This sample would then be tested to determine whether the participant was impaired as the officer had believed, and if so, what drug had been ingested. To encourage cooperation, officers never recorded participants' true names.

The certification training lasted several days and occurred in Minneapolis and Richfield at the MNDOT building. The course required that each officer participate in 15 evaluations. Each officer had to personally evaluate 6 subjects. The remaining evaluations could be obtained as group evaluations of one individual.

Many of these DRE officers were young and relatively new to police work. Many were from outside the Metro area and unfamiliar with it or the urban drug culture. Not surprisingly, they found it difficult to persuade members of the drug-using population to trust them enough to participate in DRE testing and evaluation. When BCA agents interviewed them as part of their investigation, many officers seemed confused as to how they were supposed to recruit participants and what instructors would consider acceptable means of obtaining test subjects. Statements from some of these officers reveal how they struggled with these gray areas. We address this later in this memo.

Course instructors suggested locations where officers would most likely find subjects that were drug users and already under the influence. These areas included homeless shelters, such as 1010 Currie in Downtown Minneapolis and Franklin Avenue in South Minneapolis.

While the DRE course was going on, Occupy Minnesota was located in Downtown Minneapolis' Peavey Plaza. Although some officers said that they were warned not to approach this particular group of people, some officers did seek subjects from this population.

Source of Allegations

On May 2, 2012 allegations were made in the local media that DRE officers were not just seeking already "high" people to participate in testing. Allegations were that officers were providing controlled substances to sober people so that they could become "high" and then participate in testing. One individual, Forest Oliver, claimed that he had participated three times in the DRE testing and DRE officers had given him marijuana on each occasion. Some of these allegations had appeared in previous days on YouTube.

In response to these allegations, instructors asked their class whether they had engaged in such conduct or had heard of any classmates doing so. They emphasized that DRE students should not provide potential test participants with controlled substances.

No DRE officer admitted in class to knowledge of such conduct. However, after class that day on May 3, 2012, Chisago Deputy Sheriff Andrew Mahowald told head instructor State Patrol Sgt. Ricardo (Rick) Munoz that he had witnessed his DRE partner, Hutchinson Officer Karl Willers, provide marijuana to test subjects. Mahowald coming forward with this information

ultimately led to Hutchinson Police Chief Hatten requesting a BCA investigation of allegations regarding Hutchinson officers.

BCA Investigation

Shortly thereafter, the BCA began an investigation where agents attempted to interview all 26 DRE officer participants, main course instructor Sgt. Munoz, several other instructors and civilian witnesses. Some officers declined to provide statements. Some civilian witnesses who alleged DRE officer wrongdoing could not be identified or located. Some refused to cooperate. Two who alleged wrongdoing, Forest Oliver (nicknamed "Afro") and Michael Bounds (nicknamed "Panda") provided statements. An individual that Forest Oliver said had been with him on one of the testing occasions, Jay Roland, could not be found. Other Occupy Minnesota participants told BCA agents that Roland did not wish to be found or cooperate with the investigation. Occupy Minnesota participant, Donald Turner, also provided a statement in which he denied that officers had been providing drugs and alleged that Oliver and others had lied about this issue. BCA agents presented this case to the Hennepin County Attorney's Office for review.

1. Claims by Forest Oliver

Forest Oliver told BCA agents that on three occasions DRE officers recruited him to participate as a test subject. On all three occasions, he claims, officers provided him with marijuana to smoke.

If true, the provision of marijuana to Oliver by law enforcement officers could violate the controlled substance laws. Minn. Stat. § 152.025, subd. 1(a)(1) (fifth degree controlled substance crime) prohibits the sale of marijuana. However, the statute has an exception for the transfer of a "small amount of marijuana" without remuneration. Minn. Stat. § 152.01, subd. 16 defines a "small amount" of marijuana as "42.5 grams or less." In practical terms this is an amount roughly the size of a sandwich bag. So, if the law enforcement officers transferred 42.5 grams or less to Oliver without remuneration there would be no felony drug offense.

a. First Incident

The first incident allegedly occurred on April 27, 2012. Oliver stated that an Anoka County deputy and a Dakota County deputy gave him 8 bowls of marijuana to smoke. He says that he then tested at the Richfield facility.

The BCA investigation revealed numerous discrepancies in Oliver's version of events. The only Anoka deputy participating in DRE was Deputy Chris McCall and that the only Dakota deputy participating was Deputy Bryce Schuenke. The BCA investigation showed that these two deputies were never partnered in the DRE class. BCA investigation also reveals that McCall was partnered with Deputy Kenneth Willers (Karl Willers' brother) from Nobles County. Both McCall and Willers adamantly denied providing drugs to any test subjects.

Dakota Deputy Schuenke declined an interview, however he wrote a report in which he said he never provided drugs to any test subjects. Schuenke's partner Deputy Michael Hadland from Fillmore County also adamantly denied that he or Schuenke had provided drugs to test subjects. Given Oliver's inability to identify specific officers and the inability to corroborate Oliver's version of events there is insufficient evidence to prove beyond a reasonable doubt that any specific officer provided Oliver with drugs on this occasion.

b. Second Incident

The second incident allegedly occurred on April 27 or 28, 2012. Oliver said that on April 28th, he and another man, Jay Roland, were approached by two officers.

i) Oliver Version

Oliver said a Hutchinson officer named "N. Jacobson" provided him with marijuana so he could test. Oliver said that Jacobson was with a Kanabec deputy but could not provide the name. The BCA investigation and a YouTube video corroborated the fact that Deputy N. Jacobson was indeed at Peavey Plaza on that date. However, Oliver's information was incorrect in several other respects. Jacobson is from Olmsted County not Hutchinson and the Kanabec deputy was never partnered with the Hutchinson deputies. BCA investigators tried to locate Jay Roland but were informed by other Occupy Minnesota people that Roland did not wish to be found and did not wish to cooperate.

ii) Mahowald Version

This appears to be the same incident reported by Chisago Deputy Andrew Mahowald. Mahowald said that the incident occurred on April 27th. Mahowald described how Oliver and Roland were recruited in or near Peavey Plaza. He said that Hutchinson Officer Karl Willers approached the two men and said "What if you had some marijuana to smoke?" or "I might have some marijuana for you to smoke" or words to that effect. He recalled that Jay Roland winked and responded "Then I might be able to come in and do an evaluation." Mahowald had seen Willers do something similar earlier in the day at Loring Park. Mahowald drove his squad to an area in Richfield where these test subjects could smoke the marijuana inside his squad. The alleged marijuana came from a small black case that Willers retrieved from the trunk of the squad.

Mahowald said that Oliver and Roland were brought to the Richfield Police Department to test, but the Richfield officers recognized Oliver and Roland as Occupy Minnesota members and refused to let them test. Mahowald claimed that at the end of the day he retrieved the small black case which he claimed still contained some marijuana and paraphernalia and threw it away.

iii) Major inconsistencies

- Mahowald said he was shocked and outraged by Willers' behavior but Willers appeared comfortable enough with Mahowald to store the black case in Mahowald's squad and

Mahowald came forward only after DRE instructors questioned the class about officers providing controlled substances to test subjects. Combined with his conduct in throwing away the small black case, there is the impression that Mahowald is not being completely forthcoming and hoped to deflect blame by coming forward first.

- Oliver and Mahowald give very different details about what occurred. Mahowald says that Richfield facility staff refused to let Oliver test; Oliver's statement strongly implies that he did test on this occasion. Mahowald is from Chisago, not Kanabec. His Hutchinson partner's name was not N. Jacobson but Karl Willers. Oliver says that the officers let him keep the bowl; Mahowald says that he took it back before Oliver and his companion left the squad. Mahowald recalls the incident as occurring on April 27 and Oliver recalls it as occurring on April 28.

Why is it important to examine these discrepancies? If criminal charges were filed against Karl Willers, both Mahowald and Oliver would be called as witnesses. The significant discrepancies between their versions reduce the credibility of both witnesses.

In addition, Mahowald would likely be deemed an accomplice to Willers even though Mahowald came forward to reveal that Officer Willers had provided marijuana to a subject. By admitting that he assisted in transporting Oliver, bringing him to the station to test, and disposing of the evidence, Mahowald could be said to have aided or assisted Willers - making Mahowald an accomplice. As an accomplice, Mahowald's testimony would require corroboration, Minn. Stat. 634.04. Section 634.04 provides, "A conviction cannot be had upon the testimony of an accomplice, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof." In this regard, such "other" evidence would largely, if not exclusively, rest on Oliver's testimony. As discussed, this testimony would be fraught with reliability and credibility issues.

iv) Mahowald Fifth Amendment Privilege

As an accomplice to Willers, Mahowald would be subject to criminal prosecution for the very same crime as Willers. Although Mahowald volunteered to provide a statement to BCA investigators, he would nonetheless have a Fifth Amendment right to not testify in a prosecution against Willers. Thus, absent a State grant of immunity, Mahowald would be unavailable as a witness should he decide to assert his right not to incriminate himself. If such immunity were granted, Mahowald's credibility as a witness would suffer further erosion.

v) Independent Evidence Impeaching Oliver's Version

BCA agents also interviewed another Occupy Minnesota individual, Donald Turner, who had participated in testing with DRE officers. Turner stated that DRE officers had never provided him with drugs so that he could test. He also claimed to know that allegations made regarding the misbehavior were false. He specifically mentioned Forest Oliver as someone that he knew had lied about the allegations. He claimed that Oliver's motivation to lie was a desire to

achieve notoriety. He told officers that he had actually given Oliver the bowl that Oliver claimed to have received from DRE officers.

vi) You Tube Video

The YouTube videos the BCA provided to us never show officers providing drugs to potential test subjects. They do show however, the young man with the "afro", Forest Oliver actively seeking to participate in the DRE testing. It appears that he is doing this in cooperation with the people who are recording these encounters. It appears that Oliver was not a random person seeking to participate in the testing, but someone who had an interest in proving that the police were engaged in wrongdoing. His demonstrated motivation to attribute wrong doing to law enforcement makes him a less credible witness.

As recorded on YouTube, Oliver entered a Chisago squad which a Hutchinson officer also entered from the passenger side. Thus, although Oliver's account of the incident differs significantly from Mahowald's and his credibility and motivation are suspect, the YouTube video does somewhat corroborate Mahowald's statement.

vii) Other Proof Problems

In addition to these credibility issues, other issues must be evaluated regarding the alleged drug related conduct:

- *Identity of the substance.* As part of proving a drug sale or possession, the State must prove beyond a reasonable doubt that the substance was in fact a controlled substance. In this instance, the substance was never seized by law enforcement or tested by a chemist. Test subjects allegedly consumed some and Deputy Mahowald states that he threw out the rest of the marijuana that Willers kept in the small black case. The State would have to prove this element of the crime by relying on Deputy Mahowald's testimony that he, an experienced officer, believed that the substance looked and smelled like marijuana. In addition to or alternatively, the State could also seek to qualify Oliver as an "expert" in marijuana identification. The State would have to establish that Oliver, because he is an experienced marijuana smoker, could testify as an expert, that the substance was marijuana. While this might be possible to do, it does not, for obvious reasons, enhance the provability of the State's case.
- *Amount of the substance.* Minnesota's controlled substance laws are weight-based. Severity of sentence increases with the amount sold or possessed. Because the marijuana in this incident was allegedly smoked and the remainder thrown out, it was never seized or weighed. Even if the State could establish that the substance was marijuana, there is no way to prove that the amount Willers transferred or possessed was more than the "small amount" statutorily defined as greater than 42.5 grams. Possession of a small amount is a

petty misdemeanor, not a crime. Sale of a small amount is only a felony if the exchange of the marijuana occurs for remuneration.

- *Remuneration.* The Statutes themselves do not define remuneration. Examination of Minnesota case law reveals that remuneration may be money or other consideration. Addressing the issue of remuneration in fifth degree drug cases, the Minnesota Court of Appeals said, "A crime occurs whenever a controlled substance is transferred or delivered in exchange for remuneration, whether in money or other consideration. State v. Hart, 393 N.W. 2d, 707 (Minn. Ct. App. 1986).

In typical drug transactions, remuneration is money received for drugs. Other examples of remuneration in drug cases come in the form of prostitution acts, stolen goods or use of a vehicle exchanged for drugs. Thus, the person providing the drugs receives payment for the drugs in the form of something tangible, beneficial or profitable.

Did Officer Karl Willers transfer a small amount of marijuana for remuneration? If he did not, the potential offense would be a petty misdemeanor, an offense over which the Hennepin County Attorney's Office has no jurisdiction.

Willers is not alleged to have received money, goods or services typically exchanged for drugs. The participant's remuneration, if any, was a willingness to participate in a test to help determine whether officers could accurately identify the behaviors and characteristics of drug-impaired people.

Each officer had to participate in 15 evaluations to become certified for DRE training purposes. Certification would not mean that the officer would be promoted, receive a raise or otherwise receive personal profit or benefit. At best, it would enable the officer to do his job more professionally, testify more credibly in court, and ultimately help protect the public from drug impaired drivers. At best, the "remuneration" that Oliver attempted to provide to Officer Karl Willers was 1/15 of the total number of test results that Willers would need to potentially qualify (assuming that Willers successfully completed other course and field work) for certification. We conclude that the "payment" Willers received for this alleged transfer of marijuana was so de minimis and so intangible that it likely does not qualify as remuneration under Minnesota's controlled substance laws.

viii) Conclusions Regarding Second Incident

The allegations against Deputy Karl Willers are troubling not only to law enforcement but to the general public. As prosecutors however, our obligation does not end with a conclusion that allegations concerning misconduct, if true, are unacceptable. The prosecutor must review all relevant evidence and make a professional and reasoned determination as to whether the misconduct can be proven beyond a reasonable doubt. In short, not only must the State have probable cause to believe a crime was committed, but, as recently emphasized by the

Minnesota Supreme Court, evidence sufficient to provide a “reasonable likelihood of conviction.” State v. Clarkin, 817 N.W.2d 678, 690 (Minn. 2012). Based on our understanding of the prosecutor’s obligation to proceed only on those cases where there is a reasonable probability of proving the case beyond a reasonable doubt, we decline to charge Officer Karl Willers with a felony drug crime.

c. Third Incident

The third incident allegedly occurred on May 3, 2012. Oliver stated two deputies from Fillmore and Olmsted counties picked him up, gave him marijuana and let him smoke it for testing purposes. The BCA investigation showed that the only Fillmore Deputy participating in DRE, Michael Hadland, was never partnered with either of the two deputies from Olmsted County - Deputies Ness and Jacobson. All three deputies adamantly denied providing drugs to test subjects. Given the inability of Oliver to identify specific officers as having provided the drugs and the inability to corroborate Oliver’s allegations, there is insufficient evidence to prove beyond a reasonable doubt that any specific officer provided Oliver with drugs on this occasion.

d. Other Offenses Considered

i) Crimes Affecting Public Officer or Employee

Under Minnesota law, law enforcement officers, such as the subjects of this investigation, qualify as a “public officers”. Minn. Stat. § 609.415, subd.1 (1)(d). Because the subjects of this investigation qualify as public officers, a review of the investigative findings included determining whether or not any of the subjects committed crimes affecting public officers. In this regard, there are potentially two Minnesota criminal statutes that are implicated: official misconduct of a public officer, Minn. Stat. § 609.43 (1) and (3); and bribery, Minn. Stat. § 609.42. For the reasons discussed at length above, the second allegation made by Oliver Forest provides the only transaction for potentially supporting either of these public corruption crimes.

ii) Misconduct of Public Officer or Employee - Minn. Stat. § 609.43

At the outset, it should be noted that this crime constitutes a gross misdemeanor and by operation of Minnesota law, the County Attorney would not have jurisdiction to prosecute the case. Minn. Stat. § 484.87, subd. 2; Minn. Stat. § 388.051, subd. 1(c). Rather, jurisdiction lies with the City Attorney for which venue would properly lie.¹ However, as discussed below, based upon the insufficient quality and quantum of evidence surrounding the third allegation, the County Attorney believes that there is insufficient evidence to prosecute the gross misdemeanor offense of misconduct of a public officer.

¹The Hennepin County Attorney’s Office has consulted with the appropriate city attorney who concurs that there is insufficient evidence to issue gross misdemeanor charges.

Minn. Stat. § 609.43, subd. 3 provides that a public officer is guilty of the gross misdemeanor offense of misconduct of a public officer when, "in the capacity of such officer or employee, [he] does an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity", subd. 1, or "under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property, or rights."

Standing alone, the act of a police officer providing marijuana to a citizen, as described by Oliver, might constitute an act "in excess of lawful authority." However, given that the alleged transaction occurred in furtherance of DRE training program activities, an issue arises as to whether the officers "knew" they were acting in excess of lawful authority, or otherwise, did not know that their actions were forbidden by law. This legal issue is colored by what appears to have been an apparent lack of clarity by the DRE program regarding how officers were to carry out the field portion of their DRE certification.

Aside from this potential legal hurdle in prosecuting under this statute, the myriad of issues discussed at length above involving Oliver and Mahowald's statements, and the overall quality of the evidence, would make a prosecution for misconduct of a public officer untenable.

The investigative findings also indicate that Officer Vanhorn stated that he was instructed during the classroom portion of the DRE program that if an officer sees an impaired person, the officer should enter into a rapport with said person, search the person for marijuana or other drugs, and if found, use that as leverage to get the subject to participate in the DRE program. If such conduct occurred, and included an illegal search and seizure, said conduct might constitute misconduct of a public officer. See Minn. Stat. § 609.43, subd. 3, cited above. However, apart from Vanhorn's own statement, there is no corroboration that officers were so instructed or more importantly, that any such conduct occurred.

iii) Bribery - Minn. Stat. § 609.42

Under Minnesota law, a person is guilty of felony bribery if "being a public officer or employee, [he] requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that it will have such an influence [upon the public officer's performance of powers or duties]." Minn. Stat. § 609.42.

The second allegation described by Oliver was reviewed to determine whether Officer Karl Willers' conduct constitutes bribery. In short, did Willers receive a benefit or consideration, i.e., Oliver's participation in the DRE program, upon an agreement or understanding that he would not arrest or cite Oliver for possession of marijuana?

The investigative findings do not support such a conclusion. If Officer Mahowald and Oliver's statements are proven true, the marijuana was provided by the officer(s), and Officer

Willers would not have had an independent basis for arresting or citing Oliver for possession of the marijuana. Simply put, Oliver volunteered to participate in the program after the officers approached him, and he did not in any manner attempt to influence Officer Willers in the performance of his duties.

For all of the reasons, the County Attorney has concluded that there is insufficient evidence to support a prosecution for crimes affecting a public officer.

e. Other Potential Defendants

i) Unnamed Officers – Allegation By Michael Bounds

BCA agents investigated other allegations of wrongdoing by DRE officer participants. BCA agents identified Michael Bounds, AKA "Panda", from YouTube videos in which he also accused DRE officers of providing him with marijuana. Bounds told investigators that on the afternoon of April 26, 2012, a Deputy from Dakota County and one from Pine County picked him up on Nicollet Avenue across from Target Center. He could not remember their names but told investigators that he was sure that they were from those counties. He said that they drove him in a marked State Patrol car.

Bounds said that these officers transported him to the 6th Street parking ramp at Target Center and took him to the 5th deck. Once there, he said, officers packed a pipe containing marijuana for him. They let him smoke it but never asked him to participate in drug testing. Instead, he claims that they handed him another baggie of marijuana and asked him to inform on the Occupy movement. He says he believed that they dropped him off at Peavey Plaza.

At the BCA investigators' request, security staff from the Minneapolis Parking Authority reviewed all video for ramps A,B and C from April 26, 2012. No squads were seen entering the parking ramp or going to any of the level 5 decks within the ramp. A review of the DRE roster reveals that no deputy from Pine County participated in this DRE course. Based on all the available evidence, there is no basis for charges.

ii) Van Horn and Otterson – Anonymous Allegation

An unknown individual called 911 from a phone booth and reported that two officers had picked him up, assaulted him and stolen his coat and plastic bottle containing money. This individual had identified the officers who had allegedly done this to him as Officers Chad Van Horn and Nicholas Otterson.

These officers indicated that when they asked people to cooperate with testing they provided their business cards. They both indicated that they had seen an individual aggressively pan handling near a parking ramp off Cedar Avenue in South Minneapolis. Officers indicated that they warned him about his behavior and engaged him in conversation. He admitted to being a drug user and in fact when they patted him down, they found some marijuana in his pocket. When officers asked him if he would be willing to smoke it to participate in a test, he said he would. They told him to go around the corner and after he had used the marijuana, to return so

that they could transport him to the testing facility. He left his jacket and his bottle containing money in their squad.

Officers said that when he did not return within a reasonable time period, they drove around looking for him. When they could not locate him, they said that they left his jacket and plastic bottle in the same area where they had initially encountered him. Both officers adamantly denied that they had assaulted this unknown, unnamed individual or that they had stolen his property.

Based on available evidence this case there is no basis for charges.

iii) Karl Willers – Information from Trooper Schmutzer

On June 1, 2012, as part of its efforts to interview all DRE participants, BCA interviewed State Trooper John Schmutzer. When asked if he had ever known or observed any of the student officers providing controlled substances to test subjects, he replied "Maybe." When further questioned, he indicated that on the last day of class, an officer named "Willers" had gotten into his squad at lunch time. As he did so, he commented "I don't know what the big deal is. I just gave them marijuana. It's not like I hurt anybody."

Because there were two "Willers" in the DRE class, and Schmutzer did not know the first name, BCA investigators showed him photos of Officer Karl Willers from Hutchinson and Deputy Kenneth Willers from Nobles County. Schmutzer identified Deputy Kenneth Willers from Nobles County as the one who had made the comment. Kenneth and Karl are brothers.

In his interview, Deputy Kenneth Willers adamantly denied making any such comments, even in jest. When we spoke in person to BCA investigators, they believed that there might have been a misidentification of Kenneth Willers. BCA investigators indicated that the photos shown to Trooper Schmutzer did not accurately depict how the two brothers now appeared.

Based on this available evidence, no charges can be issued concerning this part of the investigation.

iv) "Pete's Box"

One of the issues BCA investigators tried to address were vague rumors about something called "Pete's box." This was a box that allegedly contained some items to pass out to potential test subjects. Apparently comments had been made, possibly in jest, that this box contained some drugs to give potential test subjects.

Even those officers who had heard a vague reference to "Pete's box" or generally a "box," denied ever seeing anything like this that contained controlled substances. There was an Officer Pete Zajac from the Farmington Police Department who had been part of the DRE course. Neither he nor his partner, Officer Mark Hanneman from the Hutchinson Police Department would provide an interview. Based on a lack of evidence, there is no basis for charges.

v) Conclusions Regarding Other Allegations

There was no credible evidence, sufficient to support criminal charges with a reasonable likelihood of conviction, against any other officers or personnel associated with the DRE program.

II. RECOMMENDATIONS TO THE COMMISSIONER OF PUBLIC SAFETY

The BCA investigation reveals that apart from concerns regarding these allegations of individual misconduct, there are other serious issues related to the DRE program's management. We hope that addressing those issues as concerns can help ensure the integrity of this important program and restore official and public confidence.

1. **Improve communication of program guidelines.** The program did not provide a clear and unequivocal statement to officers that providing marijuana (or any drugs) to test subjects was absolutely prohibited. The program also failed to provide adequate oral and written guidelines to officers regarding the method and manner for the recruitment of test subjects. Clear communication of the guidelines by the program directors, together with some form of explicit acceptance by the officers, is important to ensure the proper conduct of the program and protects public safety and confidence in the program's operation.
2. **Enhance coordination with local law enforcement agencies.** Although the classroom training occurred in White Bear Lake, and much of the field testing occurred in Richfield, officers recruited some field test subjects in Minneapolis. There was less than optimal coordination with the Minneapolis Police Department (MPD) as to the field portion of the DRE certification program. Future training should involve enhanced efforts by DRE to have local law enforcement brief the program directors about known crime conditions, community issues, and any other important concerns about the geographic areas considered for the recruitment of subjects.
3. **Increase field supervision.** The program failed to provide optimal supervision of officers during the field testing portion of the program. Given the inherent challenges of finding suitable subjects for testing, officer interaction with illegal drug users, and the need to transport subjects to a testing location, among other issues, there should have been enhanced supervision of the officers during the field training.
4. **Improve program oversight.** There appeared to be insufficient oversight of the DRE program within the State Patrol. Before any DRE training is resumed, the Commissioner of Public Safety should direct an internal review of the entire DRE program with a view to increasing program oversight by senior leadership within the State Patrol. This increased oversight will ensure that best practices are followed throughout the program.