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THE SUPREME COURT OF MINNESOTA
25 CONSTITUTION AVENUE
SAINT PAUL, MINNESOTA 55155

SUE K. DOSAL
STATE COURT ADMINISTRATOR

16121 286-2474

MEMORANDUM

December 4, 1990

TO: SENATE AND HOUSE OF REPRESENTATIVES
STATE OF MINNESOTA

FROM: SUE K. DOSAL, STATE COURT ADMINISTRATOR *JD*

RE: MINNESOTA STATUTES 626A.17 SUBD. 3:
REPORT TO LEGISLATURE BY COURT ADMINISTRATOR

Under Minn.Stat. §626A.17 subd. 3, the state court administrator is to provide to the legislature a report concerning (a) all warrants and orders authorizing the interception of communications and the use of a pen register, trap and trace device, mobile tracking device, or other electronic or mechanical device during the two previous calendar years, and (b) all applications that were denied during the two previous calendar years. A summary and analysis of orders made during 1988 and 1989 is included. Partial data from 1990 is also available from this office.

1989

Information about 22 orders issued in 1989 was forwarded to this office and is tabulated below.

DEVICES AUTHORIZED

Pen Register	12
Trap and Trace	6
Release of Telephone Records	1
Mobile Tracking Device	1
Wiretaps	<u>2</u>
TOTAL	22

OFFENSES INVOLVED

Controlled Substance	7
Gambling	11
Harassing Phone Calls	2
Criminal Sexual Conduct	1
Unspecified	<u>1</u>
TOTAL	22

Ten arrests were made and charges filed as a result of the investigations of the gambling offenses.

Three 1989 orders are described in more detail. One order authorized use of a mobile tracking device for 60 days to investigate criminal sexual conduct. This investigation resulted in charges being filed. One phone intercept was authorized for a period of ten days to investigate controlled substance offenses. The order was continued once due to equipment malfunction. One wiretap was authorized for a period of 10 days to investigate controlled substance offenses. Two extensions were granted. Approximately 900 telephone calls were made during the 30 day period the wiretap was in effect, of which approximately 75 concerned controlled substances. 12 persons were involved in these conversations, and five arrests resulted from the interception. No trials, motions to suppress, or convictions resulted. Seizure of three ounces of methamphetamine and \$24,000 in cash resulted. The operation cost \$30,000.

1988

Information about 18 orders issued in 1988 was forwarded to this office, and is tabulated below.

DEVICE AUTHORIZED

Pen Register	11
Trap and Trace	4
Release of Telephone Records	<u>3</u>
TOTAL	18

OFFENSES INVOLVED

Controlled Substance	3
Gambling	6
Harassing Phone Calls	4
Prostitution Offenses	3
Unspecified	<u>2</u>
TOTAL	18

This office received no report of applications for interception of communications that were denied. Only two reports were received from county attorneys, and the information contained in those reports is included. For a detailed description of each order, see attached.

1989 REPORTS

1.

James Nelson of the Anoka County Sheriff's Department applied to the Tenth Judicial District on December 8, 1989 for a pen register to investigate sports bookmaking. The application was granted for a period of 60 days. The interception took place at the personal residence of the suspect.

2.

Sergeant William Thompson of the Ramsey County Sheriff's Department applied to the Tenth Judicial District on December 8, 1989 for a trap and trace device to investigate sports bookmaking at an address in Coon Rapids. The order was granted for a period of 60 days.

3.

Mark Lenzen of the Minnesota Bureau of Criminal Apprehension applied to the Fourth Judicial District on July 24, 1989 for a mobile tracking device to investigate possible criminal sexual conduct. The order allowed use of the device for 60 days on two motor vehicles belonging to the suspect. The investigation resulted in filing of charges in Hennepin County District Court.

4.

Donald Wersal, Nicollet County Deputy Sheriff applied to the Fifth Judicial District for a trap and trace device on May 22, 1989 to investigate harassing phone calls. The order was granted for a period of 30 days. The interceptions took place at a private residence.

5.

An order authorizing a trap and trace device was signed by a Judge of the Fifth Judicial District in 1989 in Brown County.

6.

An application to the Ninth Judicial District for an order authorizing a phone intercept was made on May 23, 1989 to investigate controlled substance offenses. The order was granted for a period of 10 days. It was then extended on June 1, 1989 because of equipment malfunction. The interceptions took place at a private residence.

7.

Richard Waage of the Hutchinson Police Department and County Attorney Michael Junge applied to the First Judicial District for a trace device on April 19, 1989 to investigate harassing phone calls. The order was granted for a period of 30 days. The interception took place at a communications common carrier.

**Legislative Report
Interception of Communication
December, 1990, Page 2**

8.

Sergeant Bill Thompson of the Ramsey County Sheriff's Department applied to the Second Judicial District on January 4, 1989 for a pen register to investigate sports bookmaking. The order was granted for a period of 6 (sic) days, to end on March 4.

9.

An application to the Second Judicial District for a pen register was made on May 22, 1989 to investigate violations of controlled substance laws. The order was granted for a period of 60 days. The interceptions took place at a business.

10.

An application to the Second Judicial District for a pen register was made on May 22, 1989 to investigate violations of controlled substance laws. The order was granted for a period of 60 days. The interceptions took place at a residence.

11.

Sergeant Gerald Bohlig applied to the Second Judicial District for an extension of an order allowing use of a pen register to investigate controlled substance violations. The extension was granted on April 28, 1989 for a period of 60 days. The interceptions took place at a residence.

12.

Sergeant Bohlig of the St. Paul Police Department - Narcotics applied to the Second Judicial District for a pen register to investigate controlled substance offenses. The application was granted on February 16, 1989 for a period of 60 days. The interceptions took place at a residence.

13.

Sergeant James Bakos of the Austin Police Department applied to the Third Judicial District for a search warrant to examine records of all calls billed and credit information for 60 days to investigate controlled substance offenses. The warrant was granted on August 23, 1989 and an amended application was filed and signed on September 19, 1989.

14.

Sergeant Richard Klein of the St. Paul Police Department applied to the Second Judicial District for a trap and trace device to investigate illegal gambling. The order was granted on October 27, 1989 for a period of 30 days. The interceptions took place at a residence. Two persons were arrested and charged with sports bookmaking and possession of untaxed gambling equipment as a result of this surveillance.

**Legislative Report
Interception of Communication
December, 1990, Page 3**

15.

Sergeant Richard Klein of the St. Paul Police Department applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on November 9, 1989 for a period of 60 days. The interceptions took place at a residence. Two persons were arrested and charged with sports bookmaking and possession of untaxed gambling equipment as a result of this surveillance.

16.

Gerard Bohlig of the St. Paul Police Department applied to the Second Judicial District for a telephone wiretap to investigate violations of controlled substance laws. The order, which authorized interceptions from June 8, 1989 to June 18, 1989 was granted. Two extensions were granted, one of which authorized interception from June 18, 1989 to June 28, 1989, and the other authorized interception from June 28, 1989 to July 8, 1989. Approximately 900 telephone calls were made during the 30 day period, of which approximately 75 concerned the sale, possession, transportation, or attempt to possess a controlled substance. 12 persons were involved in these conversations. 5 arrests resulted from the interception. No trials, motions to suppress, or convictions resulted. Seizure of three ounces of methamphetamine and \$24,000 in cash resulted. The operation cost \$30,000.

17.

Sergeant Bill Thompson of the Ramsey County Sheriff's Department applied for 5 pen registers and 1 trap and trace device from August 1, 1989 through December 31, 1989 to investigate sports bookmaking. These applications were granted on August 28, October 2, October 23, November 6, November 30, and December 8, 1989. Six arrests resulted and criminal charges for sports bookmaking and aiding and abetting sports bookmaking were filed. In two cases, no arrests resulted from the surveillance. The trap and trace order is still an active investigation. All interceptions were done at private residences, except the trap and trace order which involves a business.

1988 REPORTS

1.

Detective Wyatt of the Rochester Police Department applied to the Third Judicial District on August 1, 1988 for a pen register to investigate conspiracy, promotion of prostitution, and receiving profits from prostitution. The order was granted for a period of 60 days. The interception took place at a business / residential facility.

2.

Mark P. Wood of the Litchfield City Attorney's Office applied to the Eighth Judicial District on July 20, 1988 for a pen register to investigate harassing phone calls. The order was granted for a period of 60 days. The interceptions took place at a private residence.

3.

Donald Wersal, Nicollet County Deputy Sheriff applied to the Fifth Judicial District for a trap and trace device on March 3, 1988 to investigate harassing phone calls. The order was granted for a period of 30 days. The interceptions took place at a private residence.

4.

Donald Wersal, Nicollet County Deputy Sheriff applied to the Fifth Judicial District for a trap and trace device on August 3, 1988 to investigate harassing phone calls. The order was granted for a period of 30 days. The interceptions took place at a private residence.

5.

Sergeant Bill Thompson applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on November 1, 1988 for a period of 60 days. The interceptions took place at a residence.

6.

Sergeant Bill Thompson applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on November 2, 1988 for a period of 60 days. The interceptions took place at a residence.

7.

Sergeant Bill Thompson applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on November 1, 1988 for a period of 60 days.

**Legislative Report
Interception of Communication
December, 1990, Page 5**

8.

Sergeant Bill Thompson of the Ramsey County Sheriff's Department applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on August 31, 1988 for a period of 60 days. The interceptions took place at a residence.

9.

Sergeant Bill Thompson of the Ramsey County Sheriff's Department applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on December 12, 1988 for a period of 60 days. The interceptions took place at a residence.

10.

Sergeant Bill Thompson of the Ramsey County Sheriff's Department applied to the Second Judicial District for a pen register to investigate sports bookmaking. The order was granted on December 14, 1988 for a period of 60 days. The interceptions took place at a residence.

11.

Detective Benny Wyatt of the Rochester Police Department applied to the Third Judicial District for a pen register to investigate conspiracy and prostitution offenses. The order was granted on August 2, 1988 for a period of 60 days. Detective Wyatt made another application for a pen register on an additional telephone line, which was granted on September 2, 1988 for a period of 60 days. Both interceptions took place at a private residence.

12.

Attorney Mark Wood applied to the Eighth Judicial District for a pen register to investigate harassing phone calls. The order was granted on July 20, 1988 for a period of 60 days. The interception took place at a private residence.

13.

Detective James Bakos of the Austin Police Department applied to the Third Judicial District for a trap and trace device and an order authorizing release of telephone company records to investigate narcotics offenses. The order was granted on March 1, 1988 and extended on May 23, 1988.

14.

Deputy Sheriff Glen Farnum of Mower County applied to the Third Judicial District for a trap and trace device to investigate narcotics offenses. The order was granted on May 20, 1988.

Legislative Report
Interception of Communication
December, 1990, Page 6

15.

Sergeant Klein of the St. Paul Police Department applied to the Second Judicial District for two orders directing the phone company to furnish telephone numbers and addresses of two individuals. The order was granted on October 20, 1988.