

NIELSEN: Commander Susan Nielsen, Adams County Sheriff's Office
BAESSLER: HR Manager Jennifer Baessler, Adams County Sheriff's Office
BENSON: Sergeant Michael R. Benson, Adams County Sheriff's Office
WAGNER: Zach Wagner, Legal Counsel

NIELSEN You are advised that you're being questioned as part of an official Internal Affairs investigation at the Adams County Sheriff's Office. You will be asked questions related to job performance or fitness to serve in the sheriff's office. You are entitled to all the protections guaranteed by the federal & state constitution. Including the (inaudible) of self-incrimination and right to counsel. If you answer these questions related to job performance and fitness to serve neither statements given nor information gained from these statements can be used against you in any criminal proceeding. However, such answers can be used for purposes of sheriff's office hearings and discipline. If you refuse to answer questions related to job performance and fitness to serve you will be subject to disciplinary actions for failure to obey an order. This disciplinary action will result in your termination from the sheriff's office. Do you have any questions before we proceed?

BENSON No ma'am.

NIELSEN Okay. And are you aware this interview is being recorded?

BENSON Yes.

NIELSEN Okay. Just need you to sign here and date, and then return when signed.

BENSON (Waiting for Benson to sign document).

NIELSEN Thank you.

BENSON Mmm...hmm.

NIELSEN Today's date is October 10, 2018 and the time is 1307 hours. I am in Internal Affairs Interview Room at headquarters with the uh Sgt. Michael Benson, his counsel Zach Wagner, Human Resource Manager Jennifer Baessler. We're gonna talk about Internal Affairs Case 2018-32. Um, Sgt. Benson, can you tell me how long ago you started at the sheriff's office?

BENSON I started December 10, 2009.

NIELSEN Okay. And, since 2009 what have your assignments been?

BENSON 2009, I started as a detention specialist. I did that for about a month and then I went on to uh the academy. And was in the academy for about the six months; twenty-one weeks. Graduated June 10, 2010. I was in the Jail Division from then until February of 2012. In February of 2012 I transferred to the Patrol Division. Worked in Patrol Division from then until uh January of 2018. Um, where I was reassigned as a acting sergeant in the jail. While on patrol I was a supervi..FTO sorry. An acting supervisor multiple times. Uh, I was I'm on the SWAT Team. I've done uh a lot of training. I've been an instructor for about seven years in different aspects of instruction. And then the last ten months or so, as an acting sergeant.

NIELSEN What kind of aspects of an instructor are you certified in?

BENSON Pressure Point Control Tactics, uh a couple of different martial arts outside of PPCT. Um, Driving, firearms, handgun, rifle, shotgun. less lethal uh impact emissions, aerosols, uh chemical ammunitions, uh beanbags all of that.

NIELSEN Okay.

BENSON Um, and there's some others I think.

NIELSEN Okay.

BENSON Star Chase, 1100(?) and a couple of other things.

NIELSEN So, you read this compliant?

BENSON Yes.

NIELSEN Obviously. When was the last time you attended Sexual Harassment Training?

BENSON I, I don't remember the last time.

NIELSEN Was it in the near your history a long time ago?

BENSON I believe so. I think was had a platoon training that had something to do with it. Um, but I don't remember when it was.

NIELSEN Okay.

BENSON I'd have to look at training records to see.

NIELSEN Okay. So, you went to the jail as a uh career enhancement sergeant.

BENSON Yes.

NIELSEN ...In January?

BENSON It was February. Uh, I was one uh paternity leave January, like 10th, my daughter was born on the 12th.

NIELSEN Okay.

BENSON Basically, January 12th to February 12th. I was on paternity leave and came back February 12th as an acting sergeant.

NIELSEN Okay. What were your duties as a jail sergeant?

BENSON Um, safety, security of the jail. Orderly running, making sure the scheduling was done. Making sure that uh the employees were well taken care of. Prepared for future teaching, coaching, mentoring...

NIELSEN ...Mmm...hmmm.

BENSON the supervisor role. Um, making sure that people uh who has aspiration to go further have the tools and um the coaching that they need to go further, and those that are happy where they're at, to try and do what I can to make them happy...happier with their work environment. Um, trying to raise morale, trying to uh, build a team. I mean it's very extensive, there's a lot of different duties. I mean, that was that's just kind of a brief overlay of them.

NIELSEN Okay. What is it what is your shift...what do you do when you go to work at the jail what you do? Like physically what does your shift look like?

BENSON Um, so a typical day, I obviously start out with briefing. Um, I usually get in and to be honest I'm in, in just enough time to get dressed and get into uh sergeants briefing, but get into sergeants briefing...

NIELSEN Mmm...hmm.

BENSON ...and um then go in and I try to have something I can give during shift briefing that can train, that can be a training opportunity as far as um, using my personal experience with patrol, SWAT and everything else to um, teach the shift tactics or different things officer safety. I try to include that almost every day. Um, try to include jokes and different things keep the mood light.

NIELSEN Mmm...hmm.

BENSON Um, finish briefing I give everybody their assignment. Um, tell them where they're working, and, uh send everybody out to work. Hang out in the Briefing

Room for a couple of minutes in case anybody has questions or issued they can come over come over, come afterwards and talk to me or [REDACTED] my partner. Um, head down to the office. I usually spend the first couple of hours in the office trying to uh, get any additional paperwork or anything else uh lined up. Get everything caught up, make sure there's no ILEADS Reports, arrests or anything that was left from the previous shift or the other side of the week, or um, see how many formal hearings there are, that type of stuff. Figure out what I need to do that night to be successful. Uh, usually Sgt. [REDACTED] and I sit and talk about what we're gonna do for the night as far as uh if we're gonna do a shake, if we're gonna do training, what we're gonna do, um throughout the the night. Specifically on grave yards we like to do a lot of training. Um, from there I typically go out there's uh, there's administrative segregation sheets in [REDACTED] Module, [REDACTED] Module, [REDACTED]. And, I will start uh hitting those different places and um typically that'll be around 10:30-11:00. Usually about the time my partner's going to lunch. Um, because um there's no point in sitting in an office alone not having much to do. Um, so I get out and see the people. Um, go around sign all the tier sheets and sit with the people in the offices; the deputies, go in the towers talk to the DS's see who's how everybody's doing if anybody needs anything. If there's um you know if anybody has any specific desires at the moment. You know there's been a lot of testing here recently. Um, the driving instructor, um jail, patrol, academy, all of that stuff has been coming and going so I've been trying to help those people that have made it known that they aspire to move on, do something different. Um, so I spend time with them coaching them, talking to them, doing whatever. Um, go to each one of the individual places, visit with everybody. Um, again, morale is something that's always been terrible at the jail. So, I do my very best to go around and joke and have a good time and make sure that they're not scared of the sergeant coming. And make sure that it's uh, you know a friendly visit as it can be. If there's issues address them and hold them accountable for the, for the issues that they've caused but the same time it's the trying to keep everybody happy. A happy employee is a good employee. So, um go see everybody then I'll either go to lunch um, the sergeant testing has been,

had been going on for me so um I was skipping lunch typically. I was going back down to the office and studying or going somewhere and studying. Um, and trying to refresh myself on all of the different policies & procedures everything else that we had that was on the study guide. Um, and then uh that was pretty much you know, that was then the end of the night stuff starts coming in. All of the paperwork, all of the different things, people are getting up for breakfast so could be medical issues or fights or whatever else comes up. And deal with it as you go, trying to get some uh usually around then when they're getting up I try to do some formal hearings and then uh I go back to my office type them up and then it's about count time. Everybody brings down the count and we head up and do sergeants briefing.

NIELSEN Busy.

BENSON Yeah.

NIELSEN Do you do that every night? Do you hit every post every night?

BENSON Not necessarily. I try to that's always my goal. Um, I like to I hit I try to hit [REDACTED] [REDACTED] without fail. Um, there's been some nights that I haven't been able to due to personnel issues or um, a active situation or whatever. Um, or just nights that it's okay it's your turn. Uh, and let my partner take some of them, or all of them or whatever.

NIELSEN What is your partner doing while you're doing all of that?

BENSON Um, um he does his lunch break and then I don't know he usually goes around and sees people too for a little bit. I think he does the same thing I mean he's the one that taught me to do it so.

NIELSEN Okay.

BENSON Um, he goes around and sees people. He visits, he goes to booking he goes wherever and visits different places.

NIELSEN So, how many posts are there in the jail that you have that you try to visit every night?

BENSON Um, so minimum, I try to hit [REDACTED] the four that have because they have the [REDACTED]

NIELSEN Okay.

BENSON So they have the segregation locks we're required to uh every shift every sergeant is supposed to go or a sergeant from every shift is supposed to go and lay eyes on those individuals...

NIELSEN Mmm...hmm.

BENSON every single night. Um, the inmates that are in segregation. So, um I try to make sure those for sure are hit. Um, and then I try to go to ■ module typically be my next priority just because it is a potential quagmire, and there's usually some sort of issues going on there. People are detoxing and having issues in intake or um, whatever the case may be. So, I like to visit there and booking make sure that the booking staff cuz they don't have a sergeant overnight is doing okay. They don't need any assistance, they don't need help from you know, any uh female change outs or they don't need uh somebody come down and start helping them with finger prints, photographs and they're not getting slammed. Um, then sometimes C is kind of one of them that I, I historically missed a lot. Um, just because I was typically um I usually had a little bit more seasoned person in there that knew what they were doing. Didn't really need me to come visit them every night so I kind of give them space and let them kind of do their own thing. But uh, go visit them every once in a while. Um, E again one of those that I would hit or miss, dependent on how busy I was. And then I tried, my goal was always at least once a week hit ■ & ■ uh as far as the dorms, not just Mental Health Unit. But, hitting those areas to make sure that the, the senior guys have a chance to talk to.

NIELSEN Okay. So, when you go to say a module, on the floor, how much time do you think you spend in a module? You said you talk to the deputies (inaudible) about how much time, an average?

BENSON I, I really don't know those kind of situationa dictates. Um, if I had a busy night I'd cut it short.

NIELSEN Well it sounds like you're not so busy. It sounds you're running around all over the place.

BENSON Yeah, and but I'd there's a lot of things that can't be done in fifteen minutes. Um, you know so I try to spend at least fifteen minutes I'd say is probably like the extreme low average um.

NIELSEN What's the high average?

BENSON Uh an hour and a half, two hours. I mean there's there's been times that I've sat with people for what would be my entire lunch break. Um, and it was my lunch break because I wanted to help them out. Um, I'm trying to coach certain people for uh academy, or coach for uh patrol transfer. Guys that were were testing trying to help them for the oral board and then once they made the list what they needed to do from there and different things like that. So, it was kinda, it was very situational dictates.

NIELSEN Okay.

BENSON There's nights that I'd sit and B.S., there's nights that I've trained, there's, it all depends on what was going on that night and what else I had to get to.

NIELSEN What about the towers? How much time did you spend in the towers? Cuz when I talked to Sgt. [REDACTED] he told me it was really kinda hard to hit the towers, and you said he trained you, so he said sometimes you forget the towers...

BENSON ...Yeah, I, I generally forgot the towers.

NIELSEN Did you?

BENSON ...I'd say on average maybe once every other week I'd try to make it a point to see at least a couple of the towers. Um, there are certain, certain DSs that I try to see more um...

NIELSEN ...Mmm...hmm.

BENSON ...Prior to the academy DS [REDACTED] Um, I tried to make sure I went and saw her to make sure she was getting prepared and ready for the academy. Um, I'd see go see DS [REDACTED] every once in a while but each person kinda had their own um, everybody has their own personality and how much they want face time with the sergeant so. I tried to read off of them and if they're, you know if they're busy obviously I tried not to mess with them. Uh, I'd leave them alone and let them get their job done cuz I'm essentially no help in the [REDACTED] (laughing) so uh, as much as I tried to help it wasn't always help.

NIELSEN Get in the way more right?

BENSON Um, but uh, but it it all depends. There's some sometimes you know DS [REDACTED] doesn't wasn't real comfortable it seemed like. She didn't really have a

whole bunch of interaction so I didn't spend very much time with her, maybe five to ten minutes.

NIELSEN Mmm...hmm.

BENSON Um, [REDACTED] I have known DS [REDACTED] for a very long time. So her and I got along well and we'd sit and talk sometimes for thirty minutes. I, I it all depend um. I'd go in [REDACTED] with DS [REDACTED] for I could spend an hour in there just shooting the crap with her so.

NIELSEN Uh huh.

BENSON Um, it all just depended on each individual and how much time each perspective needed or wanted.

NIELSEN It is normal that you spent more time on the floor than you did the towers?

BENSON Yes, yes.

NIELSEN Didn't you say you forgot the towers?

BENSON Well and not necessarily that I forgot to go to the towers, just that I ran out of time to go to the towers.

NIELSEN Yeah, how do you have enough time in the day to hit all those posts?

BENSON Right. Um, and generally if I was if it was going to be a [REDACTED] week or if I was gonna try and hit the towers I'd spend a lot less time on the floor and a lot more time trying to get to the towers and doing all of that so.

NIELSEN When you were, when you were doing the [REDACTED] days or [REDACTED] weeks, how would you get to the towers?

BENSON It all depends sometimes I'd go down the [REDACTED] hallway, the lower [REDACTED] hallway and sign all the tier sheets and then go up. Or sometimes I'd go up through [REDACTED] to um to the [REDACTED] or [REDACTED] or whatever. And hit one of those towers, go to the other one sign the tier sheets, go to the next one, go up to the [REDACTED] It all it just kind of you know it kind of just a whim really. Really it had no rhyme or reason I'd just go wherever. Some days I felt like walking up the stairs in the module, sometimes I felt like not walking up the stairs in the module (laughing).

NIELSEN Sure, sometimes you really stinking tired huh?

BENSON Well and and either way you gotta go up the stairs, but there's times that I'd like to see you know how breakfast is being passed and how people are interacting as

well so um trying to see how the deputies were interacting on the floor as well was part of what I was doing when I'd visit the towers.

NIELSEN So, would you say you're team was pretty similar to days as it was on nights cuz night shift you guys locked down at 10:00 right?

BENSON No, my routine on graves is much different.

NIELSEN What was that?

BENSON No, I have a lot more time on graves.

NIELSEN Uh huh.

BENSON Uh day shift it always busier you always have somebody coming in asking for something. And between programs and classifications and um meetings and different things. Uh day shift, was different um that would be, I'd have to make more of a concerted effort to even get down to the modules to sign the tier sheets let alone getting in to the towers. So there's certain times when I wasn't the the twenty. So uh [REDACTED] and I obviously would switch back and forth typically the weeks that I wasn't twenty I'd try to spend more time going to visit people. Um, weeks that I was twenty I'd try to stay more in the office (inaudible).

NIELSEN What's the different between the twenty and then the other assignment?

BENSON Um, it's basically just who's got kinda the same thing as on patrol who's got the road. So, whoever's in charge of the, in charge of the day. So, whoever's usually if you're twenty you had the schedule. You did the scheduling you did the preparation you did the briefing, you do all of that stuff and then anything that's going on during the day you're the one that's in charge of it. So, whether it's days or graves if there's a in progress incident typically the twenty should be the one that's handling it but, that was something we'd bat and forth dependent on the situation so.

NIELSEN Okay. So I gotta tell you I talked to a few people that work for you.

BENSON Mmm...hmm.

NIELSEN And they all have a lot of really good things to say about you. They said exactly what you told me. That you're really supportive, you trained, that you're a good cop. Um, that you use a lot your SWAT experience and and helped them out so congratulation winning their respect.

BENSON Thanks.

NIELSEN I had to tell you that, so good job.

BENSON Thanks.

NIELSEN Um, so this complaint is something we gotta deal with.

BENSON Right.

NIELSEN Um, do you remember this incident?

BENSON I do.

NIELSEN Then tell me about it?

BENSON So, I'm, I don't if the the date was right. I thought it was a Wednesday.

NIELSEN Yeah, so it was I think it was Wednesday the [REDACTED] [REDACTED].

BENSON Yeah.

NIELSEN Yeah.

BENSON Um, and we didn't have work the next day, at least I didn't.

NIELSEN Okay.

BENSON Um, so the bottom part of that doesn't make any sense where she came to work the next day and called in.

NIELSEN Huh, I'll have to look into that.

BENSON That doesn't make any sense cuz we don't work on Thursdays. Um, and I'm pretty positive...

NIELSEN ...It was It was a Tuesday night into a Wednesday then.

BENSON I'm, I'm pretty sure it wasn't. Because it was the day we had TriTech training and that was our last day of the week. It was a Wednesday um, so I'm actually I'm positive that it was Wednesday. I'd have to look at a calendar...

NIELSEN ...I can look at the logs.

WAGNER [REDACTED] was a Wednesday cuz [REDACTED] would be a Thursday.

NIELSEN Okay, that's probably what is was.

BENSON So that was absolutely when it was so um that day uh, I, Tuesday night worked, Wednesday I came in for TriTech training. I had a couple of uh, I think I talked to you that day um trying to get answers on whether or not I passed the test. Um, and then I had a couple of calls throughout the day. I believe I got a call from the D.A. um about a case I got you know I didn't get any sleep. Came into work that night.

Um, normal routine, [REDACTED] was in the same boat. We flexed people the the best we could so we had uh, several deputies we had a lot of people in the TriTech training so we had a lot of FTOs. So, all of our DS, FTOs and all of our deputy FTOs had to be in the TriTech training. Um, we had some come in late some leave early the night before. Some come in late the night of and uh so that was kind of a nightmare for scheduling when you had no sleep but we got it figured out...

NIELSEN Mmm...hmm.

BENSON ...got people shuffled around. Um, I believe I had to call in a DS uh, I think DS [REDACTED] came in to work that night. Um, that's another thing I didn't mention when I have overtime people I like to go see them as well just to make sure that they're in a position they want to be in. Um, and they're happy cuz I hate using the the pager.

NIELSEN Mmm...hmm.

BENSON Um, but I digressed. Um, normal night we were gonna leave early because we were both flat exhausted. Um, obviously we, I didn't get any sleep, I maybe got half an hour. I think [REDACTED] got forty or four hours or so something like that. I don't remember, I know we were both exhausted. Um, [REDACTED] wife brought in cheese cake that night uh, phenomenal best cheese cake in the world if you ever get a chance.

NIELSEN I wouldn't do that.

BENSON Um, but it's kinda, that's actually kinda important to what all went on.

NIELSEN Okay.

BENSON Um, so we uh, we started our shift doing our normal thing. I went and visited everywhere. Um, I, I did go see DS [REDACTED] I think. Um, she worked for us a lot so I'm not sure if that night it did or not. Not 100% certain. Um, sat with people talked, did the normal thing. I think it was kinda one of those we're tired nights so um you know, not that we ever encourage people not to do work but it was definitely one of those nights that if you're gonna have a day under the shade that would be the day to do it (laughing). Um, trying to have just a mellow night.

Went around visiting everybody. Um, it was a Deputy Chad [REDACTED] last day with us in the jail.

NIELSEN Mmm...hmm.

BENSON He was transferring to patrol the next Monday. Um, so trying to make sure that the shenanigans were not to extravagant. Um, and you were my sergeant when I went to patrol I believe, or you had just left so...

NIELSEN Mmm...hmm.

BENSON ...uh definitely had shenanigans that got out of hand in the past, so um trying to keep a pulse on that and making sure guys know not to go too crazy. It's just a transfer don't, don't get yourself in trouble. Um, [REDACTED] worked [REDACTED] so I went down. I thought he would be there. Um, I tried to spend a lot of time with him uh he was kind of a personal project of mine. Um, tried really hard to get him out of his shell and show his uh, show a little bit more of his courage and his ability and to to be more confident. Um, so I tried spending a lot of time with him. Um, got down to and I don't know, we'll just go straight into the [REDACTED] [REDACTED] cuz that's where the claim comes from.

NIELSEN Okay.

BENSON Um, so got down to the [REDACTED] spent some time I, I didn't know when [REDACTED] was coming back from lunch. Kinda of hung out was talking to [REDACTED] Um, I did put my foot up on her chair. Um, she was sitting in her chair. Uh, the middle was open I was kicked back, again, I was tired.

NIELSEN Mmm...hmm.

BENSON Put my foot up on her chair. I said, it, it had been there I don't know how long, I don't how how long. I it was, I shouldn't have put it there. Um, and I recognized that and said you know what I shouldn't have my foot here. Um, pulled my foot off her chair uh I think she wheeled the chair over. I grabbed the chair and put my foot up on that. We kept talking um, you know and I was relaxed I was trying to stay awake so I had my arms folder over my head or crossed.

NIELSEN Mmm...hmm.

BENSON ...Um we talked for quite a while. She'd been going through a rough time. Um, her boyfriend her long time boyfriend, live-in boyfriend that was raising her kids

uh had left her and she took a week of sick time for it. Um, that would have been maybe a month or so prior to this. Um, she was having a rough time so, again trying to be there for for my people. I was talking to her I did ask her about that. Um, talked to her about what the um, how her kids were doing. Uh she had a history with her previous husband that when they lived in [REDACTED] or other places there was a lot of uh, a lot of details that she got in to. Um, I I won't go into because those aren't mine to share.

NIELSEN Mmm...hmm.

BENSON Um I'll protect her and give her the confidence that she gave. Um, but we talked very in depth about this multiple times. Uh, either when [REDACTED] was there, when he wasn't there, after he left, before he got back whatever. Um, just dealing with some different things. So, I did talk to her for quite a while about that. Um, nothing that I thought was inappropriate. At no time did I feel like I was saying anything that could be misconstrued as me hitting on her.

NIELSEN Okay.

BENSON Um, she did ask me to get her a a good cushy position. Um, I joked with her repeatedly and said I really have no say in this (laughing). Um, if I get a chance if I see the [REDACTED] I'll tell him that you have this coming up, you'd like to go up to [REDACTED]. Um, we can't carry, we couldn't carry somebody because we had um already had one...two TRDs and a third that we were trying to keep from having to get official TRD.

NIELSEN Mmm...hmm.

BENSON Um, and trying to help everybody out so that they were in a good position. Um, I joked with her so we couldn't really carry another TRD. So, I told her that it's very unlikely that she'd be on our shift. But, as far as where she'd be working completely not up to me. Um, that I would put in a good word to the [REDACTED], I would try. Um, and she kept pushing...pushing...

NIELSEN ...to what [REDACTED]

BENSON ...to [REDACTED]

NIELSEN Okay.

BENSON Um, obviously I didn't see him and and put in the good word um, because the next time I saw him was for admin leave. Um, but she kept I'll, I'll, I'll you know do something. I'll just what can I do, what can I do? There's nothin', I will put in a good word for you. Um, we were joking about uh the cheesecake cuz [REDACTED] wife brought in the cheesecake for anybody who shot a 200.

NIELSEN Mmm...hmm.

BENSON Um, that was the incentive was if you guys, we just had range the week before, two weeks before I don't remember when it was, and if you shot a 200 you got cheesecake. And, so I was joking with her about the cheesecake and I said, I'm a guy, there's cheesecake down there. Um, as soon as I read that, I'm a guy, um I like cheesecake. I like sweets that's what I said. Um, I said that, that was I mean I don't remember anything else about that...that portion of the conversation. Um, but I do know I was not hinting that I wanted sex. I was not insinuating that I wanted sex or anything else. That was not what I was going about.

NIELSEN Okay.

BENSON Um, the camera conversation did come up. Um, she did say that my foot on her chair was on camera. And, when I said that it wasn't appropriate and I should move my foot, she said oh it doesn't matter you're fine. I said no it probably doesn't look right. And uh, she said well it, it is on camera I guess so it probably, I guess you're right. I moved my foot and then started talking about, I didn't realize the booth, where we were at in the booth, did not realize that was on camera. Um, I it didn't really matter and never was worried about being on camera. Um, but we looked at where the camera cut off everything else um specifically because again, it was [REDACTED] last night at the jail. So, we were talking about it trying to figure out where I guess there's like a six foot section in the booth that isn't on camera.

NIELSEN Mmm...hmm.

BENSON Um, so I was saying well I guess if you're gonna do anything stupid or mess with [REDACTED] this was all taking about [REDACTED] now with the cameras. Um, if anything hanky panky's gonna happen anything inappropriate, any horseplay, anything stupid make sure it's in that section that doesn't have cameras. She asked if uh, if the

back hallways when you leave the [REDACTED] um there's a hallway that goes back to bathrooms and a couple of offices goes down and connects to the

[REDACTED].

NIELSEN Okay.

BENSON Um, she'd asked if there was cameras back in that hallway because I guess she, so her medical issue the reason she was going on light duty is she has a [REDACTED]

NIELSEN Mmm...hmm.

BENSON Um, and apparently the week prior, or days prior I don't know when it was. Uh, she went back there with Deputy [REDACTED] and showed [REDACTED] her uh, her [REDACTED] And, she wanted to know whether that on camera because she had just taken her uniform off in that area and showing somebody her [REDACTED]. Um, so she asked if there was cameras back there, I said I really don't think so, I haven't seen that camera. Um, but I didn't know this was on camera so we can go look. Went and looked, obviously it's a bathroom area cameras can't point towards the bathroom. There's no cameras in [REDACTED]. I showed her no. Back here there's no cameras so when you showed her your [REDACTED] that won't be on video, you're good.

NIELSEN Did she go back there with you?

BENSON I she stayed right underneath the camera, I think, I don't know.

NIELSEN Okay.

BENSON I don't know if she came back cuz I went into the offices to look to see if they there was one, the office at the end of the hall was unlocked. So, I went and looked around in the office to see there was any cameras in there just to make sure but.

NIELSEN To make sure what?

BENSON That were was no camera. Again, with the fact that it was [REDACTED] last night if the guys were going to mess with him I didn't want it to be a big thing on camera.

NIELSEN Were they taking him back to the back office to mess with him you think?

BENSON Well it happens in different places, offices, back in the day when I was up there and when somebody was going to patrol, there weren't cameras that pointed into the deputy's office so usually that's where they'd shove 'em into there and put

you know baby powder, shaving cream, or something on them, silly string different things just messing around with each other.

NIELSEN What you're saying is you went and you looked at the office to make sure there was no cameras that would catch...I think your words were shenanigans?

BENSON Shenanigans, yeah hanky panky, shenanigans, goofing around. You know, doing a sendoff that, so that is wasn't so it didn't end up being something that looked like hazing that wasn't actually hazing and I didn't want my people to get in trouble for...

NIELSEN ...Why wouldn't you just say let's not have any shenanigans instead of checking for cameras?

BENSON Because the shenanigans are gonna happen either way. Whether I tell them no shenanigans especially with the fact that we were leaving at 3:30 or 4:00 in the morning. So, and it's again, it's always been something that's always happened that's always been accepted. Um, people who go to patrol, who don't have it happen to them are disappointed generally. Its, it is a rite of passage, it's it has been since I've been around it has been done.

NIELSEN You said when you put your foot on her chair, where did you put your foot exactly?

BENSON Um, in the center it was between her legs.

NIELSEN Between her legs like how?

BENSON So, I can I'll show you (demonstration). She was sitting back like this we were talking and I put my foot here.

NIELSEN Okay. So, what is that area to you?

BENSON I understand what it looks like, what I, I was putting...

NIELSEN ...Well answer my question, what is that area to you?

BENSON ...I was putting my foot on her chair. That's her crotch, or her in between her legs I don't know...

NIELSEN ...Right, is it a private area, or is it someplace that...

BENSON ...Oh absolutely. I, that's why I recognized it as inappropriate and moved my foot.

NIELSEN Did you do it again, put it up there again? Cuz watching the video I think that I saw you put it up there again later on.

BENSON I don't remember, I don't remember doing that.

NIELSEN You don't remember doing that?

BENSON No. I remember it once and saying that doesn't look right and removing it. But I don't remember putting it back up there.

NIELSEN Okay. Cuz I think on the video you did and can't bring the video up in here cuz it's terrible quality but I'll read you or I'll let you read um "at 0021 you put your foot on the chair at 024 you remove your foot about 20 seconds later. And then again at 0034 you guys leave and you come back in at 0037 your foot goes back up there."

BENSON Okay. I don't remember doing that. I don't remember that.

NIELSEN You don't remember?

BENSON I don't.

NIELSEN Cuz to me if you took it off once...

BENSON ...Yeah.

NIELSEN ...Knowing it was wrong it would be weird if you put it back up knowing it was wrong.

BENSON I don't remember doing that.

NIELSEN Could you have?

BENSON I, I suppose anything is possible. But I, I don't remember doing it ma'am, I really don't.

NIELSEN Okay.

BENSON I definitely don't didn't do it with any intent to anything.

NIELSEN Mmm...hmm.

BENSON Um, that's the one thing I can tell you for certain. Um, there was no intention of anything whatsoever. Um, it, like I said I recognized it as inappropriate and I don't remember putting it back up there.

NIELSEN Okay. So, how long did you stay down there with her that night, do you remember?

BENSON I don't.

NIELSEN Can you give me an estimate? Was it a half hour?

BENSON Hour, I don't know. I was kinda waiting for [REDACTED] to get back and at the same time talk with her about everything that she had going on.

NIELSEN So, [REDACTED] did [REDACTED] get back?

BENSON Yes.

NIELSEN And what happened when [REDACTED] got back? Did you do, what was it he was down there for to talk to him about something?

BENSON I was kinda just to give him a sendoff to say hey goodbye, good luck. Um, good job.

NIELSEN Mmm...hmm.

BENSON You know, maybe a couple words of encouragement but everything I had done up to that point was what was gonna stick. Um, I knew that we were gonna leave so I did want to say goodbye before I left.

NIELSEN Okay.

BENSON Um, but that was really the purpose of going down there. It wasn't to do any more talking or coaching. At that point he's too overwhelmed he's a wet sponge. He's not gonna absorb anything else.

NIELSEN Right. So, he got back while you're still there?

BENSON Yes.

NIELSEN Okay, and how'd that go what happened tell me about that?

BENSON I said goodbye. I don't really remember.

NIELSEN When did the conversation about her asking for a light duty job, where did that occur?

BENSON That was at the towards the tail end of everything.

NIELSEN Was it out of the blue? Did she just say hey I need a could you get me a light duty assignment?

BENSON No, cuz we'd been talking about um we'd been talking about everything that had been going on for her. That she had her uh the breakup, the hernia, the different things and she had had at that point had only recently told me that she had the

NIELSEN Mmm...hmm.

BENSON Um, and so I was trying to figure out part of it was trying to figure out if she needed to be on light duty immediately. Um, to avoid any further damage.

NIELSEN Sure.

BENSON Um, because there was uh, there's something that I don't remember what the incident was but she grabbed her stomach like it had hurt uh.

NIELSEN Like during a fight or something?

BENSON I don't remember if it was during the fight, after the fight, um I, I, I don't remember. It might have been there's an incident where [REDACTED] had to be taken out and put in a restraint chair.

NIELSEN Okay.

BENSON Uh, had smeared poop all over himself it was just great. Um, yeah awesome. Um, I don't remember if it was during that incident or what it was. I just remember there was a time that she'd grabbed her stomach it it just looked odd.

NIELSEN When you guys were walking around the [REDACTED] looking at cameras and you went back to that one office that was open...

BENSON Mmm...hmm.

NIELSEN ...Did you say anything to her then? Cuz, you said you said something to her about the blind spot in the office about doing something with her partner. Did you say anything to her then when you were pointing out that that open door right there?

BENSON I, I might have been, but again it was in reference to [REDACTED] Um, I was talking about, if anything if the people coming down to mess with [REDACTED]

NIELSEN ...Uh huh.

BENSON ...Make sure that they're not getting themselves in trouble. They're not doing anything excessive. So...

NIELSEN ...Did you ever say you can have sex with your partner back here?

BENSON No, no.

NIELSEN Did you ever infer that this would be a good place to have sex with her partner?

BENSON No. No absolutely not.

NIELSEN Were you aware of a rumor that she and [REDACTED] had gotten together and people thought she's going on light duty because she was pregnant? Did you hear that rumor?

BENSON No, no absolutely not (laughing).

NIELSEN Okay. I have to ask apparently that rumor's going around.

BENSON Oh, that one's kinda laughable to me.

NIELSEN So, then you had the conversation about her going on light duty at the end of, about how long had you been there then do you know?

BENSON Forty-five minutes.

NIELSEN Okay.

BENSON I don't know. I'd, I'd really I'd have to see how long I was down there again, that was, I had no sleep that night. I really wasn't keeping great track of time and tempo and everything else. I was just trying to get through the night. I don't remember.

NIELSEN So, did you tell her you, your you know what a man wants, you're talking about cheesecake, or are you talking about something else?

BENSON Cheesecake, yeah. I was talking about food you know the quickest way to a man's heart is through his stomach.

NIELSEN Okay.

BENSON That's you know...

NIELSEN ...You never said I'm, I'm a man you're a lady you know what a man wants?

BENSON No.

NIELSEN And...

BENSON ...No, nothing.

NIELSEN She said that I'll cook for you, you want me to cook for you? And you said no that's too, that's that's too difficult.

BENSON She offered um uh [REDACTED] thing, I don't have the the foggiest what the heck it was called.

NIELSEN Uh huh.

BENSON Um, I always made fun of her for her food because she, you know she ate a lot weird stuff.

NIELSEN Mmm...hmm.

BENSON Um, but that was, I said I didn't want that. You know, there was cheesecake down the hall.

NIELSEN So, she did offer to cook for you?

BENSON She offered to cook, I said not, not [REDACTED] food I didn't want that specifically.

NIELSEN How, how long do you think that conversation lasted?

BENSON Maybe thirty seconds.

NIELSEN Did you guy banter back and forth or?

BENSON Yeah, not, not much but a little bit yeah.

NIELSEN And you you said you were talking to her about her breakup with her ex.

BENSON I was checking on how she was doing and how her boys were doing. Cuz I know their going her children [REDACTED]

NIELSEN ...Mmm...hmm.

BENSON That was why she took the week off uh when they broke up. It was not to, for her own emotional things...

NIELSEN ...Uh huh.

BENSON ... [REDACTED]. And they were not handling the breakup well.

NIELSEN Okay.

BENSON So, I was checking on how her boys were doing.

NIELSEN Did you talk to her about her ex might talk to her boys?

BENSON Yes.

NIELSEN What did you say to her?

BENSON Um, we'd talked about oh that there was uh she wanted to keep (inaudible) involved in some aspect...

NIELSEN ...Mmm...hmm.

BENSON ...as far as like allowing them to see each other. Allowing him to come see the boys, allowing the boys to go hang out with him. Um, they were never married he was around, I think for two years.

NIELSEN Mmm...hmm.

BENSON So that just seemed weird um.

NIELSEN Why would that be weird?

BENSON I, I'm, I'm in a blended family as well so I have a ex-wife that I have children with. And my current wife that I have children with.

NIELSEN Mmm...hmm.

BENSON Uh, one child with my current wife. Um, and I can't imagine the situation where my children would go see one of my ex-wife's boyfriends and that that would be okay.

NIELSEN Okay.

BENSON So it was like a a papa bear kinda thing. Uh, I would hate that, um to know that my ex had a relationship with a guy and now my children are going to see him independent of her. That would, I wouldn't like that.

NIELSEN She told me that you told her that he might tell the kids that he broke up with her because she didn't put out enough.

BENSON No (laughing). I absolutely did not say that, no way.

NIELSEN Could could you have said something that she interpreted to be that?

BENSON No, there is no freaking way. Um, I, that was definitely something cuz she was very adamant she likes that. And, from my standpoint of, of...

NIELSEN ...What do you mean she was adamant she liked that?

BENSON ...The idea of [REDACTED] spending time with them, with the boys.

NIELSEN Mmm...hmm.

BENSON And we were kinda going back and forth on that and I was trying to get her to understand my perspective from the dad's side of it. The, the protective father. Um, and I, I said you know you're not worried about him having um I don't know what my exact words are um for certain. But something to the effect of are you sure you're okay with having him having indoctrinated conversation with 'em? Where he has free rein to say whatever he wants and fill their heads with anything.

NIELSEN Could she have interpreted that's what you were saying when you said that?

BENSON I, I can't say how she'd interpret anything but there was no intent, and they was no leaning towards that. There was nothing that I said in that that was anything sexual.

NIELSEN But you talked about him able to fill the kid's heads with things that she didn't want...

BENSON ...Right, because she had issues with her ex that was one of the issues was that when he'd take them there was terrible things that happened. And, I know [REDACTED] and I trust [REDACTED], but as far as a father goes I, I don't trust anybody with my kids.

NIELSEN Mmm...hmm.

BENSON And she's the same way. She's a very protective mother.

NIELSEN Mmm...hmm.

BENSON Um, and I was trying to get her to understand where I was leaning towards just get that out of the equation. Don't let him do that, just talking to her giving her advice that, from a father's standpoint I thought that was a terrible idea.

NIELSEN Okay.

BENSON Um, and giving him unadulterated access to tell them whatever um, just didn't seem right. Nothing about sex life or anything else. I don't, I don't know what their sex life was, I don't care to know what their sex life was.

NIELSEN Mmm...hmm.

BENSON And, that's the furthest thing for me (laughing) one of the last things I want to know about truthfully.

NIELSEN Right.

BENSON Um, not.

NIELSEN Who who is it that works at [REDACTED] that you know? You know someone that works at [REDACTED]

BENSON I know quite a few people that work at [REDACTED]

NIELSEN A gal, a [REDACTED] gal. What's her name?

BENSON Yeah, uh uh [REDACTED].

NIELSEN [REDACTED].

BENSON Mmm...hmm.

NIELSEN And she likes to say the best way to get over a man is to get under one?

BENSON She has said that.

NIELSEN She has said that?

BENSON Yes. She's said that a lot.

NIELSEN Did you tell, did you talk to [REDACTED] about that?

BENSON I don't remember saying that.

NIELSEN You don't remember saying that?

BENSON I don't remember saying that. That is possible that I said that. I don't remember saying that.

NIELSEN Why would you say that? She's gone through a breakup, how long ago was the breakup?

BENSON A month ago.

NIELSEN So, she went through a breakup a month ago...

BENSON ...ish.

NIELSEN Well why would you say that Michael?

BENSON I, I don't know if I said that. I'm not saying I said that.

NIELSEN Okay. But if you did, you said you could have...you might have.

BENSON That would have been inappropriate if I said that. I don't remember saying that, and I don't think I would have said that to her.

NIELSEN Yeah.

BENSON Um, I really don't think I said that. But that is something that I have said um, in the past.

NIELSEN Uh huh.

BENSON Not to her, I don't think, but I can't say 100% I didn't say it. I can't say if I did. I really don't remember saying that.

NIELSEN Okay.

BENSON But it is something I have said in the past.

NIELSEN Okay.

BENSON So, I don't know I'm, I don't remember any time where I would have said that to her, or around her.

NIELSEN Mmm...hmm.

BENSON Um, I don't think I did that night.

NIELSEN Okay.

BENSON Um, I really don't but.

NIELSEN Well she says you did.

BENSON I, I don't believe I did.

NIELSEN Okay. So, you under...you...

BENSON ...I have said it in the past. But again, I really don't think I said it to, or around her. And, I definitely wasn't talking to her that way that night.

NIELSEN Okay. So, you read the complaint you kinda understand the accusations from our conversation.

BENSON Mmm...hmm.

NIELSEN You said yeah I put my foot on her chair once and maybe twice but I don't know. Um, I might have said to get over a man get under a man I don't know. Um, what does all this look like to you?

BENSON The accusation looks like I...looks bad. Looks like sexual harassment. Looks like its inappropriate conversation between a male and a female, or coworkers, and even worse as a supervisor.

NIELSEN Yeah, what about a sergeant to a subordinate, what does that look like?

BENSON That looks very bad the way the complaint reads. Again, that...

NIELSEN But what about our conversation, how does that look?

BENSON The what I remember saying? What I said?

NIELSEN What you're talking to me about. What you remember saying. What you don't remember. What you could have said. What does it all look like to you sir?

BENSON It looks like there's some things that are being said that I didn't say um that's for sure.

NIELSEN Well I'm not talking about that. According to you that's yes, but according to what you have said to me.

BENSON As far as anything that it it the way it's being colored looks bad. Um, the way that it actually happened it was not that way. It wasn't that intent, it wasn't like this was thirty seconds where I said the best way to get over a man is to get under a man, I put my on her lap and this was a lengthy conversation. It's not like...

NIELSEN ...Sure, you were in there for at least an hour right?

BENSON Right. I was there for quite a while.

NIELSEN That's what she said.

BENSON I was there for quite a while and.

NIELSEN Uh huh.

BENSON It wasn't like I was...

NIELSEN ...You guys did the tour and you looked at all the cameras.

BENSON Right. Again, not, not saying I never said anything I am saying I never said anything towards her that was intended in that light, that I said in that light.

NIELSEN Do you have to intend, does it have to intent for sexual harassment?

BENSON Are we getting in to a personal opinion or?

NIELSEN The law sir, that's what we're getting in to.

BENSON Okay.

NIELSEN I mean does there have to be intent?

BENSON I, I believe there has to be intent for sexual gratification.

NIELSEN I didn't say gratification, I said harassment.

BENSON I, I'm not sure. I'd have to read the statute ma'am.

NIELSEN Okay.

BENSON I would actually have to read it because...

NIELSEN ...There doesn't have to be intent, I'll just tell you. There doesn't have to be intent to offend anybody.

BENSON Okay.

NIELSEN For sexual harassment to apply. Um, so do you know what quid pro quo is?

BENSON Yes.

NIELSEN What is it?

BENSON You do something for me, I do something for you.

NIELSEN Right. So, that's part of this accusation.

BENSON Right.

NIELSEN Um.

BENSON And, I told her repeatedly that I had no say over where she went.

NIELSEN Mmm...hmm.

BENSON And that I'd put in a good word for her.

NIELSEN Okay.

BENSON I never told her that if she didn't do something for me, I wouldn't do something for her.

NIELSEN Okay.

BENSON I told her I have little influence, to no influence over this. Um, I explained to her when somebody goes on TRD the division there from gets the chance to put them to work. If they don't have a position for them to go to work it goes through HR and it gets shot out to all the division chiefs. Then each division chief gets to say which one is going...who can take them or if nobody can take them. And then we continue to work to try and find a position. I explained everything about it.

NIELSEN Mmm...hmm.

BENSON I explained to her that I had no, no dog in that fight. I had no no change to really make any difference but that I would talk to the [REDACTED] and say thatc hey she's done [REDACTED] before for when uh [REDACTED] was down there. Uh, she was down at [REDACTED] uhc he requested it so I don't if I had to get with [REDACTED]. I was gonna talk to the [REDACTED] about that. Um, it was I told her that I would do what I could to help her out. But there was never you do this, or I won't do that. Or, if you do this I'll do this. I never said that.

NIELSEN Okay.

BENSON She was pushing and pushing, please, please, please. And, here I'll do this, I'll cook, I'll do this I'll do that. I said no, I I'm not I don't need to take anything. I don't need anything for free, to get you a benefit.

NIELSEN Mmm...hmm.

BENSON I even talked about that. I even said I'm not gonna do quid pro quo without saying no quid pro quo. I was very adamant that I wasn't taking anything for anything.

NIELSEN Okay. Did you talk to her about um, [REDACTED] at all? Did you talk to [REDACTED] because of your relationship? He's your [REDACTED], did you say anything to him about her about that? Maybe go out to [REDACTED] and working?

BENSON Um, I don't remember saying anything like that. Um, I the only thing I can remember is saying something to the effect of he's always looking for people.

NIELSEN Uh huh.

BENSON Uh, because they're so short staffed. Um, that no matter what she'll end up with a spot. Um, and I think that conversation kinda morphed into the fact that he cares about people so much that even if he really didn't have something for them to do he probably would find something just so they didn't have to sit and use up their sick time.

NIELSEN Okay.

BENSON Um, but that was it. It wasn't, hey I have a connection here so I can help you out. I've never used that connection in my life. Um, his career is completely different than mine, and I've never tried to say that because if him I can do anything.

NIELSEN Okay. Um, do you have anything else?

BAESSLER No.

NIELSEN Okay. Let's take a quick break and get some water. And we'll regroup. It's uh 1:53.

End of conversation

Typed: 10/15/2018

jmn

Nielsen: Commander Susan Nielsen, Adams County Sheriff's Office
Baessler: HR Manager Jennifer Baessler, Adams County Sheriff's Office
Benson: Sergeant Michael R. Benson, Adams County Sheriff's Office
Wagner: Zach Wagner, Legal Counsel

Nielsen Okay, we're back being recorded. It is uh 1400 hours. So we left off with um the quid pro quo conversation and...

Benson Yes.

Nielsen ...You said that didn't happen.

Benson No, absolutely not. Um, she kept pushing for quid pro quo.

Nielsen Uh huh.

Benson And, I kept telling her no. Um, ultimately I said something to the effect of, I ,we'd just been talking about the cheesecake. Again, that was important.

Nielsen Right.

Benson That cheesecake is phenomenal. Um, so you ask any of my people I will eat like an entire cheesecake of that um, in one night. So, we're joking about the cheesecake she kept pushing. I said, I'm a guy I got cheesecake down there I'm happy. It was something to that effect.

Nielsen Okay.

Benson Um, and that was the closest to (inaudible) or acceptance of her quid pro quo.

Nielsen Okay.

Benson Um, but I was not pushing it. I was not saying it. And I was not accepting it. Um, until the very end when I said something about the cheesecake, and she said something again, well can I do something, I said well there's cheesecake you know. That kind of thing.

Nielsen Okay. So you talked about how you want to take care of your employees and you like to protect your employees.

Benson Absolutely.

Nielsen ...And give them advice, get with Deputy [REDACTED]

Benson Yes.

Nielsen Um, so if you found out one of or like another sergeant had put his foot between your employee's leg and said the things that you may or may not have said to her, how would you feel about that?

Benson Personally, I would want that sergeant to be approached um.

Nielsen Uh huh.

Benson I would like that to be dealt with uh, because that, in this case was definitely not the intent.

Nielsen Uh huh.

Benson The purpose for the meeting um, that was not the way I was going with any of that conversation. So, I would like that sergeant to be addressed. Hey, let's, let's go together and talk to him if you feel like that's not enough we can make the complaint. Um, and allow it to be investigated but my first advice almost in every situation is to uh, talk to the person that you have the issue with first and go from there.

Nielsen But you you don't have to do that. You know that right?

Benson No, I know that.

Nielsen The employee doesn't have to talk somebody...

Benson ...I know that but that's, if if you're asking my advice that's always my first go to is...

Nielsen ...But that's what you would tell the employee?

Benson ...To deal with. Yes...

Nielsen ...You'd say talk to them?

Benson Yes, let's go deal with that person together.

Nielsen Okay.

Benson Not a just go talk to them and figure it out. But let's go together and figure this out.

Nielsen You wouldn't send them over to IA?

Benson That would not necessarily be my first answer. Um, I would say let's deal with it here. Let's take care of this. Um, if they were not comfortable with that, if they did not think that was a good idea.

Nielsen Mmm...hmm.

Benson If they thought it was worse than that. If there myriad of reasons and a variable uh, change then yes over here would be where I would go. And I would probably go with them um.

Nielsen Okay.

Benson But, it would not be my first, and, and it depends how it's presented to me. Obviously different things changed. But, obviously if it seems like it's much higher seriousness, if it seems like you know certain, things then yes it may be immediately okay. Let's go over let's talk about this and let's go over and talk to IA, or to Jennifer.

Nielsen How do you think she felt by what she interpreted what was going on?

Benson From reading what she said to you she felt harassed. She felt terrible about the situation. Um, I think she was questionable about it um.

Nielsen What do you mean by that?

Benson She said she wanted to run something by you. Um, and hopes that you'd have questions about it. She was questionable about it whether she'd in come to work the night, next day which was a Thursday.

Nielsen Hmm.mmm.

Benson Um, but there was it seemed like there was some question in her mind of whether or not it was actually intended that way or was actually inappropriate. But, um that's just the way I read the complaint. So, that's my personal...

Nielsen ...Yeah, and those are my words too so.

Benson ...Right, so and that's you never know.

Nielsen Right.

Benson I, I didn't accept the complaint so I don't know how she felt, and I won't say how I think she felt but.

Nielsen Well, I'm asking you to try and put yourself in her position and and how she...what if it were your wife? I mean how do you think your wife would feel...

Benson ...She'd feel fine.

Nielsen She'd feel fine?

Benson Absolutely.

Nielsen Okay.

Benson Um, my wife has been around cops for a very long time. My wife is completely separate from this so...

Nielsen ...Well, I'm just trying to...

Benson ...I'll get defensive real quick but...

Nielsen ...Just trying to be (inaudible) is all. I wasn't doing (inaudible)...

Benson And, and I understand that. But my wife has been in law enforcement and around law enforcement for a very long time. She has a lot of law enforcement & naval friends.

Nielsen So have I.

Benson And, she would not have, have an issue with this. Her and I have talked about this and I'll explain it when I get home.

Nielsen Mmm...hmm.

Benson And I guarantee I know what her answer is.

Nielsen Okay. But, this particular deputy, Deputy [REDACTED] you think she might have felt like she was harassed based on what we talked about?

Benson Based on the fact that she made an allegation then, yes but.

Nielsen But, based on what you did how do you think she felt? What you say you did?

Benson I have no idea how she could be offended by any of what we said, what we talked about.

Nielsen So, you said you put your foot in between her legs...

Benson ...I put my foot on her chair.

Nielsen ...In her private area.

Benson On her chair ma'am, it was not touching her private area.

Nielsen I'm not saying you touched her private area sir.

Benson And, I immediately said it was inappropriate and took it off.

Nielsen I'm not gonna argue with you.

Benson I'm just, I'm saying in my opinion that was not something that she should feel like she was sexually harassed.

Nielsen Then why then why it inappropriate?

Benson Because it looked bad. And she flat out said, "Oh no it's okay you can put it here".

Nielsen Mmm...hmm.

Benson So, her own words made me think that she wasn't harassed by it. But she flat out said, "No, no it's okay".

Nielsen Mmm...hmm.

Benson So, it...

Nielsen What about the breakup? The statement you may or may not have made about getting under a man? Would that be offensive to someone?

Benson I, I again, I'm pretty positive I didn't say that.

Nielsen Mmm...hmm.

Benson And, in my opinion that's not offensive.

Nielsen Jennifer, you have something?

Baessler Um, no you covered it.

Nielsen So, in your duties as a sergeant do you find yourself going outside the building and inspecting the parking lot at all? Like, you go out and look in vehicles and make sure that everything is good?

Benson No. Not I don't specifically remember a time doing that. If I notice something coming or going...

Nielsen Uh huh.

Benson Yes, um.

Nielsen Like, do you can you recall any instances of that?

Benson (Sigh) I, I've seen people sleeping in their vehicles, um.

Nielsen Like people like who?

Benson Like deputies.

Nielsen Okay.

Benson Um, DSs taking naps in their vehicles. Um, I've come across that. Uh, other than that. other than somebody calling a suspicious vehicle or there's something to that nature um. I don't know that would pertain to um.

Nielsen About how many times do you come across employees sleeping in the parking lot?

Benson I don't know.

Nielsen A hand full?

Benson Hand full.

Nielsen Ten times? Three Times?

Benson A hand full, I don't know. I. really don't know. It's not something that I really pay attention to and. and I don't remember, I only remember one of my employees that I know of for sure that did that.

Nielsen Who was that?

Benson Um, DS [REDACTED]

Nielsen Okay.

Benson Um, would go up to the upper parking lot behind booking and he would, he would take a nap up there. Um, he's the only one that I know of of my employees that has done it.

Nielsen Mmm...hmm.

Benson Um, so I don't really keep track of other people's employees. I say hey this probably isn't the best place to take a nap. You're a cop, you're sitting in front of a detention facility...

Nielsen Mmm...hmm.

Benson ...Where people are coming and going for work release and walking around getting released from the front desk. Probably a bad idea to be completely exposed here and vulnerable.

Nielsen Mmm...hmm.

Benson So maybe find a different spot.

Nielsen Okay.

Benson Um, but that's really the only thing I've ever said or any (inaudible)...

Nielsen ...So, when you found him did you go out of the building were you in uniform out of uniform?

Benson I had, I don't ever remember finding him.

Nielsen Or talked talked to him.

Benson We just talked to him that was that was in the building.

Nielsen So you never walked up on him sleeping?

Benson No.

Nielsen Okay. I'm I misunderstood that.

Benson No.

Nielsen Okay.

Benson Um.

Nielsen Did you ever go out there out of uniform, like when you're on lunch and look around the parking lot at all?

Benson No, I went for runs, um.

Nielsen Okay.

Benson But, that's...

Nielsen But you never did any like ever check on anything in the parking lot?

Benson Not that I specifically remember, no. And if I was going out for something I wouldn't take off my uniform. Unless I was going out to lunch or something like that. There's, I would have my uniform on.

Nielsen Do you take your uniform off when you went to lunch?

Benson Uh dependent, if I was working out. If I was heading home um, you know I have a newborn so.

Nielsen Mmm...hmm.

Benson Those hour and a half lunches could be real nice to help out mama. Um, so there's at least once or twice maybe more um that I went home for lunch and rocked my baby to sleep.

Nielsen Okay.

Benson And in that case you know the vest and badge are not so comfortable on an infant's face so.

Nielsen Right.

Benson I definitely take off my uniform for that. But, other than that I don't really remember, other than working out there's no reason to take off my uniform.

Nielsen Okay. Why would uh, Deputy [REDACTED] tell me that you contacted her in the parking lot four times?

Benson (Laughing) I don't know why she would say that. Um, that didn't happen.

Nielsen She's lying to me?

Benson Yes, flat out 100 percent that is a lie um. I did contact her once. I do remember she is one that I had contacted once.

Nielsen What what was that like?

Benson Um, I was on days she was on graves. We had a, our our night ended really it was a screwed up night. Um, as far as uh, paperwork and different things. We got off very late. I think it was around about midnight, eleven, 2300 to midnight.

Nielsen Mmm...hmm.

Benson Uh, she was sitting in her [REDACTED].

Nielsen Mmm...hmm.

Benson With the headlights on, tail lights on and the engine running.

Nielsen Okay.

Benson And just sitting there. Um, I watched her for about thirty seconds, which typically if you're gonna get in your car and take off it shouldn't take much longer than that.

Nielsen Mmm...hmm.

Benson Came over while she was sitting in there and I said you okay? Yeah I'm just hanging out for lunch. Okay, are you armed? Yeah? Okay.

Nielsen Was she in uniform?

Benson Yes. Um, and I don't remember if she was armed or not. If she was I said okay just pay attention to your surroundings. If she wasn't I said you should probably have your gun if you're gonna sit out in the unsecured parking lot um.

Nielsen Were you in uniform then?

Benson No, I was going home.

Nielsen Okay.

Benson I'd gotten off I was off I was supposed to be off at 1900. This was 2300 or midnight.

Nielsen Okay.

Benson Somewhere in that neighborhood cuz I was going home.

Nielsen Okay.

Benson It was as I was leaving the building so.

Nielsen So, that's the only time you ever contacted her in the parking lot? No other times?

Benson That yeah, that is definitely the only time I remember contacting her. Um, and I would remember her because she's been an issue for her sergeants. Um, so I, I would not be caught alone with her. That was the only time.

Nielsen Okay. Uh, do you know [REDACTED]

Benson Yes, I do she was a Detention Specialist for me.

Nielsen How did you meet her?

Benson She went to the academy. I she's my employee. Um, met her through the sheriff's office I don't remember when I met her.

Nielsen You don't remember the first time you met her?

Benson No.

Nielsen You don't remember that at all?

Benson No.

Nielsen Do you remember meeting her at the fair?

Benson No. I've seen her at the fair but I don't I don't remember meeting her.

Nielsen No this year fair, last year fair.

Benson No, no I don't remember that far ago I've been hit in the head far too many times.

Nielsen So, when you got to the (inaudible) jail, was she on your shift?

Benson Yes.

Nielsen Um.

Benson And I'd worked on that shift prior to um, me being assigned to the shift as a supervisor. Um, so I'd worked on that shift as a in the booth when I had my knee surgery uh.

Nielsen So, TRD you worked there?

Benson In 2000 yes in on TRD I was on that shift um, and it was 18, it would have been I think it was 16 into 17. Or yeah it was 16 into 17 I worked up on that shift.

Nielsen Mmm...hmm.

Benson Uh, [REDACTED] and [REDACTED] were my sergeants.

Nielsen And was she on the shift then?

Benson I think she might have been but I don't remember.

Nielsen What was your first impression of her?

Benson Uh, she's very loud and obnoxious, and doesn't know how to speak to people. Um, I think in one of our very first interactions she argued with me for something.

Nielsen Mmm...hmm.

Benson Um, very challenging employee very challenging person and very young. Um, immature person.

Nielsen Okay. How would you describe your relationship with her?

Benson Um, she was my employee. I was...

Nielsen (Inaudible).

Benson Yeah.

Nielsen Did you have any off duty relationship with her?

Benson No.

Nielsen Um, when you went to visit the towers was she one of the DSs you said she was one of the DSs, you said she was one of the them?

Benson ...Yes, she was one of them that I saw because she about to go to the academy.

Nielsen Uh huh.

Benson Um, I was trying very hard to get her to figure out how to speak to people.

Nielsen Okay.

Benson Um, there had been just a ton of occasions um, where she would she'd say something in briefing when command staff would be there. So, um, the way she would say things would be more of a, duh kinda thing um.

Nielsen (Inaudible).

Benson So, she would, she would mean it more she would say that she meant it as a question. Um, but the way she said it was kinda like, duh that's the way it goes. You know, and she'd frame it kind of in a question so one, one specific example I can remember um was Commander [REDACTED] was talking about um, something in ad seg, how things were because we had ad seg overflow into disciplinary, the disciplinary guys were getting uh, commissary.

Nielsen Mmm...hmm.

Benson And that the they needed to watch it. She was in [REDACTED] so that, you know kinda telling her she needed to pay attention so without him knowing. He didn't know that she was in [REDACTED] but um.

Nielsen Uh huh.

Benson Saying you need to pay attention to this because they're handing it to each other when they're on day space. And it, she said something to the effect of uh, um, well you know they can fish too right? You know something to that effect. And just the way she said it to a commander was very inappropriate not acceptable um. Immediately we talked about that after briefing. Like, you gotta cut that shit out.

Nielsen Mmm...hmm.

Benson Um, and so it was different things like that, the way she spoke to to uh supervisors. The way she spoke to the deputies. The way she spoke to the inmates. And trying to get her to figure it out. I think um I quoted Commander [REDACTED] at one point um Commander [REDACTED] has been a great mentor to me. Um, and I've heard him say many a time you're either gonna come out of this academy learning how to shoot or you're gonna come out with the biggest arms in the world. Cuz we were doing so many pushups. Um, so I kinda threw that back at her and said you're either gonna come out of this and figure out how to talk to people or you're gonna have the biggest freaking arms in the world from doing all those pushups.

Nielsen You make her do pushups?

Benson I...

Nielsen ...You're talking about the academy?

Benson The academy, I don't make my employees do pushups (laughing) no. No, I definitely don't do that but.

Nielsen Would you describe her as a good employee?

Benson Not great. Um, no. She was, she had a lot of difficulties, she was a challenging employee.

Nielsen Okay.

Benson Um, she had a lot of difficulties with the guys that she worked with. Um, just the way that she would talk to them. Um, she would say inappropriate things to them.

Nielsen Mmm...hmm.

Benson That would make them feel uncomfortable.

Nielsen Mmm...hmm.

Benson And they'd say hey eh, that was a little...we didn't like that. You know or.

Nielsen Mmm...hmm.

Benson She'd let people out of the pods when she wasn't supposed to. She would the, the two guys that she had on her floor were two of my best employees, and they were begging to get rid of her cuz they couldn't handle her anymore um.

Nielsen Who were they?

Benson [REDACTED]

Nielsen Okay.

Benson Um, two of my youngest but more solid deputies, and they just they flat out said it's gonna be either a riot or she's gonna let somebody out and we're gonna get jumped. She doesn't watch us, she doesn't, she's always messing around she's not working.

Nielsen Okay.

Benson Um, so she was, she was very challenging employee. She had the ability she had the the ability to do it.

Nielsen Uh huh.

Benson It was just whether or not she used it or not was was a big issue.

Nielsen So one thing I know about you...

Benson Mmm...hmmm.

Nielsen ...Based on my position, is that you're really good about documenting things. Cuz I see Blue Teams come over all the time from you. But I never saw it come over about her. How come?

Benson She wasn't specifically my project. She was [REDACTED] Uh, [REDACTED] had been working on her prior to me coming um.

Nielsen Hmm...mmm.

Benson And if I'm not mistaken, uh we do a thing monthly with Commander [REDACTED]

Nielsen Mmm...hmm.

Benson ...Where we give him three employees that we're coaching mentoring or teaching. A challenging one, a good one, and a great one.

Nielsen Okay.

Benson And I believe he's used her multiple times. So, that was kind of his project was getting her to be a better DS.

Nielsen Uh huh.

Benson Um, I might be mistaken, but she wasn't my project um.

Nielsen You just told me that you were working with her to be able to communicate with people...

Benson ...To do better for the academy.

Nielsen ...You said she was a challenge.

Benson Yes. To do better for the academy I wasn't doing things to document her inability to be a DS, because I was trying to focus on her being able to learn to be a deputy.

Nielsen If you can't be a DS how can you move up to be a deputy?

Benson It wasn't my choice to send her to the academy. But she was going I was trying to...

Nielsen But you coached her into it right?

Benson ...Make her succeed. I wanted her to succeed. I don't want any of my employees to fail.

Nielsen Hmm...mmm.

Benson So I was doing my best to help her succeed. But she wasn't my, she wasn't my project. I didn't have, and I didn't have anything specific enough to document on her.

Nielsen It sounds like the way she talked to Commander [REDACTED] was pretty specific.

Benson Commander [REDACTED] did not want her to be documented for that.

Nielsen So you talked to her about that?

Benson Yes. Um, he didn't he didn't want anything to be done about that because he wasn't as he wasn't as offended as you know and that was me protecting my boss of you're not gonna talk to my boss that way cuz I don't talk to my boss that way kinda thing. Um, and it was me...

Nielsen ...You're a protective kind of guy.

Benson I am a very protective kind of guy.

Nielsen Yeah.

Benson Um, very.

Nielsen Okay.

Benson That's why I just love being in this position.

Nielsen How much time do you think you spend with her? Cuz you're you said you're certified in some instruction like.

Benson A lot yes.

Nielsen How much time did you spend with her at [REDACTED]

Benson Um, none.

Nielsen None?

Benson At that point um. I hadn't had her on my side of the range once.

Nielsen Okay.

Benson Um, I was trying, there's a lot, a lot of employees do very well with me being right there for them.

Nielsen Hmm...mmm.

Benson And right there with them. But some of them get very nervous when it's time to actually time to do um the coaching side of it, the talking, the the preplanning side. A lot of them benefitted from that but didn't like when it was actually time to go.

Nielsen Mmm...hmm.

Benson Um, I actually stopped doing a lot of uh one of the issues was I found out was at at Platoon training. Um, a lot of my guys had issue with me being on the line shooting with them. Um, they didn't want to shoot worse than me. They were trying to keep up with me, they were paying attention to me, so I stepped off and started coaching. And then, I had certain employees that had a really hard time with me being behind them watching and asked me not to. So...

Nielsen ...Kinda lose, lose situation for you?

Benson It's kind of a lose lose. So, I didn't want to I I actually missed platoon training for that aspect...

Nielsen Uh huh.

Benson ...So that I could go a different day. Um, so that they didn't have to feel that pressure, for most of 'em. Um, but she was kind of one of those that I felt would probably crumble if I was standing right over the top of her teaching her.

Nielsen Okay, so you didn't really...

Benson So, I, I actually specifically avoided being on her side of the range.

Nielsen Well, this was when she was in the Academy right?

Benson Yes.

Nielsen So would you describe her as a flirt?

Benson Absolutely.

Nielsen Yup, tell me why?

Benson Um, to use slang she's got a, a, the mouth of a sailor.

Nielsen Mmm...hmm.

Benson And, throws it around and is very open about um talking inappropriately and saying inappropriate things. She's very flirtatious.

Nielsen Did she flirt with you?

Benson Um, not, I don't, I don't want to get her in trouble. Not like she was going over the top but yes, she was flirtatious with me.

Nielsen Did you flirt back with her at all?

Benson I don't remember any time that I did, no. I don't think anything I'd said could have been perceived as me flirting back with her. Um, I'm uh I've also been described as a flirtatious kinda guy.

Nielsen Mmm...mmm.

Benson Um, so I'd never intended to flirt with her. Um, whether or not I said something that could have been misconstrued, it's possible. Um, but never, never did I go after her or attempt to um, flirt with her to try to get her to go out with me or anything like that.

Nielsen Did you ever give her any compliments?

Benson I'm sure. I try to build everybody up.

Nielsen Like, like, not like work performance but like personal compliments?

Benson Not that I remember.

Nielsen Not that you remember?

Benson No.

Nielsen Did you ever ask her if she thought you were attractive?

Benson No.

Nielsen Never asked her that? How about, did you ever told her she's hot? You're hot.

Benson I, I don't think so. I think I've told her she's an attractive young lady something to that effect.

Nielsen Uh huh.

Benson And that she's gonna have to figure out how that works for her. Um, you know trying to give her the benefit of the experience that I had ,I had um.

Nielsen Mmm...hmm.

Benson [REDACTED] was my FTO and my district partner.

Nielsen Mmm...hmm.

Benson And she could use that kinda femme fatale to her benefit. Um, that attractive female, meek, mild but also kick some serious ass kind of person. Um, and trying to explain that to her, you know that she was gonna have issues with that and she'd have to figure out how to use it. But, that was it.

Nielsen So that that wasn't necessarily a compliment.

Benson No.

Nielsen What you're saying isn't necessarily a compliment sounds like, again you're coaching and you're mentoring again by saying that.

Benson Right. That's that's what I was doing. I never was complimenting her or hitting on her no. I never talked to her that way. It was talking to her about things.

Nielsen And how much time did you spend with her in the [REDACTED] when you went to see her?

Benson It all depended. An hour sometimes.

Nielsen But give me an average. An hour?

Benson Half an hour sometimes. It all depended.

Nielsen But like you went up there in [REDACTED] and she left for the academy around [REDACTED] [REDACTED], roughly five months?

Benson Yes.

Nielsen Well, how many times and I know you're not gonna have the exact number.

Benson Mmm.

Nielsen About how many times do you think you visited her in the [REDACTED] during that time frame? You said you'd you'd often forgot about going to the [REDACTED]

Benson Right. Um, because she was working towards the academy more than others ...

Nielsen Mmm...hmm.

Benson ...But probably five times. If that maybe once a month, maybe twice a month at some months.

Nielsen Okay.

Benson But especially as we ramped up towards the academy I think, um, I think her last week I was probably up in her [REDACTED] almost every day just trying to um part of the problem was she didn't want to work um.

Nielsen Mmm...hmm.

Benson She was trying to get the time off so I was trying to entertain her at work, keep her at work and not calling in sick on me um.

Nielsen So what did that look like, entertaining her at work?

Benson Oh just just being there talking to her. Giving her a reason that she wanted to be there because I was there to coach her and help her, and giving her the final advice type of thing.

Nielsen Mmm...hmm.

Benson Um, so trying to keep her from calling in sick the rest of the week was just, you know I'll come up I'll talk to you every day about how we can how you can do things and talk about some tactics and some different ways to approach people. And different ways to approach scenarios and things like that.

Nielsen Mmm...hmm. What about when you told her she had a nice ass for a white woman? What was that where'd that come from?

Benson That did not come out of my mouth.

Nielsen No?

Benson No, absolutely not. That is not something I have ever said.

Nielsen Okay.

Benson Flat out. That is not my words and you've known me long enough to know that's not the way I speak.

Nielsen Did you talk to her any any time about [REDACTED] and his role when she goes to the academy.

Benson No.

Nielsen You never talk about...

Benson No, I, I the only thing I've ever talked about [REDACTED] about is how amazing he is.

Nielsen Okay.

Benson And that he is an absolute resource, he's a phenomenal human being and I could be lucky to be half of the man he is.

Nielsen Okay.

Benson Um, that is the only thing and doesn't matter who we're talking about. I have never, ever used him in a situation where I was saying he would give them something because they're he was my father, that he could do something for me in his position because he's [REDACTED]. I've never used him in that light whatsoever.

Nielsen Okay, I'm glad.

Benson With anybody in any situation. Everything I have ever done, I have not used him in that situation. So, it doesn't matter who else claimed anything about me saying something about [REDACTED].

Nielsen I'm not saying anybody claimed it, I'm just asking a question.

Benson But, I'm want to make that very clear. That man has never been used that way, from me.

Nielsen So you said you were helping [REDACTED] prepare for her uh for going to the academy?

Benson Yes.

Nielsen How did you do that?

Benson One more thing, you asked about her flirting with me.

Nielsen Yes.

Benson Um, the [REDACTED].

Nielsen At [REDACTED]

Benson Yes, I don't remember what day that was um...

Nielsen [REDACTED] or something like that.

Benson [REDACTED] [REDACTED] something like that of [REDACTED] I think.

Nielsen Yup.

Benson Um, she was out there. Um, my truck is very distinct it's a big blue Ford F350.

Nielsen Uh huh.

Benson Um, she parked her truck at the very end so that she it was next to me. And I didn't think anything of it. Um, she actually went to the point where she went around my mirror because her mirror was inside of mine. Um, that close to my truck. I had my daughter, went out there to see the [REDACTED] and my wife was working out there and my dad was obviously out there so I went out there to see the [REDACTED] and walk around with my kid.

Nielsen Mmm...hmm.

Benson So she could feed her at lunch. Um, I had to back my truck up so I could get my daughter in to the passenger side that's how tight she was to me. Um, I left the [REDACTED] she ended up, [REDACTED] ended up following me. Um, she got up next to me at I-76 & well Sable & 120th.

Nielsen Mmm...hmm.

Benson They were, I think the academy was out at the Government Center doing their classes that day. Um, she pulled up next to me rolled her window down and blew a kiss at me.

Nielsen Mmm...hmm.

Benson So, yes she has definitely flirted with me on multiple occasions. But that was one of them.

Nielsen What did you do about that?

Benson I went, "really?" Just kind of waived at her cuz I thought she was waving.

Nielsen Uh huh.

Benson And just "uh" kind of thing.

Nielsen So, let me tell you what I would do if that happened to me. If I was someone drove by me and it's a subordinate and they blew me a kiss I probably would document that that happened and I'd have a conversation about it.

Benson At that time she was not my subordinate um.

Nielsen Well she is a subordinate because you're a sergeant and she's a cadet.

Benson She is, yes. Um, we had already had a conversation uh with her & [REDACTED] asked me to come into that conversation with her. Um, and that they were already

documenting issues with her. Um, quite honestly it slipped, not slipped my mind but it was one of those things that it was...

Nielsen You didn't tell anybody about it?

Benson ...By the time I, I told my wife about it, I told my father about it uh here recently just thinking about all these different things. But it was kind of one of those, she's already got enough going wrong, I don't need to pile on to her for being dumb. Doing something dumb. So, I felt like she already had enough going on...

Nielsen Mmm...hmm.

Benson ...I didn't pile on. Um, but I'd kinda, I planned on talking to [REDACTED]...Sergeant [REDACTED] about it. Um, at SWAT training or your know at one of those times talking about it and seeing what he thought. Whether he wanted to document it but it by the time one of those came around I either didn't remember or whatever else.

Nielsen Okay.

Benson Um, but I should have documented it.

Nielsen Do you think it's a big deal?

Benson I think it's very inappropriate. And, yes, I, I should have documented it. Absolutely 100%, um.

Nielsen Like I said you're pretty good at document stuff Michael.

Benson I am. And I should have documented that um. But again, it, at the time I was heading down into the Springs to get my kids, I had my daughter in the back seat screaming...

Nielsen Other things on your mind?

Benson ...Other things on my mind. We were getting ready to go out of town, different things. It just, I kinda was one of those that I let slip and I should not have.

Nielsen Okay. So, go back to helping her prepare to get out to the academy. So, you helped her do that.

Benson Yes.

Nielsen What did you do to do that?

Benson Again just conversations. Um, coaching and mentoring, as she was running around the [REDACTED]

Nielsen What were the conversations, she was running around the [REDACTED] you talked to her about what to expect?

Benson Yeah, what to expect. Uh, what she needed to do to to be able to communicate better with...

Nielsen Mmm...hmm.

Benson ...The command staff. With um, the cadre that as instructors came out she needs to make sure that she's not buddy buddy with them. Um, they're not her friends anymore.

Nielsen Mmm...hmm.

Benson They're her instructors. Um, that type of of stuff. And just talking of, through um any questions that she had any thoughts that she had anything any issues that she had.

Nielsen She told me that you guys actually put together an oral board for her.

Benson We did.

Nielsen For her to practice.

Benson We did.

Nielsen That's cool.

Benson Uh, sergeant [REDACTED] did that. That was uh that was his I did the driving instructor and patrol.

Nielsen Uh huh.

Benson Um...

Nielsen ...Who was on that oral board do you remember, in that part of the oral board?

Benson Um, it was Sgt. [REDACTED] Deputy [REDACTED] and myself, I believe.

Nielsen How'd she do?

Benson Mmm we had a lot of notes.

Nielsen Uh huh.

Benson Um, we've done quite a few of those so um I don't remember it wasn't an overwhelming or underwhelming performance. It was kind of one of those middle of the road but there was quite a few um you could do these things.

Nielsen When you said you were up in the [REDACTED] talking to her, mentoring, coaching, and, I worked at the jail I know how it is sometimes when you're a sergeant and you get called. If someone called you on the radio how would you handle that?

Benson I would either call them or tell I'd tell them where I was at.

Nielsen Okay. Um, you did air where you were at?

Benson Yes.

Nielsen Did you ever touch her when you were up there?

Benson No.

Nielsen Nothing?

Benson No.

Nielsen Did you ever rub her shoulders?

Benson No. I didn't touch her.

Nielsen Did you guys ever kiss?

Benson No.

Nielsen No?

Benson No.

Nielsen Has she ever seen your penis?

Benson No.

Nielsen Has she ever touched your penis?

Benson No.

Nielsen Have you ever seen her vagina?

Benson No.

Nielsen Have you ever touched her vagina?

Benson No.

Nielsen So, I'm gonna tell you what she says.

Benson Okay.

Nielsen She says that all that happened.

Benson Okay.

Nielsen Um, she says that all that happened. She says that you spent a lot of time in her [REDACTED] And she says just like you said, that she'd be busy working and you'd be there. Well she says that you'd slap her on the ass.

Benson No.

Nielsen And she said one time she got so tired of it that she slapped you back in the ass and asked you how you liked it, and, I'm using her word "ass".

Benson Yeah.

Nielsen Um.

Benson No.

Nielsen No?

Benson No. Absolutely not.

Nielsen She also told me that you grabbed her hand and put it on your erect penis.

Benson No.

Nielsen Did that happen?

Benson No.

Nielsen Never?

Benson Never.

Nielsen Have you guys ever talked about each other's anatomies?

Benson No, not that I...

Nielsen Have you ever told her anything personal?

Benson No. Nothing that I remember. But, no.

Nielsen What it I would remember that.

Benson I would remember that, so no.

Nielsen Yeah, I would think you'd remember that so absolutely not?

Benson No.

Nielsen No okay. Do you have a pierced penis?

Benson I do.

Nielsen How would she know that?

Benson I don't know who she would know. But, there's plenty of guys that do know that it's that way.

Nielsen You know how she tells me she knows it?

Benson How?

Nielsen Because she put her hand, on it at least five times.

Benson Mmm, not true.

Nielsen Not true?

Benson No.

Nielsen Did you ever put your fingers inside of her?

Benson No. Absolutely not.

Nielsen She says that you walked up behind her put your arms kinda like bear hugged her put your body into her kinda of thrused your erect penis in to her?

Benson No.

Nielsen None of that ever happened?

Benson Absolutely not. Absolutely not.

Nielsen Even if it was consensual?

Benson Even if it was consensual. No. That did not happen.

Nielsen So she's flat out lying to us?

Benson Yes. That did not happen.

Nielsen Did anything happen that she could could interpret that's that what it was?

Benson No. No. I, that did not happen. I did not do that.

Nielsen Okay. She says that you tell me you went up there about five times, in five months. You said maybe once a month.

Benson Maybe once, maybe more maybe less.

Nielsen But then you told me the last week she was there you went up there every night. That's at least three times.

Benson Right.

Nielsen So, you maybe only went up there two more times before that?

Benson No, there may have been more than that. I was saying that in addition to. That in those five months, it was maybe once a month. And then I remembered that and said the last week I did spend more time up there.

Nielsen Okay.

Benson That's at least what I intended by that.

Nielsen So she says that she told you that any kind of physical touching um at work was wrong because it was work. And she also said that you're a married dude. She didn't want to go there right?

Benson I am, and I'm not going there.

Nielsen Yeah. That's what she said. And she said it happened so much that she talked to a mutual friend of you guys, and asked that friend to talk to you and tell you to back off. Do you remember that happening?

Benson Who's that?

Nielsen I'm not gonna say who it was. Do you remember if somebody coming talking to you and say back off of this girl?

Benson That didn't happen.

Nielsen Didn't happen?

Benson Not that I recall. I, I do remember somebody more than one person saying be careful going up to the [REDACTED] with her because she makes accusations and she's come on to other people before.

Nielsen Well how come you didn't tell how come you didn't tell me that in the beginning of this interview when we were talking?

Benson Ma'am I have no clue what is going on because I didn't do any of this crap.

Nielsen Mmm...hmm.

Benson So, I don't know what I need to tell you that to protect myself.

Nielsen You need to tell me everything Michael.

Benson I've been told that people, that I was told by um [REDACTED], [REDACTED] um I don't know who else probably [REDACTED] and [REDACTED] hey don't spend time in her [REDACTED] because she's gonna make an accusation.

Nielsen Mmm...hmm.

Benson She's gone after she's kissed people before that didn't want her to kiss them. She's grabbed...

Nielsen Who?

Benson ...People. I'm that's not my claim to make.

Nielsen You're a sergeant, if someone told you that you're supposed to ask those questions.

Benson Okay that is an outside thing and it happened at an outside function. Not in the jail, not on duty.

Nielsen Then why would you have to stay away from her in the jail if she's kissed people outside?

Benson Because she's dangerous is what everybody else has said. But obviously I didn't stay away from her because she was my employee and I wanted to take care of her.

Nielsen Because that's how you are. You take care of people to a fault right?

Benson Yes. I did not do any of that bullshit. Sorry for my language but that is not true. None of that is true.

Nielsen So, how many times is is... So she says she talked to this employee a couple different times.

Benson Okay.

Nielsen And that employee talked to you two times and said leave her alone. The first time you backed off, but then you came back. And then before she went to the academy she said that you spent a lot of time in the [REDACTED] which you yourself say you did.

Benson Yes, I did.

Nielsen And that's when the pants started to come down and some sexual touching occurred. Allegedly, that's what she's telling me.

Benson No, well it's wrong. That's not what happened.

Nielsen That's when she said you went inside of her.

Benson No. Absolutely not. Absolutely not.

Nielsen So, she's just flat lying?

Benson Yes.

Nielsen Why would she lie?

Benson There's prob...there's plenty of reasons. I don't have...

Nielsen Then throw some at me.

Benson Um, well, she's out at the academy. [REDACTED] is out at the academy.

Nielsen Okay.

Benson Um, I don't know if you've watched Facebook but [REDACTED] seems to have a pretty good idea of what's going on with everything here. Um, and [REDACTED] has been seen in the equipment locker with her. Um, or in the areas that aren't videotaped, and has had conversations with her for twenty minutes.

Nielsen So you're saying [REDACTED] is behind these ideas in her head?

Benson [REDACTED], [REDACTED], [REDACTED], I don't know. I'd this isn't that's not me. I didn't do that. So, I don't know why she would lie. I don't know why now, for against me. But this is bullshit. I didn't do it.

Nielsen Mmm...I guess all you can say is you didn't do it (inaudible). I'm gonna take five minutes. Jennifer? It is 1437.

End of conversation

Typed: 10/16/2018

jmn

Nielsen: Commander Susan Nielsen, Adams County Sheriff's Office
Baessler: HR Manager Jennifer Baessler, Adams County Sheriff's Office
Benson: Sergeant Michael R. Benson, Adams County Sheriff's Office
Wagner: Zach Wagner, Legal Counsel

Nielsen Okay, we're back in action, it is 1448. Um, so we left off and you're saying the stuff she says absolutely did not happen.

Benson Yes.

Nielsen Um, you still chew?

Benson Uh, occasionally yeah.

Nielsen Do you chew at work?

Benson Yeah.

Nielsen So, [REDACTED] told me that one time you guys were in the [REDACTED] You stood behind her, put your arms around her and you kissed her neck, and then after you kissed her neck you took her ear lobe in your mouth. And she said, that she could smell the chewing tobacco. And she said I think she used the word rancid. She said that rancid smell of chewing tobacco. Why would she say that if that didn't happen?

Benson Ma'am, I, I don't know why she would say these things. I don't know. I, there's no way I can answer why she would say this. I can tell you I did not do it. That's all I can tell you.

Nielsen Do what?

Benson Do any of this. I did not touch her. I did not sexually touch her, I did not have sexual conversations with her, I did not do any of this.

Nielsen What about joking. Did you ever have conversations joking, sexual conversations? Cuz you said yourself that she would...

Benson ...She would she would make comments I don't, I don't remember ever commenting back.

Nielsen Did you participate in those conversations? Did you laugh, did you discourage them?

Benson Probably, yes.

Nielsen How did you discourage them?

Benson You shouldn't say that, that's not right. Don't say things like that. That's how I discouraged them.

Nielsen And how did she take that?

Benson Laughed, oh I know.

Nielsen Okay.

Benson Probably, I don't...

Nielsen So, you didn't put her earlobe in your mouth, and breathe on her cheek and...

Benson I did not. I did not touch her in any sexual manner whatsoever. In any situation at any time, did I have any sexual contact with her, period.

Nielsen Do you remember when she came and talked to you and Sergeant [REDACTED] and I guess she'd been feeling kinda down, and she came and talked to you and Sergeant [REDACTED] about her and her boyfriend breaking up?

Benson No, I don't.

Nielsen Well, Sergeant [REDACTED] said that happened and you both were present for that.

Benson I don't remember this.

Nielsen You don't remember it at all?

Benson I don't.

Nielsen Well she says that she talked to you about it and about that time you got a little bit more aggressive, as in coming over and talking to her.

Benson Okay.

Nielsen So...

Benson I don't remember this conversation.

Nielsen You don't remember the conversation?

Benson No.

Nielsen Talk to me about what an hour in the [REDACTED] with [REDACTED] looks like? What did you guys do?

Benson Same thing I've said this whole time.

Nielsen Tell me again.

Benson Uh, teaching, coaching, mentoring.

Nielsen But what does that tell what that looks like (inaudible).

Benson I talked to her about how she needs to talk to people. I talked about how she needs to handle herself in the Academy. I, I feel like I've answered this tens times.

Nielsen I want you to answer it again.

Benson It, that is what it is. I taught, I coached, I mentored. I talked to her about how she should talk to people. I talked to her...

Nielsen Give me specific, give me specific coaching mentoring tools that you used Michael. Because you coach and mentor (inaudible)...

Benson ...I've been an FTO for four years.

Nielsen Mmm...hmm.

Benson I did what I've done for four years.

Nielsen Which is what?

Benson I was in a car with somebody for ten hours a day. It's pretty easy to fill up time talking to somebody.

Nielsen Well you're also handling calls in ten hours.

Benson Okay, but...

Nielsen An hour in the [REDACTED] is a little harder to fill, I've been there.

Benson Not really. No, because they're still handling phone calls, they're still getting people out for medical, they're still doing this, they're still opening doors, it's not much different. It's just like FTO ma'am I...

Nielsen You told me earlier, you told me earlier that while she was running around you're doing whatever you were doing.

Benson Talking, but.

Nielsen Talking, what did you guys talk about?

Benson She couldn't multitask. She couldn't talk, when she was talking. I wouldn't talk when she was talking. I she talked a lot.

Nielsen Mmm...hmm.

Benson She talks and talks and talks and talks.

Nielsen Okay.

Benson So, a lot of do you have a question, that right there could turn into thirty minutes of her talking.

Nielsen Did she have questions?

Benson Yes.

Nielsen What kind of questions did she ask you?

Benson I don't remember ma'am. I, I don't. I don't know what she, I don't know everything we talked about. I can't tell you the questions she asked.

Nielsen Do you know any of what you talked about?

Benson She she asked questions about I, I don't know. I really don't know. I'm not gonna say I remember anything cuz I really don't remember any specifics.

Nielsen Mmm...hmm.

Benson I know we talked about the way she talks to people, about her getting in shape. She asked questions about fitness.

Nielsen Uh huh.

Benson Um, she asked questions about shooting, about what type of gun she should have. What type of this...(sigh) kid questions that are getting a kid that's getting ready to go to the academy.

Nielsen Hmm...hmm.

Benson That doesn't know what she needs to do.

Nielsen So, you guys talked about those things for a week for an hour every day?

Benson I don't know how long every day I spent in the [REDACTED] with her. I don't know how many days I spent in the [REDACTED] I don't know how many times I visited her in the [REDACTED]

Nielsen Mmm...hmm.

Benson I don't know everything we talked about every time I was in the [REDACTED]

Nielsen Mmm...hmm.

Benson So, I can't tell you.

Nielsen Who used, when I asked you about how she would know about your penis being pierced you said I don't know whose she's talked to. Who know what your penis is pierced?

Benson Plenty of people.

Nielsen Well give me some names? This is an investigation, I need names.

Benson Can I talk to him for a second?

Nielsen No.

Benson I thought that was the point of having a representation.

Nielsen This is an administrative investigation Michael. I'm ordering you to answer my questions.

Benson And I don't get to counsel with my representative?

Nielsen Answer my question Michael. Who knows that your penis is pierced?

Benson And I don't get to confer with my representation?

Nielsen No. You do not.

Benson Alright, um, the entire Adams County Sheriff's Office SWAT Team.

Nielsen Okay.

Benson So you can start talking there.

Nielsen Thank you.

Benson Um, [REDACTED], um I think maybe [REDACTED]

[REDACTED], I don't know who else but there's probably more.

Nielsen Probably more, but you're not positive?

Benson Not positive.

Nielsen We'll start there, and see if any of them told her about it.

Benson Okay.

Nielsen Do you have anything you want to add?

Benson Not right this second.

Nielsen This is your opportunity you have my number you can call me. Um, so, you need to call this detective before you leave.

Benson We already got the email about that.

Wagner We know about that, yeah but uh due to some scheduling issues because of this being two hours, I'm not going to be able to travel to Brighton PD right now.

Nielsen Do they know that?

Wagner Uh, I don't I have no idea if they know that.

Nielsen Okay, well I think they have a warrant so, um.

Benson We were told it's a protection order.

Nielsen I, I don't know what it is for sure but anyway make sure you call them and let them know what your plan is. It's uh 1455.

End of conversation

Typed: 10/16/2018

jmn