



OFFICE OF ATTORNEY GENERAL  
BUREAU OF CRIMINAL INVESTIGATION

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## REPORT

January 27, 2015

The Southeast Multi-County Agency (SEMCA) Drug Task Force is a multi-jurisdictional task force that is responsible for covering four counties – Richland, Ransom and Sargent Counties in North Dakota and Wilkin County in Minnesota.

The SEMCA Board oversees the Task Force. The current Board members are as follows:

- Sheriff Larry Leshovsky – Richland County Sheriff's Office - President
- Chief Scott Thorsteinson – Wahpeton Police Department
- Sheriff Rick Fiedler – Wilkin County Sheriff's Office
- Chief Nate Harder – Breckenridge Police Department
- Sheriff Travis Paeper – Sargent County Sheriff's Office
- Sheriff Darren Bennewies – Ransom County Sheriff's Office
- Chief Jeanette Persons – Lisbon Police Department
- Meryl Hansey – Wahpeton City Mayor
- Chris Devries – Wahpeton City Counsel
- Tim Campbell - Richland County Commissioner
- Jason Heitkamp - Richland County Commissioner

In October 2014, the SEMCA Board asked the North Dakota Bureau of Criminal Investigation to conduct a review of the SEMCA Task force and review the drug task force's involvement with Andrew Sadek.<sup>1</sup>

Special Agent Casey Miller, North Dakota Bureau of Criminal Investigation, Detective Steve Gabrielson, Cass County (ND) Sheriff's Department, and Supervisory Special Agent Jason Even, South Dakota Division of Criminal Investigation were designated to conduct the review (Review Board).

Background history of the Review Board members:

- **Special Agent Casey Miller** started law enforcement with Mandan Police Department in 2007. In 2008, SA Miller was assigned to the Metro Area Narcotics Task Force (MANTF). In 2012, SA Miller started with North Dakota Bureau of Criminal Investigation, and remained assigned to MANTF. In 2012, SA Miller was assigned as the coordinator of the MANTF.

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<sup>1</sup> This report does not address the investigation into the death of Andrew Sadek because North Dakota authorities do not have jurisdiction in that case. As Mr. Sadek's body was discovered in Minnesota, the Minnesota Bureau of Criminal Apprehension (BCA) is the agency that has jurisdiction for the investigation.

- **Detective Steve Gabrielson** started with the Cass County Sheriff's Office January 1st, 1977. Detective Gabrielson was promoted to Detective in June of 1994. Detective Gabrielson has held the position as an investigator for over 20 years.
- **Supervisory Special Agent Jason Even** started law enforcement with the Brookings Police Department in 1998. In 2001 SSA Even was hired by the South Dakota Division of Criminal Investigation (DCI) as a Special Agent (SA) focusing on Drug Investigations for approximately 10 years. In 2011, SSA Even was promoted to Supervisory Special Agent (SSA). SSA Even has over 16 years of law enforcement experience.

On October 28, 2014, SA Miller, Detective Gabrielson, and SSA Even, reviewed a number of the cases that SEMCA conducted on Andrew Sadek, including the investigation of Sadek selling marijuana and the resulting work Sadek conducted as a Confidential Informant for SEMCA. Richland County Deputy Jason Weber, SEMCA task force member, was present during the review of the cases.

According to information from his confidential informant paperwork, Andrew Sadek was born in Valley City, ND. Sadek was a student at the North Dakota State College of Science (NDSCS) in Wahpeton, ND for two years. SEMCA was conducting investigations that lead them to Sadek, who was selling marijuana. There were two (2) controlled buy walks, where Sadek sold marijuana to a Confidential Informant (CI) and a consent search at Sadek's dorm room.

- A "controlled buy walk" is an investigative technique used by law enforcement where officers utilize an "individual" that has arranged to purchase controlled substance(s) from a suspect. The "individual" who arranged the purchase of the controlled substance(s) could be an undercover officer or a CI.

The first controlled buy walk took place on Thursday, April 4, 2013. A CI purchased approximately 1/8 ounce of marijuana for \$60 from Andrew John Sadek. The controlled buy took place at Lot #4 on the NDSCS Campus. This is located in the City of Wahpeton which is in the County of Richland. This controlled purchase also took place in a school zone.

The second controlled buy took place on Tuesday, April 9, 2013. A CI purchased approximately 1 gram of marijuana for \$20 from Andrew John Sadek. The controlled buy also took place at Lot #4 on the NDSCS Campus, in a school zone.

On Thursday, November 21, 2013, SEMCA Agents conducted a consent search on a dorm room on NDSCS Campus. The dorm room was #306B in Nordgaard Hall. The room was occupied by Andrew Sadek and Sadek's roommate. During the consent search, officers located an orange plastic grinder with marijuana residue on the inside. Andrew Sadek confessed to owning the marijuana grinder. The grinder was taken as

evidence. This offense occurred in the City of Wahpeton, County of Richland, and the State of North Dakota.

All of the case files involving Sadek selling marijuana were complete and concise. The reports were completed with all the necessary information. The logging of recorded “buy funds” and evidence was conducted properly and to the standards of all other task forces around the state. “Buy funds” are monies issued to every task force to conduct operations, such as controlled drug buys. These buy funds were accounted for and logged correctly. The evidence that was purchased, the marijuana, was handled in accordance to the guidelines put out by the North Dakota State Lab.

The Review Board learned that SEMCA does not typically do pre-buy briefing sheets for controlled buys because SEMCA is comprised of a small group of officers working together on a daily basis and the officers find it is easy for everyone to communicate with each other. Pre-buy briefing sheets are documents that explain the details of the operation for law enforcement officers who are involved in that operation.

After reviewing the investigations involving Sadek selling marijuana and the consent search, the Review Board discussed the recorded interview of Andrew Sadek.

On November 22, 2013, Andrew Sadek came voluntarily to the Law Enforcement Center in Wahpeton, ND. The review board did not find any cause for concern with the recorded interview. The charges Sadek was possibly facing were explained to him. The recorded interview was calm in nature and Sadek understood the situation. After the recorded interview, Sadek went through the paperwork to work as a Confidential Informant (CI), which was completed correctly. The review board did not see anything that caused concern with the Confidential Informant process.

- A “confidential informant” could be an individual that is working with law enforcement for consideration regarding current charges and/or sentencing. A confidential informant could also be an individual who is working with law enforcement for monetary compensation.

Deputy Weber informed the Review Board that Sadek conducted three (3) controlled buy walks as a Confidential Informant (CI).

The first controlled buy Sadek conducted as a CI was in November 2013. Sadek purchased 1/8 ounce of marijuana for \$60 from an individual who was identified by SEMCA. The controlled buy took place Lot #4 on the NDSCS Campus. This is located in the City of Wahpeton and the County of Richland. This deal took place in a school zone.

The second controlled buy Sadek conducted was on the same individual in November. The second buy took place in December 2013. Sadek purchased 1/8 ounce of marijuana for \$60. The controlled buy took place in Lot #4 on the NDSCS Campus. This

is located in the City of Wahpeton and the County of Richland. This deal took place in a school zone.

The third controlled buy that Sadek completed was from a different suspect than the first two buys. The third buy took place on January 2014. Sadek purchased 1/8 ounce of marijuana for \$60 from an individual that SEMCA identified. The controlled buy took place at the NDSCS Campus in Lot #4. This is located in the City of Wahpeton and the County of Richland. This deal took place in a school zone.

Deputy Weber informed the board that Sadek was complying with the instructions initially set forth by Deputy Weber, but eventually Sadek stopped contacting Deputy Weber. Typically, confidential informants will stay in contact right away but sometimes lose contact and eventually they do not stay in contact at all. The reasons a CI loses contact varies, but some of the most common reasons are the CI committed new crimes, is incarcerated, or involved with drug usage again, etc. It is not up to the Officer/Agent/Deputy to stay in contact with the CI, it is the responsibility of the CI to make sure to check in with the Officer. The Officer/Agent/Deputy will on occasion call the CI to make sure the CI is still willing to work. Deputy Weber did check in with Sadek after not hearing from Sadek for some time. Deputy Weber informed the review board that Sadek never contacted Deputy Weber after Deputy Weber attempted to contact Sadek.

Deputy Weber informed the review board that to fulfill his obligation in resolving the charges he had been facing, Sadek needed to conduct one (1) more controlled buy from the individual from the January 2014 buy and also needed to purchase from a new suspect.

Based on the review of the confidential informant file and related case files, the Review Board did not have any concerns with the case files where Sadek was a CI and conducted controlled buys. The Review Board also noted that the length of time Sadek was used as a CI was not uncommon.

The Review Board was contacted by Tim Campbell, Richland County commissioner and SEMCA board member. Mr. Campbell voiced strong support for the SEMCA Task Force and felt the task force was a valuable and necessary law enforcement component in this area.

**The Review Board makes the following recommendations:**

1. A "Pre-Ops" briefing sheet should be completed prior to operations for all controlled buy walk, controlled buy bust, search warrant, etc. It is understood that due to the nature of this type of work, that a typed up briefing sheet might not be possible but some kind of documented briefing sheet is recommended.

2. In addition to a "Pre-Ops" briefing sheet, prior to operations there should be a briefing/meeting with all law enforcement personnel assigned to the operation. The purpose of the briefing is to make sure that all law enforcement personnel have all necessary information. The "Pre-Ops" briefing sheet would be utilized during this meeting.
3. A defined task force supervisor must be assigned. All the other task forces around the state have an assigned coordinator that is usually appointed by the task force board. This would make a direct contact for board members and other officials that have questions in relation to the task force. Deputy Weber is doing a lot of the coordinator work already but no official appointment has been made.
4. Assign a BCI agent to the Wahpeton area and to SEMCA. This would aid in having a direct contact with BCI when dealing with buy funds, reports, CI paperwork, data entry, etc., that is needed when having an operational task force. This would also assist when there are jurisdictional issues around the state.

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