



INVESTIGATION BACKGROUND

On April 19, 2022, I received a call from Hennepin County's Deputy Director of Human Resources, Jeni Super. Jeni informed me that earlier that day, a staff member in the Sheriff's Office had informed Chela Guzmán-Wiegert, the Assistant County Administrator for Law, Safety & Justice, that Hennepin County Sheriff Dave Hutchinson (the "Sheriff") had been behaving in a hostile and retaliatory manner toward the Command Staff, which came to a head in an April 19, 2022, meeting.

On April 25, 2022, I had a telephone conference with Hennepin County Administrator David Hough, Ms. Guzmán-Wiegert, Assistant County Attorney Beth Stack, Chief Human Resources Officer Michael Rossman and Ms. Super. I was informed that in December 2021, Sheriff Hutchinson got in a serious, single-car accident while he was intoxicated and driving a County-owned vehicle. Sheriff Hutchinson subsequently came under public pressure to resign, including from several other elected officials, but he remained in office.

On April 19, 2022, a staff member in the Sheriff's Office reported to Ms. Guzman-Wiegert that at a meeting that day in the Sheriff's office, the Sheriff was aggressive and hostile and was threatening retaliation against individuals who reported concerns about improper time keeping. This staff member expressed that there were concerns about the Sheriff's mental health and whether he would physically harm anyone.¹

On April 21, 2022, the Sheriff and the Command Staff were informed that Hennepin County would conduct an investigation into the allegations that the Sheriff had violated the County's Non-Discrimination and Respectful Workplace Policy. After determining that an external investigator was necessary in this situation, the County hired Amy Kern & Associates to conduct the investigation.

SCOPE OF INVESTIGATION AND PROCESS

Pursuant to the terms of my engagement, I maintained full authority to decide the scope of my investigation, including the individuals that I chose to interview and the documents that I chose to gather. It was understood that I was acting in the capacity of a neutral investigator and not legal counsel to Hennepin County. No Hennepin County employee attempted to control or limit my investigation in any way. I received full cooperation from Hennepin County and its employees during the course of the investigation. I had no prior attorney-client relationship with Hennepin County.

As part of this investigation, I interviewed the following individuals:

Chief Deputy Sheriff Tracey Martin, Command Staff (April 26 and May 31, 2022);
Tim Stout, Chief of Staff (April 27, July 12, July 15, 2022);
Danielle Baggett, Administrative Assistant (April 28 and May 26, 2022);
Major Jeff Storms, Command Staff (April 29, 2022);

¹ In my investigation I found no evidence that the Sheriff threatened or planned to cause physical harm to anyone.



Major Pat King, Command Staff (May 2, 2022);
Major Dan Kurtz, Command Staff (May 3, 2022);
Major Dawanna Witt, Command Staff (May 2 and 3, 2022);
Megan Braun, Executive Aide to Sheriff (October 24, 2022);
Nadine Kottom-Dale, Social Media Manager (October 24, 2022), and
Dillon Gherna, Public Initiatives Manager (October 26, 2022).

I contacted the Sheriff and/or his lawyer on October 23, October 24, October 25, and October 28 to see if the Sheriff would participate in the investigation. I informed the Sheriff that his lawyer could be present for the interview. On October 31, 2022, I notified the Sheriff and his lawyer that they had until the end of the day on November 4, 2022, to inform me whether the Sheriff would agree to be interviewed. Neither the Sheriff nor his lawyer responded.

SUMMARY OF INVESTIGATION FINDINGS

Sheriff Hutchinson engaged in a pattern of harassment and workplace bullying in violation of Hennepin County's Non-Discrimination and Respectful Workplace Policy. The Sheriff also threatened retaliation against individuals looking into whether time was being properly recorded on timecards. This behavior resulted in a hostile work environment in which members of the Command Staff were fearful of the Sheriff and were very concerned for the Sheriff's mental state and stability.

INVESTIGATION FINDINGS

Following are examples provided by witnesses of harassing, bullying and retaliatory behavior by the Sheriff.

Examples of Harassing, Bullying and Retaliatory Behavior by Sheriff Hutchinson

- On May 3, 2020, a command staff member asked Sheriff Hutchinson if he needed any information in preparation for a phone call with Minnesota Department of Corrections Commissioner, Paul Schnell. Hutchinson responded, "Idk. Maybe. Fuck you-ya bald mumbling faggot."
- On January 22, 2021, Sheriff Hutchinson sent a staffer a text message about a white female suburban City Council Member stating, "She dates Black guys I bet."
- On April 14, 2021, Sheriff Hutchinson texted a staffer "Libs run this country and state." When the staffer replied, "Silent majority want law and order," Sheriff Hutchinson replied, "Not in this faggot county."
- On October 1, 2021, Sheriff Hutchinson texted his Command Staff, "Hope [staff member's name] gets robbed with his gay friend."
- In November 2021 Sheriff Hutchinson sent a text to a staffer with a picture of a woman trying to button her pants. The text reads: "How do you know your girlfriend is getting fat? She fits into your wife's clothes."



- On December 6, 2021, Sheriff Hutchinson referred to a staff member in a text message to another staffer as “Gay [staff member name].”
- On December 30, 2021, Sheriff Hutchinson sent a text message to a staffer about a Black candidate for Sheriff, who at the time was seeking the DFL endorsement for Hennepin County Sheriff. He stated, “She get (sic) dfl for sure. Black all the (sic) care about,” and “People are sick of black people getting things solely on being black.”
- In a January 8, 2022, text message to a staffer, Sheriff Hutchinson refers to another candidate for Sheriff as a “liberal bitch.”
- On January 15, 2022, with regard to not seeking the DFL endorsement, Sheriff Hutchinson texted, “It’s so freeing. I hated them last time. And the (sic) loved me. I can’t imagen (sic) doing it with them hating me and me wanting to kill them. I hate them.”
- In a text to a staffer Sheriff Hutchinson refers to another law enforcement officer, as “Gay [officer’s name].”
- In a text message reporting that County Attorney Mike Freeman declined to press charges against the officers who shot Amir Locke, Sheriff Hutchinson wrote that it was good news and “burn baby burn,” accompanied by several emojis of flames and buildings. The staffer who received the text message stated that the “burn baby burn” was in reference to City of Minneapolis burning in riots.
- Sheriff Hutchinson would refer to his former staffer as “Gay [staff member’s name].”
- The Sheriff would greet a staffer (who identifies as gay) by saying, “What’s up faggot.”
- On multiple occasions, the Sheriff would say that one of his staffer’s homes in another state was a “house of prostitution,” or a “whorehouse” and would say that the staffer goes to another state to visit prostitutes.
- On multiple occasions when the Sheriff saw someone he did not like, he would say, “Should we kill him?” and would put his hand on his gun.
- In front of a 5-year-old boy who visited the Sheriff’s office for his birthday, Sheriff Hutchinson referred to a member of the Command Staff as “the fat one” and the “office idiot.”
- Sheriff Hutchinson stated to one a Black female Staffer, “The darker the berry, the sweeter the juice.”
- The Sheriff emulated what he perceived as Black patterns of speech and hand gestures and would talk about “smoking weed” with this Black female Staffer.



- Sheriff Hutchinson called someone “retarded” to a member of his Command Staff who has a family member who is developmentally disabled.
- Sheriff Hutchinson referred to one of his Command Staff as a “heavy stepper,” referring to his weight.
- One of the members of the Command Staff received a call from a member of law enforcement (a lieutenant) who was at the same conference in Alexandria, MN that the Sheriff attended on the night of his car accident. That person informed the Command Staffer that the Sheriff had made multiple crude comments about sex to this lieutenant and his wife, including that a sheriff from a different county wanted to “fuck [his] wife.”
- According to multiple members of the Command Staff, the Sheriff would join conference calls with law enforcement leaders across the state and would make inappropriate jokes or other crude comments that were embarrassing to some of the Command Staff.
- A former staffer from the Sheriff’s Office stated that he left the position because of the hostile work environment. The Sheriff used to say that this staffer was “a fat man in a skinny man’s body” in reference to the staffer’s weight loss.
- In 2019 the Sheriff texted multiple members of his staff, including Command Staff, a picture he took of a topless woman he saw poolside at the Venetian.
- The Sheriff would tell one member of his Command Staff – who is married to a woman – that on the “gay scale,” he was more gay than straight. He would also say this individual’s wife “must love chubby men,” just like the Sheriff’s husband.
- The Sheriff would belittle another member of his Command Staff, stating that the individual was too dumb for his education level and that he took weeks to write a letter.
- The Sheriff would refer to another staffer as a “fucking idiot” and left wing antifa.
- The Sheriff made references about one of his female staff as being overweight. He also told one male member of his Command Staff that this female staff wanted to “fuck” him that that she has “big tits and would good if she lost about 100 pounds.”
- In February 2021, the Sheriff sent one of his Command Staff (who does not identify as gay) a message that a certain male “loves handsome thick HCSO employees.”
- The wife of one of the Sheriff’s Command Staff was going through a health scare. The Sheriff called this member of the Command Staff, asked how his wife was doing, and then said, “Tell her to send me some nudes.”
- The Sheriff stated that one male member of his Command Staff wore “negligees.”



Sheriff Hutchinson's Behavior Subsequent to His Accident

All members of the Sheriff's Command Staff, as well as some civilian staff, reported that since the Sheriff's car accident, the Sheriff has become angry and paranoid. All individuals interviewed expressed serious concerns for the Sheriff's mental health and potential for self-harm, especially given that he carries a weapon when on-duty. Many of the interviewees worried that the Sheriff would "snap" or have a mental breakdown. Following are examples of the Sheriff's behavior described in witness interviews.

- The Sheriff became paranoid when members of the command staff had their office doors closed. For example, in March 2022, Sheriff Hutchinson walked down the office hall and saw that people's doors were closed. He mumbled "interesting" four times, each time with increasing volume.
- According to all members of the Command Staff, the Sheriff would frequently threaten people that they would be fired, "removed" or could quit if they were doing something the Sheriff did not like. He would say things like "there is the door" or "you are appointed, and I don't need to keep you."
- On December 28, 2021 Sheriff Hutchinson texted a member of the Command Staff: "When everyone back. I want to have a front office meeting. Everyone. I'm going to speak my mind. It won't be bad but will be very upfront. Last year I've been mentally check (sic) out. Bc made me mad. I'm back and I'm the Sheriff. No actions will be taken without my approval. If there is issue I'll fire it re assign (sic) people." He further texted, "If people don't like [the meeting]. (sic) Tell them to bring their letters at that time." He further texted, "Im (sic) back. It's my office and no one else's. I have at least a year left and I will do what I want."
- Multiple members of Sheriff Hutchinson's staff reported that after the accident up until he went on leave, he was communicating less and less frequently with the Command Staff and was coming into the office infrequently. There were times after the accident that the Sheriff did not go into the office for weeks.
- On February 1, 2022, Sheriff Hutchinson, in reference to a meeting with staff the following day, texted a member of the Command Staff, "If there is any backtalk I am going to loose (sic) it."
- On February 2, 2022, Sheriff Hutchinson texted that he suspected that a staffer was talking to the press and stated that individual "will be moved soon."
- On February 8, 2022, a member of the Command Staff checked in with the Sheriff to see if he was coming in the office, and Sheriff Hutchinson stated that "I canceled (sic) culture myself today from the office." When the staffer asked what happened, Sheriff Hutchinson stated, "Nothing. I just cancel culture everyone and everything."
- Also on February 8, 2022, Sheriff Hutchinson texted a member of the Command Staff and stated, "I almost told [member of Command Staff] to fuck off. In a group text. I'm putting up with zero shit as long as I'm here." When the Staffer replied that everyone was "feeling a bit sensitive and defensive," the Sheriff replied "Idc. Lack of respect will not be tolerated. I think y'all forgot the spot I'm in. Old school (b4 sheriff) coming back."

- In February 2022, when a member of the Command Staff texted that part of an email message the Sheriff wanted to send to his staff was inappropriate and unnecessarily hurtful, the Sheriff texted: “Good Lord. How long ya all been cops. It’s what it said. I apologize if it hurt people (sic) feelings. I’ll come tomorrow and cry with everyone.” When the staffer stated that this was the staffer’s opinion, the Sheriff replied, “And when I speak my opinion people cry. That’s fair. Good fuckibg (sic) lord. When the Staffer stated that no one was crying, the Sheriff replied, “I will not have any written form of communication with anyone from now on. I’ll do it in person with a box of tissues.”
- In March 2022, Sheriff Hutchinson walked down the office hallway saying, “the real Sheriff is here.”
- On another occasion the Sheriff walked down the office hallway stating, “I’m the real Sheriff – not you,” and “do you need to see my [Sheriff’s] certificate?”
- According to all the witnesses, after the accident there was a lot of tension in the Sheriff’s office between those who supported Major Witt in the election for Sheriff and those who supported another candidate.
- In January 2022, the Sheriff changed the reporting structure so that three staff began reporting to him instead of to his Chief of Staff. Once this change occurred, other staff in the Sheriff’s office felt that there was little accountability for these individuals, as the Sheriff was seldom in the office.
- A member of Command Staff requested that the three staffers create a Teams Calendar so that other staff knew their schedule for being in the office, as these individuals provided office support. Sheriff Hutchinson refused, stating that he was supervising them now and that was all the staffer needed to know.
- When a member of the Command Staff questioned the fact that one of the staffers newly reporting to the Sheriff recorded two days as “work from home” on that individual’s timecard when that individual was in a different state, Sheriff Hutchinson stated in a text, “I’m not going to play this Mickey Mouse stuff. If that’s the case I’ll take over [a different staffer’s] timecard and others . . . It’s now purely political and I’m not letting that happen.” The Sheriff directed that the two days in question be changed to PTO.
- On April 20, 2022, Sheriff Hutchinson informed Chief Deputy Martin that he heard that Major Witt had been campaigning on duty. Chief Deputy Martin informed the Sheriff that was false and that she required Major Witt to document her activities hour by hour when she was campaigning.



The April 19, 2022 Meeting

On April 19, 2022, the Sheriff convened a meeting with Command Staff. During the meeting, the Sheriff raised his voice and threatened to move members of the Command Staff out of the Sheriff's Office if they reported any concerns about inaccurate reporting on timecards. Following are statements by the witnesses regarding the April 19, 2022 meeting.

- On April 18, 2022, Sheriff Hutchinson walked into the office of one of his staff and stated that he had several initiatives he wanted done ASAP or “people would be moved.” He also stated that he was still the Sheriff, that he had the election certificate to prove it, and he would no longer stand for “insubordination.” The Sheriff then described several initiatives relating to “wellness” that he wanted to be his legacy. The staffer stated that this was the first time he had heard of the initiatives, but that his staff would support him.
- On April 19, 2022, Sheriff Hutchinson convened a meeting with the Command Staff.
- During the meeting, Sheriff Hutchinson told Command Staff that he was aware that they were looking at the timecards of the three administrative staff he oversaw for inaccurate reporting of time. Sheriff Hutchinson further stated that if he found out who was looking into the timecards, that person would be removed from the Sheriff's Office.
- One member of the Command Staff stated that if one of them had reported illegal or fraudulent behavior, that person was a protected whistleblower. Sheriff Hutchinson replied, “So you're a whistleblower? Bring it on. There is nothing anyone can do to me.”
- When Sheriff Hutchinson threatened moving people who raised concerns about timecard reporting, one member of the Command Staff stated “Dude, you can't do that.” Sheriff Hutchinson yelled at that individual, stating that it was disrespectful to call him “Dude.”²
- Two staff members who were not in the meeting could hear Sheriff Hutchinson yelling from outside the meeting room.
- Two members of the Command Staff got up and left the meeting. One of the Command Staff was crying. Another member of the Command Staff described the meeting as “surreal” and stated that the Sheriff's behavior was “erratic.”
- After two of the Command Staff left, the Sheriff began talking about his wellness initiatives and why they had not been implemented. Another member of Command Staff stated that the Sheriff needed to tell them what he wanted done. The Sheriff then blamed one of the Command Staff and stated that his trust in the Command Staff had been broken. One member of Command Staff stated, “That is fucking bullshit.” The Sheriff got angry again, saying “you can't swear at me.” The staff member apologized for swearing but said that he did not know what initiatives the Sheriff was

² Multiple members of Command Staff stated that calling the Sheriff “dude” was normal in the context of their meetings.



referring to. The Sheriff got up and stormed out saying that he might put everyone on paid administrative leave.

- During the meeting another member of the Command Staff also questioned the Sheriff as to what initiatives he was talking about.
- Subsequently the group reconvened without Sheriff Hutchinson. One member of Command Staff was crying. Two other members of Command Staff stated that they thought the Sheriff was having a mental breakdown and that they feared he might hurt someone in his state of mind.
- After the meeting, one member of Command Staff called Ms. Guzmán-Wiegert and informed her of the Sheriff's behavior during the meeting.
- Hours after the meeting, Sheriff Hutchinson texted a member of the Command Staff stating: "More I think about the meeting. (sic) The more angry I am. Very much so (sic) insubordination. I am reviewing policy as I type this for further violations."
- On April 19, 2022, the Sheriff further texted a member of the Command Staff stating, "You and I need to have a meeting outside the office tomorrow. I'm going to lay what I want done. As for today and the insubordination (sic) will be addressed." The Sheriff subsequently requested that his meeting with a member of the Command Staff be "in person" because there were "[s]ome very important issues."
- The night of April 19, 2022, Sheriff Hutchinson sent one of his Command Staff a text saying "today was a bad day. I have hired an HR atty to consult about next steps." He also stated that he was going to get Internal Affairs to do an investigation about the meeting.
- On the morning of April 20, a member of the Command Staff called the Sheriff on the way into the office. The Sheriff told this individual that he was getting more and more angry about the meeting and that he might come down to the office and "walk people out." The staff member told the Sheriff that would not be permitted to happen and that he needed to stop threatening people. This staff person stated that there was a legal obligation to protect direct reports from retaliation. The Sheriff replied that the staff member should be loyal to him. This staff person responded that her loyalty was to the people she supervises.

During that conversation, the staff member also informed the Sheriff that he was being disrespectful by "yelling" and "losing [his] mind." The Sheriff responded that the staff member does not listen to him or carry out what he wants. The staff member asked the Sheriff what he was talking about, but he did not have any examples.

- On April 21, 2022, after receiving written notice that a complaint had been filed against him, Sheriff Hutchinson called a member of the Command Staff. He told her that he would find out who filed the complaint against him.
- Sheriff Hutchinson came into the office later in the day on April 21, 2022. A member of the Command Staff went into his office. He asked again who filed the complaint and said that he



thought that this individual had filed it. He raised his voice and asked if this individual could see his Sheriff's certificate. The Sheriff stated, "you can't cancel me. I have already been cancelled." He also stated that he could not work with any of the Command Staff. The Sheriff then asked the staff member what the purpose of the complaint was. The staff member stated that it was to get his behavior to stop. The staff member thought that the Sheriff was angry and threatening.

- Four witnesses stated in their interviews that they feared the Sheriff because of his behavior and emotional state since his accident.

CONCLUSIONS

- The Sheriff has a pattern of communicating in a demeaning and bullying way to the staff in the Sheriff's office.
- The Sheriff has sent racist and sexist texts.
- The Sheriff, who is openly gay, teases people about being gay and also labels people as gay.
- After his car accident, the Sheriff was seldom in the office and dramatically cut back on his communications with the Command Staff.
- The Sheriff unilaterally changed the reporting structure for three staff members so that they would report to him, even though he was rarely in the office. This action contributed to tensions between those three staff members and the Command Staff.
- In the April 19, 2022, meeting with Command Staff, the Sheriff yelled at and bullied members of the Command Staff. This resulted in one member of Command Staff crying, and two Command Staff walked out of the meeting.
- The Sheriff used the false excuse that the Command Staff was not carrying out his "initiatives" as the reason for his anger with Command Staff when in fact the Command Staff had not been informed about any of the Sheriff's initiatives.
- The Sheriff threatened to retaliate against any Command Staff who reported concerns about the proper reporting of time.
- After his accident, the Sheriff frequently threatened to move employees in the Sheriff's office out of their positions.
- The Sheriff's behavior in the April 19, 2022, meeting caused four individuals who work in the Sheriff's office to fear that the Sheriff might harm someone in his current state.
- The Sheriff's behavior after his accident led nine out of ten witnesses to express concern for the Sheriff's mental health and stability.



- The Sheriff has engaged in racist, sexist, harassing, bullying and retaliatory behavior in violation of Hennepin County's Non-Discrimination and Respectful Workplace Policy.

This concludes my investigation findings.

Respectfully submitted,

Amy Walsh Kern
Amy Kern & Associates