

Public Comment
5/30/24

May 28, 2024

Dear Commissioner Rexroat:

Thank you for your service in representing me and other residents of District 3 on the Leelanau County Board of Commissioners.

I am writing to comment on the board's effort to hire a new county administrator. I am personally familiar with only one of the candidates for that position, James Kiessel. I have known Jim for more than two decades and have interacted directly with him on numerous occasions. I would describe our relationship as professional, courteous, and generally cooperative.

This correspondence is intended to make you and the board aware of some facts that may have faded in memory and may not be reflected in Undersheriff Kiessel's resume or application for the county administrator position.

Beginning in 2007, Leelanau County Sheriff's Sgt. James Kiessel and Deputy Duane Wright were allegedly involved in a string of incidents in which deputies unlawfully entered homes without warrants and forced college-age students to submit to breathalyzer tests.

In response to multiple complaints from Leelanau County residents, the ACLU of Michigan investigated those incidents. In October 2009, the ACLU urged then-Sheriff Mike Oltersdorf to institute a training program for deputies about the constitutional limits on police searches.

Here is a link to the ACLU news release about those incidents: <https://www.aclumich.org/en/press-releases/leelanau-deputies-must-stop-entering-homes-and-demanding-breathalyzer-tests-without>

Kiessel and Wright were named by an ACLU attorney in a Nov. 9, 2009 news report about those incidents and others that appeared in the *Leelanau Enterprise*, available in hard-copy archives.

A 2005 incident involving similar circumstances occurred while newly-promoted Sgt. Kiessel was serving in a supervisory capacity in the sheriff's office. Here is a link to the 2008 federal court case that resulted: <https://casetext.com/case/hameline-v-wright>

Following an October 2009 incident, Kiessel and Wright were fired by Sheriff Oltersdorf for what the sheriff termed "extreme misconduct" in which the two deputies, once again, allegedly violated citizens' Fourth Amendment rights.

In this case, Kiessel and Wright arrested the father of a drunk driving suspect for denying them the opportunity to question the suspect at his home. They handcuffed the suspect's father and placed him in a patrol car. The suspect's mother then turned over her son to the deputies to free her husband. The son was arrested but the county prosecutor declined to prosecute him.

The Police Officers Association of Michigan (POAM) threatened legal action against the county for firing Kiessel and Wright over the incident, resulting in their return to duty with our sheriff's office. Additionally, the incident resulted in a federal lawsuit against Kiessel and Wright that was subsequently dropped. Here is a link:

<https://dockets.justia.com/docket/michigan/miwdce/1:2012cv01074/72053>

Also in 2009, Kiessel, Wright and other Leelanau County sheriff's deputies filed a federal lawsuit against Sheriff Oltersdorf and the county. According to court documents, government-owned phones in the Leelanau County Law Enforcement Center included a button that had been marked "Private Out" by the phone company despite the fact that phone lines in the building are recorded and employees are advised they should have no expectation of privacy.

A central allegation in the federal lawsuit, *Kiessel et al v. Leelanau County Sheriff*, was that the sheriff had been illegally eavesdropping on his deputies. Here is a link to part of the case file: <https://law.justia.com/cases/federal/district-courts/michigan/miwdce/1:2009cv00179/58609/210/>

With the backing of the POAM, Kiessel's lawsuit against Leelanau County and our sheriff continued for four years. The case was settled in 2013 on the recommendation of the county's insurance carrier. The settlement came around the same time Oltersdorf retired after 15 years as sheriff and Mike Borkovich was elected to replace him.

Four deputies, including Sgt. Kiessel and Deputy Wright, split the \$625,000 settlement, according to this news report: https://www.record-eagle.com/news/local_news/newsmakers-leelanau-ends-four-year-lawsuit/article_0c8f296e-6619-5497-99f5-36e273ef0d36.html

Undersheriff Kiessel and now- Lt. Wright were promoted to their current top-ranking positions in the sheriff's office by our current sheriff.

As you know, selecting a county administrator is one of the most important and consequential duties of a county board of commissioners. I urge you to choose wisely.

Best regards,

Eric Carlson

Suttons Bay Township