



EMERGENCY **911**

DON GUDMUNDSON
SHERIFF

LAW ENFORCEMENT CENTER
807 COURTHOUSE SQUARE | P.O. BOX 217 | ST. CLOUD, MN 56302

Statement from the Stearns County Sheriff's Office

Regarding: Public Release of Wetterling Files

Date: October 1, 2018

Case Number: 89006407

The Stearns County Sheriff's Office received the press release from Retired Agent Gilkerson reference Sheriff Gudmundson's release of the Wetterling documents.

The Sheriff did not say that Agent Gilkerson was inexperienced. The Sheriff was told by a retired Dakota County Detective that the interviewing Agents were one fresh out of the Academy (Agent Odegard) and a second Agent (Gilkerson). He never said that Agent Gilkerson was inexperienced. He said the second Agent (Gilkerson) **may or may not have** interviewed a homicide suspect and that the interview would have been better conducted by Minnesota Bureau of Criminal Apprehension Agents who had interviewed dozens and dozens of homicide suspects.

Agent Gilkerson's release talks about the suspects he has interviewed and it appears that he had never interviewed a homicide suspect prior to interrogating Heinrich. The release mentions "robbery cases, extortion cases, fugitive matters and at least one kidnapping case..." He mentions 40 hours of specialized instruction. All detectives and many deputies take at least 40 hours of specialized instruction.

The Sheriff found serious fault with the interrogation of Heinrich. Following the interrogation, Agents and officers from the Task Force immediately began an investigation into over the road truckers. They never once went back to investigate Heinrich. See enclosed recap of why Heinrich should have been considered the main suspect.

The line-up was in many ways as crucial a fault in the investigation as the interrogation. How could they conduct a line-up without bringing the victims from Paynesville to view the line-up? How could they not bring in Trevor Wetterling and Aaron Larson? Of course we are aware that Heinrich was wearing a mask or face paint, but that is exactly why a voice line-up should have been conducted. It was not.

Agent Gilkerson in the podcast, "In the Dark" said he was unaware of the Paynesville incidents. Agent Gilkerson personally interviewed Paynesville victims on January 10, 1990.

How does Agent Garber account for his 1991 interview of Duane Hart at a Minnesota Correctional Facility? In Heinrich's apartment, Hart sees a handgun, the portable police scanner, and a black Ninja outfit. Incredibly, Hart says Heinrich asks him how to get rid of a body in the same month that Jacob Wetterling was kidnapped and murdered. There is no mention of any follow up on this information in any of the files.



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The report is clear that Heinrich was picked up in a bar in Roscoe. The arresting Detective from the Stearns County Sheriff's Office said Heinrich had been drinking and characterized him as drunk. The arrest of Heinrich was not well planned.

The report by Detective Mund on the polygraph examination given by an FBI Agent was that Heinrich measured deceptive on his involvement with the Cold Spring kidnapping and Jacob Wetterling abduction. Gilkerson writes Heinrich was cleared by polygraph. Heinrich was not cleared.

Heinrich had both the tires on his vehicle and was wearing shoes which were consistent with tires and shoe prints left at the scene. There was only one other mention of Sears Superguard Radials in the entire file and they were on a disabled vehicle. Once again, what are the chances that someone in the investigation had both the tires, the shoes and fits the composite to a "T?"

While Agent Gilkerson says he "...conducted no further investigation in this matter while in the FBI," he and Agent Garber were hired as private investigators in the 2000's to look again at the Wetterling investigation. They did not check out Heinrich even one time according to reports and focused in on two brothers in Morrison County. If they always believed that Heinrich was a good suspect, you would have thought they would have at least made inquiries about him during their time as private investigators. Heinrich's name does not appear in the files for more than 20 years.

One question that Agent Garber has is whether the Sheriff had ever been part of an investigation of this size. The Sheriff was part of a joint Task Force in Chicago that investigated multiple organized crime (mafia) assassinations. He also was a Detective assigned with others to investigate the murder of 13 prostitutes in the City of Detroit. The cases were solved. He also was part of arresting five defendants for the murder of more than a dozen people in Detroit, who were murdered in either armed robberies or burglaries. He also investigated the murder of a 12-year-old girl, who was kidnapped, sexually assaulted and murdered. The case also was solved. The Sheriff's squad investigated more than 100 murders in 1975.

Agent Garber maintains that Heinrich was under constant surveillance for up to three weeks. The files only indicate Heinrich was under surveillance for parts of three days and he did everything possible to evade the surveillance teams. Given how detailed the reports are throughout the case file, it seems odd that no other reports of the surveillance teams are mentioned.

The retired Stearns Detective also states that the FBI profilers, who monitored the interrogation, said that the profilers didn't believe that Heinrich did it.

The Stearns County Sheriff stands by every point he made in the Wetterling Press Conference and encourages the FBI to quickly release their 12,545 page investigative file.

October 20, 2018

Statement of Steve Gilkerson – Wetterling Investigation

I'm sending this in response to Stearns County Sheriff Gudmundson's press conference on 9/20/18 in which he called me the sole reason for the failure of the interview of Dan Heinrich by not getting him to confess and the main reason for the failure of the investigation regarding Heinrich. I was the FBI agent who conducted this interview along with an experienced and capable Stearns County Deputy Sheriff. The sheriff stated that I did not have the experience to conduct this interview and it should have been handled by BCA agents. The sheriff did not know me or have any idea of what my background was when he made this statement and has no idea what it was when I interviewed Heinrich along with the Stearns County Deputy. He described me as a "rookie agent just out of the academy." His comments on 9/20/18 were pure speculation on his part, totally unprofessional, insulting, and totally wrong.

When we conducted this interview in 1990, I had been in the FBI for 22 years, all spent investigating violations of Federal crimes including kidnapping, bank robbery, extortion, fugitives, and related crimes. Prior to coming to Minneapolis, I spent 11 years in New York investigating these crimes and spent seven years on a special squad that did nothing but investigate truck hijackings conducted primarily by the Mafia. John Gotti, who later was known as the godfather, was our most active hijacker. I came to Minneapolis in 1981 and was placed on a squad that specialized in these criminal violations. When I conducted the Heinrich interview in 1990, I had over 40 hours of specialized instruction in classes on INTERROGATION and BEHAVIORAL ANALYSIS INTERVIEWS, all conducted by recognized experts in this field. I had some success in getting confessions in bank robbery cases, extortion cases, fugitive matters and at least one kidnapping case based on this training. I hope you can see why I'm upset with this sheriff calling me an inexperienced agent straight out of the academy. It clearly shows a lack of knowledge of the facts in this case.

There were a number of things the sheriff said in his conference that were not accurate or completely false which I will not mention in this letter but will address later. The fact is he was not there when this was happening and has no idea whatsoever what was happening in the early stages of the most stressful and heartbreaking case any law enforcement officer could encounter. He described this crime as the worst crime in the history of Minnesota. I agree with him on that. His opinions at this conference were based on his reading of the papers in the files and a poor interpretation and total speculation in what he feels these files reflect and show.

At the time of this interview, we believed Heinrich was responsible for the Cold Springs kidnapping and likely responsible for Jacob. Lengthy investigations had been conducted at this point and this interview was the final thing to be done. It was considered so important that two days prior to this interview, three FBI agents from the Behavioral Science Unit in Quantico came out and assisted us in preparing for this interview and ways to approach Heinrich.

I will not divulge any tactics we used during our interview but I will talk about interviewing and difficulties we faced in this interview. No matter how good an interviewer is, many interviews of guilty people do not succeed unless you have several things in your favor, which we didn't have in this case.

If you are interrogating a person who has absolutely no moral compass or is psychotic, confessions are especially difficult to obtain. The purpose of any interview of a guilty person is to get him to tell you something that he most certainly does not want to tell you and could cause him great harm. In this case, if Heinrich admitted to what he did in this interview, he would immediately go to prison for the rest of his life. In these types of interviews, it helps a great deal if you have any evidence that tells you without a doubt this is the person who committed the crime and something you can use to pressure the person. Evidence such as fingerprints, witness identification, tire prints, shoe prints, and DNA, which did not exist in 1989. In spite of what the sheriff said in his conference and may have led you to believe concerning shoe prints and tire prints, we had no evidence whatsoever to positively connect Heinrich to any crime. One of the biggest mistakes the sheriff made in the conference was frequently stressing that Heinrich's shoe prints and tire prints were a match with those at the crime scene. **Absolutely not true.** They were similar but not the ones that made those prints. I had several cases with the FBI Lab in which I submitted evidence to them. They sent me a letter telling me that the suspect I got the evidence from was likely the person who committed the crime but the evidence did not contain the required number of identifying points allowing them to appear in court and testify they were identical. They did not do this this time. That tells me that while we now know Heinrich was at the crime scene, he was not wearing those shoes or have those tires that were submitted for examination. I assure you that if we had information that indicated there was a good possibility the evidence was a likely match, we would have immediately dropped everything and concentrated solely on Heinrich like the sheriff suggested. His description of this as evidence showing Heinrich was guilty is completely wrong and misleading and should be corrected, along with my background. We did lie to Heinrich that his tires and shoes were a match with those at the crime scene but he denied it saying that wasn't possible.

Another thing that is needed in an interview like this is to be able to give him some reason as to why he should tell us his darkest secret, that he kidnapped, molested and killed Jacob. In our interview, we did not have this either. We tried some themes on him as to reasons why he should tell us what he did. Themes like "for the sake of this poor family, please help them bring their son home" and we appealed to his religious side, which he didn't have. We attempted to lessen what he had done by not using the words kidnap rape, murder, and called it a tragic mistake on his part. All to no avail.

To show the absolute importance of these above items, it should be noted that Heinrich did not confess until 2016 when the DNA evidence showed that he was responsible for the Cold Spring case and he was arrested and charged with a crime for which he was facing a sentence of life in prison. He confessed to kidnapping Jacob after he was told that if he told where Jacob was, he would not be charged with kidnapping and killing Jacob and the most he would face for his crimes was 20 years in prison, versus life. Confession obtained. Case solved. As outrageous as this sounds beyond any doubt, this was a deal they had to make or this case would have never been solved or Jacob located.

Getting back to our interview, we questioned Heinrich for at least an hour and he continually denied our accusations and eventually stated he wanted a lawyer which ended our interview. At that point, the Stearns County Deputy with me told Heinrich he was under arrest for the Cold Springs assault and he was handcuffed and placed in the jail, which is where this interview took place. The next day, the Stearns County Attorney's Office contacted the task force and told us to release him from jail as we did not have enough evidence to hold him. In his press conference, the sheriff stated that this arrest took place in a bar and that Heinrich was drunk in the bar and arrested by a deputy. This information is totally wrong and again shows a lack of the facts in this case.

Another example of this is when the sheriff faulted us for not having the two boys who were with Jacob view Heinrich's line up. He is apparently not aware that Jacob's kidnapper was wearing a ski mask.

After this interview, we had no further investigation left to conduct regarding Heinrich at that time, and we had many suspects left to investigate, a few of whom who like Heinrich we felt could be guilty of this crime. The sheriff faulted us for not dropping everything and concentrating all our resources on Heinrich, "tunnel vision" defense lawyers call it. We were not certain of Heinrich's guilt as the Cold Springs victim could not identify him in a line up even though he saw him clearly and furnished a good description of him. This was very surprising to us. He was apparently cleared by the polygraph examiner. His tire prints and shoe prints were not a match with those at the crime scene. We also had a very large number of suspects who needed to be located, interviewed, and their stories checked out. Some of these names came with information saying they might be our suspect and had to be followed up on as soon as possible. Cases were opened up on every convicted pedophile in the area and they had to be located, interviewed, and their stories verified. We went to every residence in close proximity to the kidnapping, interviewed every resident in that house, and conducted record checks on them. We did not have the manpower or reason at that time to concentrate solely on Heinrich. The sheriff's hindsight views reflect a total ignorance of what was going on at that time. We had no idea of who we were looking for regarding age, race, facial characteristics, and nobody who could identify him if we located him. We continued this investigation around St. Cloud for approximately three months, at which time we ran out of leads to keep us all active so the agents from Minneapolis returned to that office and resumed their normal duties. The task force that remained in St. Cloud to continue the investigation consisted of one FBI agent, one BCA agent, and an investigator from the Stearns County Sheriff's Office. My understanding was that Stearns County was the lead agency in this case and made

the decision on the investigation to be conducted. After leaving St. Cloud, I conducted no further investigation in this matter while in the FBI.

My hindsight tells me now that the only way this case could have been solved, and was solved, was by a confession by the kidnapper. My impression of Heinrich was that he would never confess to this crime without evidence showing he committed this crime and given something for his confession. Again, hindsight clearly shows that the only evidence that could connect him was the DNA exam. The only way this case could have been resolved sooner was if this evidence had been submitted for DNA testing sooner than it was.

Hindsight also tells me that no matter what other investigation was conducted besides the DNA testing, it was very unlikely any of it would have solved this case, including any by this sheriff and his team of experts. No other evidence and apparently no one other than Heinrich knew what happened. Knowing now for certain he did it you can speculate and say his house could have been bugged, his phone tapped, and utilize informants to get close to him. I know we did not have the time, evidence, or reasons to do this while I was there. I have no idea what was done regarding Heinrich after the Stearns County Sheriff's Office became the lead agency. It appears that nothing was done until the DNA submission in 2016. How does the sheriff explain this and who does he blame? Don't point that finger at me or Garber.

The sheriff boasted of his experience in these types of investigations and how he would have solved this matter. I spent 30 ½ years as an FBI agent and five years as a police officer, every bit of this as a criminal investigator on the street. My experience tells me that the sheriff should review closely what I have said in this letter, take another close look at his records re this matter, and then reflect on what he said in his conference. If after doing this, he feels anything he said was not accurate or needs further explanation, he owes it to everybody involved to publicly correct it. I believe most any reasonable person will understand the reasons I describe his comments and behavior that day in rudely kicking us out of his office when we tried to defend ourselves as unprofessional, arrogant, wrong, and insulting to all of us who put everything we had into this tragedy. Unfortunately, his behavior has become the norm in our country.

The sheriff obviously feels his opinions and criticism in this matter deserve widespread attention. Any opinions and criticism of what he said by someone he criticized and who has knowledge of the facts deserves equal treatment.

Steve Gilkerson

(952) 938-7028

Recap of Why Heinrich Should Have Been the Main Suspect

- He was in the military and wears camo around Paynesville. He **lies** and says he never does that.
- In the military, he would have learned to use mud or face paint to disguise himself.
- The Mercury Topaz used in the Cold Spring abduction matches the description given by the Cold Spring boy and the boy rates it an 8-9 out of 10 to be the car he was kidnapped in.
- A fiber found on the Cold Spring victim's snowmobile suit is consistent with fibers found in Heinrich's Mercury Topaz.
- The Sears Superguard Radials match tire prints left at the Wetterling scene. Suspects are most often eliminated precisely because they do not have the tires. **He has the tires.**
- His shoeprints correspond to shoe prints at the Wetterling scene mixed in with Nike shoe prints worn by Jacob Wetterling. **He has the shoes.**
- It is the Detective who spots this who takes the casts and knows those prints better than other officers.
- He **fails** a polygraph examination given by an FBI Agent as to whether he was involved with either the Cold Spring abduction or the Wetterling kidnapping.
- He has photos of children seen during the search warrant in his possession and **lies** about how he obtained them and who they are.
- He has no known adult girlfriends or boyfriends.
- He has the portable police scanner mentioned by the Cold Spring boy and confiscated in an earlier DWI arrest, the search warrant and seen by Duane Hart.
- He uses every means to evade the surveillance by officers and agents.
- In two assaults, he asks victim's age and grade. (Paynesville & Wetterling)
- All across each of the three cases, he says the same types of things.
- His voice is described by multiple victims as deep, raspy and is very distinctive.
- Duane Hart describes the black ninja suit described by a Paynesville victim.
- He has a **handgun** as seen by Duane Hart.
- In the same month where he loses his job and when he kidnaps and kills Jacob Wetterling, he asks Duane Hart how to get rid of a body.
- His overall physical description fits Paynesville, Cold Spring and Wetterling cases.
- He fits the composite almost to a "T."