

**BOB FLETCHER**  
**RAMSEY COUNTY SHERIFF**



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December 11, 2007

Chief John Harrington  
St. Paul Police Department  
367 Grove Street  
St. Paul, MN 55101

RE: **Internal Affairs Complaint: False Affidavit for Administrative Subpoenas/Abuse of Authority**

Dear Chief Harrington:

On December 5th I received information from a confidential informant that the St. Paul Police Department had sought, secured and served administrative subpoenas for telephone records of KMSP FOX 9 TV reporter Tom Lyden and Director Sheriff Steve Lydon (no relation).

I contacted Public Information Officer Tom Walsh, who confirmed that phone records had been subpoenaed by the St. Paul Police Department's Special Investigation Unit in an attempt to prove that Steve Lydon had given non-public information to reporter Tom Lyden. I informed Walsh that I believed that this action was an abuse of authority because no crime had occurred.

I reminded Mr. Walsh of our conversation of weeks earlier. At that time, I advised him that I had carefully researched the information that Walsh believed was passed from Director Steve Lydon to reporter Tom Lyden. I further determined that even if the alleged transmission had happened, that *the information was public*. I have extensive experience in data practices as I served as the data practices officer at the St. Paul Police Department and have continued to do so for 13 years in my capacity as Sheriff of Ramsey County.

On December 6, I was contacted by PIO Walsh who requested to meet with me. At 1230 hours he came to my office. At that time I reiterated my concerns regarding the false affidavit. He went on to state that the investigation was closed and that you had personally closed it two weeks previously. I advised him that the closing of the investigation would now result in the investigative information and subpoena phone records becoming public. That public disclosure could jeopardize other Sheriff Department investigations.

Consequently, I am making a written complaint to your Internal Affairs Unit regarding the actions of SIU Commander David Korus and/or individuals under his direction, control or supervision who signed and transmitted a false affidavit for an administrative subpoena for phone records of Director Steve Lydon. Administrative subpoenas require that information sought is part of an active criminal investigation. Clearly no crime had been committed.

Furthermore, the motives for this investigation are suspect since PIO Walsh originally requested that I should talk to Director Steve Lydon to “make sure that it doesn’t happen again.” He further stated that he did not “want to jam someone up” and declined to make a written complaint as required by law for an IA investigation. Walsh later contacted me, stating, “we are going to have to do more” since they were being threatened with a “lawsuit.” Walsh advised me they were considering a criminal investigation. I informed him that I had extensively reviewed the information and had determined it was public. In addition, the motives of Commander David Korus cannot be separated from his past history of expressed personal dislike of Director Steve Lydon.

I am sure you would agree that criminal investigation should never be initiated as a tool to deflect civil liability. If an investigation was necessary, it should never be conducted by the agency that perceives itself be the victim and a potential defendant. Such a case should be immediately referred to an independent agency. Failure to refer the case out only aggravated the improper conduct.

If it is determined that SIU personnel were ordered to conduct this investigation by Tom Walsh or other Police personnel I would request that this complaint and investigation be extended to those in positions of authority regarding these acts. This is particularly important since Tom Walsh has expressed his personal distain for reporter Tom Lyden on numerous occasions.

Finally, because of your character and integrity, I know you to believe that investigating the phone contacts of the local media creates an unacceptable atmosphere of intimidation and is contrary to the principles of free expression, as articulated in the First Amendment, that we are sworn to protect.

I am available to be interviewed by your Internal Affairs investigators. I can be reached at 651-266-9308.

Sincerely,

A handwritten signature in black ink that reads "Bob Fletcher". The signature is written in a cursive, slightly slanted style.

Bob Fletcher  
Ramsey County Sheriff

Cc: Internal Affairs Commander Kathleen Wuorinen  
Public Information Officer Tom Walsh  
Commander David Korus, SIU