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October 20, 2002

**URGENT MATTER**

Hon. John Ashcroft  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530  
*Via Fax No. 202-307-6777*

Glenn A. Fine  
Inspector General  
U.S. Department of Justice  
Washington, D.C. 20530  
*Via Fax No. 202-616-9898*

Robert S. Mueller, III  
FBI Director  
Washington, D.C. 20535  
*Via Fax No. 202-324-5366*

Deborah Strelbel Pierce  
Special Agent in Charge  
Minneapolis Division  
Federal Bureau of Investigation  
Minneapolis, MN 55401  
*Via Fax No. 612-376-3284*

**Re: THIRD COMPLAINT FILED BY FBI SA JANE TURNER**

Dear General Ashcroft, Inspector Fine, Director Mueller and Special Agent Pierce:

On behalf of my client, FBI Special Agent Jane Turner, I hereby file the following complaint under the FBI Whistleblower Protection regulations. *See 28 C.F.R. Part 27.*

On February 21, 1997 SA Turner interviewed an over-the-road truck driver detained after child pornography was found in his truck. During the interview, the individual made statements to SA Turner consistent with the type of information law enforcement could expect from an individual who had engaged in sex crimes against minor children. The statements included the

following:

- \* He was attracted to nude photos of children due to the innocence and the physical form of the children;
- \* Over the years he has become more sexually interested in young children and masturbates to photos of young children;
- \* He had plead guilty to child pornography charges in Canada and had been deported from Canada;
- \* In his truck, the police found toys and candy.

The suspect informed SA Turner that he had no permanent address, but rented a storage space in Fargo, North Dakota. He admitted that pornographic videos and toys were located in that storage space. SA Turner obtained his consent to search the storage space. Based on her experience in child crime matters and her interview with the trucker, SA Turner believed that the storage space should be **immediately** searched. SA Turner felt that the exigent circumstances were so critical, that she volunteered to drive from Stanley, North Dakota, to Fargo, North Dakota in order to make sure the search was done promptly. The Senior Supervisory Resident Agent (SSRA) assured SA Turner that the Fargo office would conduct the search shortly within a short period of time of SA Turner's telephonic contact.

However, the SSRA never conducted the search, nor allowed local law enforcement members, who were also involved in the matter, to conduct a search. He did this without advising or consulting SA Turner. When SA Turner learned that the search was not conducted, she believed that the FBI agent who vetoed the search had engaged in serious misconduct. Based on her knowledge and experience, she believed there was a strong likelihood that evidence of a crime could be located in the trucker's locker. She was very concerned that if the locker was not promptly searched prior to the trucker's release from detention, invaluable evidence of child-crimes could be forever lost. Subsequently when SA Turner discovered that the SSRA had not conducted a search, she contacted local law enforcement, who responded to the storage unit in Fargo, North Dakota, but discovered that the subject had cleaned out the storage unit and left the area.

The FBI's failure to properly investigate this matter is consistent with a pattern of misconduct witnessed by SA Turner within the Minneapolis Division. See, Kohn to Mueller, "FBI Whistleblower Disclosure: Crimes Against Children Final Version," (October 9, 2002); Kohn to Mueller, "Crimes Against Children: Additional Evidence," (October 11, 2002).

When she learned of the agent's veto of the search decision, SA Turner engaged in protected activity by raising an allegation of misconduct to the Special Agent in Charge of the Minneapolis Division ("SAC"). After raising concerns with the SAC, Turner was subjected to

additional acts of retaliation. This included interfering with SA Turner's ability to properly investigate child-crimes in North Dakota, directly interfering with the proper investigation of child-crimes in North Dakota, the failure to properly credit SA Turner's work and expertise in child-crimes and finally the retaliatory removal of SA Turner from her work station in North Dakota.

SA Turner hereby requests all relief available under law based on the retaliation set forth in this letter.

Thank you in advance for your prompt attention to this letter. If I can be of any assistance whatsoever, please do not hesitate to contact me.

Respectfully submitted,

Stephen M. Kohn

CC:

Martha Fagg  
Assistant United States Attorney  
320 Sixth Street, Suite 203  
Sioux City, Iowa 51101  
*Via Fax No. 712-252-2034*