

**STATE OF COLORADO
DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL**



**Report of the Investigation into Missing
Daily Field Activity and Daily Supervisor
Reports Related to Columbine High School
Shootings**

**Attorney General Ken Salazar
September 16, 2004**

Supplemental Report to the Jefferson County Sheriff

Missing Daily Field Activity and Daily Supervisor Reports Related to Columbine High School Shootings

On February 26, 2004, Attorney General Ken Salazar issued a report summarizing an investigation into a missing 1997 directed report and related matters concerning the Columbine High School shootings in April, 1999. The Attorney General's investigation was undertaken at the request of the Jefferson County Sheriff. At the time of the issuance of the Attorney General's February 26, 2004 report, two questions remained concerning the investigation.

The first remaining question concerned the whereabouts of the "Guerra file." This file is an investigatory file created by Investigator Michael Guerra, of the Jefferson County Sheriff's office. The file contains information regarding his work on a draft affidavit to search the Harris residence in 1998. A report of a Grand Jury investigation related to the Guerra file has been approved for release by the court. This supplemental report does not address it further.

The second question concerned the whereabouts of Investigator Guerra's Daily Field Activity Reports (DaFR's) and the Daily Supervisors Report (DaSR's) of Guerra's supervisors. DaFR's from Mid-March of 1998 through Mid April of 1998 had been located prior to the issuance of the February 26, 2004 report. The remainder of reports for 1998 had not been found. The investigation into their location is the subject of this supplemental investigatory report.

Summary of Conclusions

Copies of some DaFR's and DaSR's for the year 1998 had been sent to the Jefferson County Attorney's office by the Jefferson County Sheriff's office in mid-1999. These included DaFR's and DaSR's for Investigator Michael Guerra, John Hicks, Glenn Grove, Randy West and Jim Prichett. These records are reviewed in this supplemental report, and the information they contain about the 1998 Guerra investigation is set forth below.

All remaining DaFR's and DaSR's for 1998 were purged from the records of the Jefferson County Sheriff's office. These DaFR's and DaSR's were properly destroyed under the records retention policy of the Jefferson County Sheriff's office. This investigation finds no improper conduct with regard to the destruction of these records.

Investigation Summary

The following summarizes the information gathered in this supplemental investigation related to the DaFR's and DaSR's.

A DaFR is a Daily Activity Report. A DaFR is completed by each Investigator in the Jefferson County Sheriff's office to track the investigator's daily activities.

A DaSR is a Daily Supervisors Report. A DaSR is completed by each sergeant in the Jefferson County Sheriff's office to track the activities of his or her subordinates.

The DaFRs and DaSR's reviewed for this supplemental report are copies of records. They were sent by the Jefferson County Sheriff's office to the Jefferson County Attorney's office shortly after the Columbine shootings in 1999. The County Attorney requested copies of these records in anticipation of litigation, because they were related to a disputed meeting that took place between John Hicks and the Brown family on March 31, 1998.

On January 29, 2004 Lt. Michael McIntosh of the Adams County Sheriff's Department and Attorney General Investigator Michael Jones examined these DaFR's and DaSR's in the Sheriff's conference room of the Jefferson County Sheriff's Office. These records had been secured by Undersheriff Ray Fleer who brought them from the County Attorney's office to the Sheriff's office for our review. The investigators examined the 1998 DaFR's of John Hicks, Mike Guerra, and Glenn Grove. They also examined the 1998 DaSR's of Sgt.'s Randy West and Jim Prichett.

All pages examined had been bates stamped by the Jefferson County Attorney's Office. The investigators learned from Undersheriff Fleer that these documents had been kept at the offices of the County Attorney and had not been released to the public. In addition, the Sheriff's office provided non-bates stamped copies of the same documents from the files of the Jefferson County Sheriff's office. The latter copies were not bates stamped, but, page for page, appeared identical to the bates stamped copies in every other way. The Sheriff's office kept separate copies of the documents that had been forwarded to the County Attorney's office.

These records provide the following information.

a) Mike Guerra- DaFR's

4-2-98

11:30 to 12:30- Follow-up on search warrant (Harris is cleared CCIC/NCIC this date per CBI records).

4-7-98

8:00 to 9:00 CR 98-3365 (This is the case number under which Guerra pursues the search warrant for Harris's house) prep search warrant.

4-8-98

4:30 to 5:00 review search warrant (There is no indication as to whether this is case number 98-3365).

4-9-98

10:30 to 12:30 C.H.S. 98-3365 (This is believed to be the visit to Columbine High School).

4-13-98

10:00 to 11:00 98-3365 search warrant app.

4-16-98

10:00 to 12:00 and 1:00 to 3:30 3365 search warrant.

5-1-98

Per Prichett DaSR, Guerra worked on 98-3365 for an unknown amount of time.

b) John Hicks DaFR's

3-31-98 (The day of the Brown meeting at the Sheriff's office)

8:00 to 10:00 Robbery cases

10:00 to 5:00 home sick

4-1-98 through 4-7-98

Robbery detail/task force/surveillance

4-9-98 through 4-13-98

CR98-7038, 13802 W. Tufts, suspicious death of 3 month old

4-14-98 through 4-16-98

vacation

4-17-98

CR98-7038 (The suspicious death case noted above)

4-21-98

Call out, homicide, CR 98-7833

c) Glenn Grove DaFR's

Was called out on a Sunday -2/15/98 for 98-3365 (This was the original call on the pipebomb found near the bike path), no further involvement with the case.

d) Randy West DaSR's

A review of Randy West's DaSR's revealed no information relating to the 1998 Guerra investigation.

e) Jim Prichett DaSR's

5-1-98- Indicates that Guerra worked on the 98-3365 affidavit that day.

BATE STAMP NUMBERING BY THE COUNTY ATTORNEY

Mike Guerra

Bate stamp numbers JC 1493 (1-12-98) and JC 1494 (1-4-99) through 1597 (7-8-99)
Bate stamp numbers JC 000-335 through JC 000-384, March 16, 1998 through April 17, 1998

Glenn Grove

Bate stamp numbers JC 000-1598 through JC 000-1643, December 29, 1997 through March 6, 1998
Bate stamp numbers JC 000-1644 through JC 000-1776, May 13, 1998 through January 1, 1999
Bate stamp numbers JC 000-283 through JC 000-324, March 6, 1998 through April 20, 1998

John Hicks

Bate stamp numbers JC 000-1319 through JC 000-1492
December 29, 1997 through October 16, 1998

Jim Prichett

Bate stamp numbers JC 000-579 through JC 000-803
March 2, 1998 through July 31, 1998

Randy West

Bate stamp Numbers JC 000-804 through JC 000-1318
January 1, 1998 through December 31, 1998.

ANALYSIS

None of the DaFR's and DaSR's reviewed reflect the March 31, 1998 meeting with the Browns.

Michael Guerra's DaFR's show that he worked on the Harris search warrant draft affidavit between April 2, 1998 and April 16, 1998. According to the records, Guerra worked approximately 10 hours on the draft affidavit and also visited Columbine High School as part of his investigation.

Jim Prichett's DaSR's indicate that he was aware of the investigation and may have reviewed the draft affidavit. Prichett's DaSR indicates that Guerra worked on the affidavit on May 1, 1998. Guerra's DaFR for May 1, 1998 was not located.

According to Undersheriff Ray Fleer, pursuant to its records retention policy, the Jefferson County Sheriff's office keeps the current year and the past 2 years of DaFR's and DaSR's on hand at any time. It routinely destroys older records. This investigation concludes that the originals of the 1998 DaFRs and DaSRs were purged, in accordance with this records retention policy, in December 2000 or January 2001.

REPORT DATE 2/27/04	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	COLUMBINE INVESTIGATION
TYPE OF REPORT Interview	REPORT BY Investigator Michael Jones Lieutenant Michael McIntosh	John Kiekbusch INTERVIEW

**PERSON INTERVIEWED: John Kiekbusch
 Washington DC**

On February 24, 2004 at about 11:28 AM, we spoke to Kiekbusch in a conference room at his office located in Washington DC.

Kiekbusch told us the following over the course of our interview:

1. He started with the JCSO as a deputy in 1986. He moved through the ranks and was a lieutenant in 1997 supervising the Operations Section of the Investigative Division. He was later promoted to Division Chief under John Stone in 1999. He supervised about 25 people, including 5 sergeants in 1997.
2. Dave Taylor was the other lieutenant in the Investigations Division in 1997; Taylor oversaw the Intelligence, Narcotics and Laboratory sections.
3. His understanding of a Directed Report is that it is more like an intelligence report or an informal report. There is no official method of tracking it, and he agreed that it was like a memo, an informal communication between members of the JCSO.
4. When we showed him the 1997 Directed Report, he claimed he had never seen it before. He thought the web pages looked similar to those he saw after the Columbine murders.
5. He knows Mike Burgess.
6. He knows John Hicks.
7. His only involvement with Hicks and information provided by the Browns came after Columbine.
8. His consistent reply to the media after Columbine regarding the meeting between Hicks and the Browns was that he didn't know. He had never seen evidence to indicate that there was or was not a meeting between the Browns and Hicks.

9. Hicks came up to him at his retirement reception, the day he left the JCSO, and told him that he had gone through his “stuff” and said “I am telling you I didn’t have that meeting.”
10. The first time he saw CR 98-5504, classified by the reporting Deputy Mark Miller as a “Suspicious Incident” was after Columbine.
11. A suspicious incident was automatically entered into the computer as a closed case by records if a Detective Sergeant had not already assigned it to an investigator.
12. The first time he saw the Guerra Affidavit was at the meeting with Dave Thomas, Kathy Sasak, Sheriff Stone, the county manager and other supervisory officers at the Open Space building. He thinks Mike Guerra and John Hicks may have been there. This took place about a week after Columbine.
13. He has no idea how the affidavit came to light, he thought that based on comments the Browns had made, *“the report was dug up and traced back to Mike (Guerra) and so on and so forth.”*
14. I asked him “Do you remember the first time you got to look at the actual hard copy of the affidavit?” He replied:
“No it was sometime down the line. You know this thing just kept percolating and I know on different occasions we had, um, open records request from the Browns, the County Attorney, uh, screens those and provides that information. Uh, you know this case pulled I would guess, uh, more than once. Uh, to be provided as, as open records. Uh, you know by that time your probably a couple of months after Columbine. I don’t think it was to that point until I ever even went through it, took a look at it.”
15. Lieutenant McIntosh asked, “So just so that I’m clear. You seen this written format, article, this affidavit?” Kiekbusch replied “No.”
16. He characterized the affidavit as follows:
“You know I look at, as I look at this now, I think that, you know you’ve got in a sense a mistake of a young Investigator in trying to put his notes and what should have been in a report on a search warrant affidavit. And the thing I think blown out of proportion, um, and this affidavit was publicized in the sense that, you know you got a warrant, why didn’t you serve it. Well these are a little more than investigative notes. Certainly not a formal warrant. Had Mike been a seasoned Investigator, probably would not have put those notes on a search warrant form. But it’s the difference in a piece of paper.”
17. He did not notice that the affidavit was pursued under CR 98-3365 and not CR 98-5504.

18. He did not remember seeing any paperwork from Guerra prior to Columbine, he only received a verbal briefing.
19. The process to approve a search warrant involved only a Sergeant reviewing it. He denied approving warrants. Experienced investigators would be allowed to take their affidavits directly to the DA's office without supervisor approval.
20. When asked if he spoke to Guerra in the days following Columbine he said, "*Not really. No.*"
21. He did not know how Guerra was invited to the Open Space meeting; he thinks Captain Dan Harris may have asked him to come.
22. He did not learn about the meeting with the Browns on the 31st of March until possibly as late as 2000, after Hicks left the Department, the information came through "*our attorneys.*"
23. The affidavit was discussed internally within the Department, but was not released to the public until April 2001, when the court ordered its release.
24. When asked if he had ever seen the Guerra investigative file he said, "*I don't believe so.*"
25. When asked if he had heard of the file's existence he said, "*Where everybody, you know, keeps some sort of file on the cases they're working on.*"
26. When asked if he had any idea where the file was today, he said, "*No.*"
27. After Columbine, he directed a deputy to gather all known information on Harris and Klebold. He does not remember who he assigned and thought it might have been an FBI Agent. Don Estep was running a main team. He thought Sgt Randy West may have been the person reviewing all the documents collected and verbally reporting to him. The main focus of this was to determine if anyone besides Klebold and Harris were involved in the shootings.


Investigator Michael Jones

REPORT DATE February 24, 2004	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	COLUMBINE INVESTIGATION
TYPE OF REPORT Interview	REPORT BY Michael Jones Investigator	
NATURE OF CASE John Dunaway Interview		

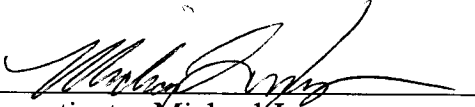
PERSON INTERVIEWED: **John Dunaway**

On February 24, 2004 at about 10:00 AM, Lt. McIntosh and I spoke to Dunaway in a conference room for the Wackenhut Corporation in Washington DC.

Dunaway told us the following over the course of our interview:

1. He had been employed by Wackenhut since May of 2003.
2. He was the Undersheriff at Jefferson County Sheriff's Office from January 1999 to December 2002. Prior to that he had been the Director of Risk Management for the Jefferson County School District and before that he had retired from the Lakewood Police Department after 16 years as a Captain.
3. He was unfamiliar with the 1997 Directed Report filed by Deputy Burgess.
4. He was not aware of what a Directed Report was.
5. He did not personally know Deputy Burgess.
6. He was familiar with the web pages attached to the 1997 directed report, having seen similar ones after the Columbine shootings in 1999.
7. He was under the impression that Hicks denied ever meeting with the Browns, although he never met with Hicks personally to confirm this. It was his view that whether or not the meeting occurred was immaterial as the content of the meeting was not in dispute, only the date and location.
8. He was skeptical of any information that came from the Brown family as he was not convinced that Brooks Brown was not involved in the shootings in some way.

9. It was his understanding that Guerra's investigation was a result of information he received from school resource officer, Neil Gardner.
10. He did remember the 1998 report taken by Mark Miller, it was his understanding that Randy Brown wanted to remain anonymous. As he looked at the report he said it seemed familiar, but he thought he was probably briefed verbally on it as opposed to having reviewed it personally.
11. He was aware that "Tonya" (Williams) has completed a supplemental report to Millers.
12. He was also aware that Guerra had never been formally assigned the investigation he was conducting, but had conducted it on his own. He also knew that Guerra had been assigned to the Cody Neal murders and that it took him away from the Harris investigation.
13. He remembered Dave Thomas rendering the opinion that the affidavit Guerra had written did not have probable cause.
14. He put Kiekbusch in charge of the entire Columbine investigation, as he was very confident in his abilities as an investigator. He said they knew each other when they were together at Lakewood.
15. It was his opinion that the affidavit Guerra was typing was actually more accurately described as Investigative Notes.
16. He thought he discussed the affidavit with Dave Thomas at the scene and that Kathy Sasak was with him. He thought they had several discussions over the course of a few days in which Thomas told him that there was not probable cause for a search warrant.
17. He said that there was a meeting at the Human Services building that someone may have handed Thomas a copy of the affidavit, but he wasn't sure. He said that they never referred to the affidavit as an "affidavit." It was his opinion that it did not become an affidavit until it was filed with the court. When someone at the meeting asked him about it being in affidavit format, his reply was "so what." It was his opinion that it was not in the "records system" and he classified it as "officer's notes."
18. If the affidavit had been presented to the court and denied, then he would have surrendered it, but he considered the affidavit as ..."It was nothing more in my mind than-Officer's working notes."


Investigator Michael Jones
Colorado Attorney General's Office
1525 Sherman St.

REPORT DATE May 25 th , 2004	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	CASE NO.
TYPE OF REPORT Interview	REPORT BY Michael Jones Investigator	DEFENDANT
NATURE OF CASE John Dunaway interview		

PERSON INTERVIEWED: **John Dunaway**

On May 25th, 2004 at about 6:45 PM, Lt. Michael Macintosh and I spoke to John Dunaway in a conference room of the Doubletree Inn, 12200 Tamiami Rd., Naples, Florida.

Dunaway told us the following over the course of our interview:

Information regarding the DaFRs

Were you involved in any way in getting the DAFRs of Guerra, Grove, Hicks, Prichett, West to the County Attorney's?

I don't recall no I certainly wasn't personally in collecting 'em and transmitting them to them. But if— if someone may very well have said oh, uh, Frank Hufflest [?] wants, you know, copies of those DFAR's or, uh, Lilly, uh, whatever her name I can't think, my mind has gone blank on that. The, uh, Legal Advisor want's that stuff sent over we would've have simply sent it. It would've been approved.

Were you involved in any way in getting the DAFRs of Guerra, Grove, Hicks, Prichett, West to Internal Affairs?

No, um, I wasn't and would not have been involved in that directly, I assume that when you refer to Internal Affairs you're speaking about the claim that Brown's had made of having had had a meeting with Hicks. Hicks having denied that, eventually

Internal Affairs began to do an inquiry into that. Is – is that what – what – what we're talking about.

Uh, no I would not have been involved personally in that except to, uh, certainly to have – have authorized or to – to – not authorized that isn't even the correct term. They would routinely have collected any information that bore on an investigation they were conducting. They would not have had – required my approval to do that.

If not, do you know who was?

Well the – no, except by assignment, uh, my recollection of that is that, uh, uh, (Pause) seems to me that there were, uh, there was a little turnover in Internal Affairs during the several years that, um, that, um, was encompassed by this entire thing with Columbine. It seems to me that, uh, (Pause) uh, (Pause) the supervisory person handling that toward the end of my – or at toward – toward the end of tenor with Sergeant Scott Possic [?] although in the time frame you're talking about it may well have well have been one of his predecessors that was involved in that, um, I don't recall..

Do you know why just 4 weeks were sent?

I have no idea

Do you know why that particular 4 weeks were sent?

None at all, are you talking about the four weeks, before and after the alleged meeting between the Brown's?

Do you know what was done with the DAFRs not sent?

I have no idea.

Do you know if originals were sent?

I have no idea

Do you know where the originals were kept?

No I don't.

Do you know what happened to the originals?

No

Information regarding the Guerra Investigative File

Did you take Guerra's file from his desk at any time?

No

Did you direct anyone to take his file?

No

Where you involved in any way in removing Guerra's file from his desk?

No

Did you destroy Guerra's investigative file?

No

Did you direct anyone to destroy his file?

No

Where you involved in any way in destroying Guerra's file?

No

Do you know where Guerra's file was when you left the Department?

I didn't even know he had a file. No.

Information regarding the internal investigation concerning the meeting with the Browns on March 31, 1998.

Did you order an Internal Investigation Guerra and his involvement with the affidavit?

Uh, I don't recall specifically ordering an internal investigation, although I may very well have authorized that at some point in the course of these events. I mean it would've been natural to do that, as we discussed all the ramifications of this. Uh, you know when we – you refer to, uh, Guerra's affidavit I think we talked about this on another occasion. But had Guerra simply written the – the notes and the information that he had put on that affidavit format on his legal pad, there would've never even be have been an issue or a question about any of this.

Who conducted that investigation?

Um, I – I really don't, I want to say that I (Pause) it seems to me that, uh, there were two or three deputies that were assigned down there. Uh, I think some were promoted during the course of these events and replaced by others. Um, jog my memory a little bit, uh-

Was there an investigator named Gerlach?

-yes Dennis Gurlock [?] would've I think been involved in that. He was subsequently re-promoted to sergeant. Uh, (Pause) I think that that would have pro- that was probably his work at least initially. Uh, and then Poszik followed up on that, is my guess.

What was the outcome of that investigation?

To the best of my knowledge there was no finding of any misconduct on the part of Guerra in his pursuit of that, uh, information.

Was anybody found guilty of misconduct, that you can recall?

Um, none that I – uh, nobody that I recall. Um, there were a couple of other – the reason I'm phrasing it and saying it like that, is that there were some other Internal Affairs investigations that occurred during the course of the Columbine investigation. And there was, uh, there was some serious misconduct that had nothing to do with any of these issues by some unrelated personnel. And that's why I hesitate a moment as I respond to your question.

What kinds of documents were compiled in that investigation?

Well I – I'm, uh, (Pause) I imagine that copies of – of that famous affidavit format were probably included in that. Interviews that were conducted with the concerned parties, uh, Guerra and I don't know of – that anyone else would've been interviewed on that score at that time 'cause I don't think any issue was even perceived at that time about Hicks or about Grove or any – any of that.

Guerra met with you in your office about a year after Columbine, what was the purpose of that meeting?

Uh, I saw him I think on actually on more than one occasion. Although many of those brief encounters occurred in the hallways, they occurred in the parking lot, they occurred in the investigation division and I do seem to remember him coming into the office and speaking with me one afternoon or something I believe.

Guerra mentioned that he was shown a file that seemed to be many different reports. Do you remember what that document was that he was shown?

I – I really don't recall that. I don't remember that, or at least the asp- the aspect of the file, uh, part of it.

Is it possible that this file could've been at the conclusion of the Internal Affairs investigation into the meeting?

I don- no I don't think so. I don't think so the only thing that even remotely comes to mind like that was- it seems to me that Kate Batton had prepared a, uh, a kind of executive summary. Of not the entire investigative effort but, uh, something along those lines she was using, they were using as a working document. That I think, you know, I recall reviewing it one time.

Was that the working document for the criminal investigation in the shootings of Columbine?

-well it would've come from that effort, but, uh, it seems to me that that was, uh, a file, that spoke to the various investigative teams from the task force of what their, you know, findings have been. You know I think it seems to me that, uh, uh, it spoke to the, you know, the cafeteria team, the library team, the – you know those kinds of reports, and that sort of thing. It wasn't reports though it was the kind of a –if I remember right it was sort of a narrative of their findings. It was the – I think kind of a working document that she used – had used to-

And you think you might have had Mike Guerra come into your office to look at that document?

No I don't – I don't think that I had him come into look at that. Uh, there may have been some question or something and if the document were sitting there on the desk,

or whatever, he might've said can I refer to this or may I look at that or whatever. Of course he would've been an authorized person to have looked at that at the time.

I do remember coming into the office one day, chatting briefly. Seems to me that he was concerned about the affidavit and I know was upset that he might be viewed as some kind of blithering idiot. That he, you know was sitting on top of all of this. And I said, "You know, Mike you did the best you could with it at the time, that's all anybody could have done, don't think anymore about it, we might've talked about some other issue. If the file was sitting there and there was something in that it would be the explosives or something. I might've given it to and said, "Well I don't take a look." I really don't know, I don't recall.

Information regarding the Computer System

Are you familiar with the computer system that detectives stored their files on?

Well in a – in a general way we – when we took office there were very few computers. We managed to acquire a number of computers in the investigation division, got them in there. But in sitting down with their system and working with it, no I wasn't conversant of that.

Did you remove Guerra's affidavit from that system?

No

Did you direct anyone to remove his affidavit from the system?

No


Information regarding Records

Did you destroy any records relating to Guerra's investigation prior to leaving the Department?

No

Did you take any records with you regarding Guerra's investigation?

No



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REPORT DATE February 11, 2004	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	COLUMBINE INVESTIGATION
TYPE OF REPORT Interview	REPORT BY Michael Jones Investigator	
NATURE OF CASE Interview of John Stone, former Jefferson County Sheriff		

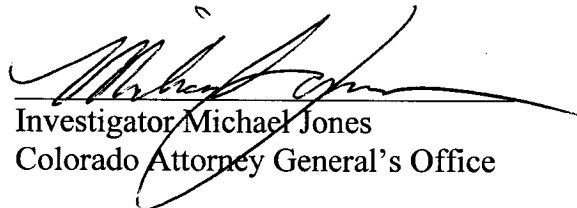
PERSON INTERVIEWED: John P. Stone

On February 11, 2004 at about 9:00 AM, Lt. McIntosh and I spoke to Stone in a conference room at his office.

Stone told us the following over the course of our interview:

1. He is working for a private investigations firm, Business Control, Inc. which does fraud investigations for large corporations.
2. He was not in office during Guerra's investigation and has no knowledge of it.
3. He expressed the opinion that our investigation was politically motivated, and he was visibly angry about this investigation and the way he was treated by the press regarding Columbine.
4. He said he refused to speak with the Columbine commission because he felt it would open his deputies up to liability by somehow voiding their indemnification.

We were unable to ask Stone any questions or have any meaningful dialogue regarding our investigation due his apparent state of agitation.


 Investigator Michael Jones
 Colorado Attorney General's Office

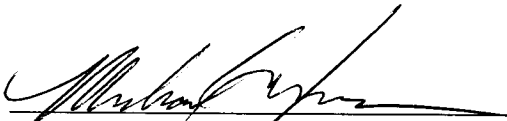
REPORT DATE April 29, 2004	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	COLUMBINE INVESTIGATION
TYPE OF REPORT Interview	REPORT BY Michael Jones Investigator	
NATURE OF CASE Telephone call to Ray Fleer, Undersheriff regarding DaFR retention schedule		

PERSON INTERVIEWED: Ray Fleer, Undersheriff

On April 29, 2004 , I spoke to Fleer on the telephone .

Fleer told me the following over the course of our conversation:

1. The Sheriff's Office has a policy for records retention that states they keep the current year's records plus the previous 2 years.
2. The DaFRs and DaSRs for 1998 were purged in accordance with that policy in either late December 2000 or early January 2001.
3. He was unable to determine the exact date or the name of the person that carried out the purge.


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REPORT DATE March 22, 2004	OFFICE OF THE ATTORNEY GENERAL STATE OF COLORADO	COLUMBINE INVESTIGATION
TYPE OF REPORT Interview	REPORT BY Investigator Michael Jones	Interview with Dep. Mike Guerra

On March 22, 2004 at about 1:00 PM, Lt. McIntosh and I conducted a follow-up interview with Mike Guerra at the Jefferson County Sheriff's Office.

During the course of our interview he told us:

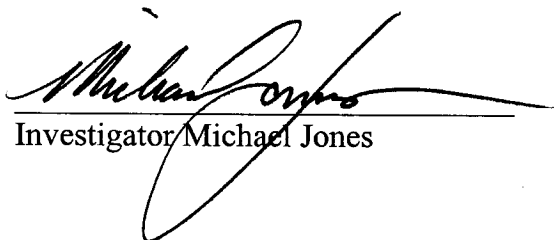
1. In 1998 he was assigned as a general detective in the North Precinct working for Sgt. Prichett. He was also assigned to the Headquarters Unit as a Bomb Technician, Environmental Crimes and Arson Investigator, in this capacity he answered to Sgt. West. So he had two supervisors he answered to directly.
2. He remembers the March 31, 1998 meeting between Det. Hicks, Judy Brown and Glenn Grove. He and Grove had been scheduled to investigate some illegal dumping that morning. He went to find Grove and saw him with a training pipe bomb, he asked him if they were still going to conduct their investigation and Grove said yes, he just needed a little time. Guerra then waited for Grove and when he had finished they conducted their investigation.
3. Some time later, when he returned to the office, he saw several web pages lying on his desk. He asked Det. Hicks about them. Hicks told him that he did not have a computer crime case, but that since they discussed improvised explosives, he thought Guerra might be interested in them. Hicks told him that the Browns did not want to be contacted. Hicks did not tell him that Harris had been arrested in January of that year for the van break in.
4. He tried to locate the web site on a department computer, but was unsuccessful. He asked Det. John Healy if he could locate a user name for him. Healy was unable to access the web site, but was able to find Harris' profile on AOL which included information that Harris liked playing Doom and wanted to join the Marine Corp. He thinks that Healy actually gave him a printout of the AOL profile.
5. Guerra then began researching recent cases that involved improvised explosive devices. He found a case in which a device similar to the one described by Harris on the web page printouts was found. He pulled that case (98-3365) and went to the evidence vault to

examine the evidence. He found the disassembled pipe bomb that Grove had logged in to evidence.

6. He then thinks he ran routine criminal history and DMV checks on Harris, as that was his normal routine. He thought he remembered seeing the criminal trespass from January, but he thought that those kinds of arrests were very typical for juveniles and did not find it out of the ordinary. He did not pull a copy of the report.
7. He then tried to associate the location of the found pipe bomb with Harris' residence. He thought they were only a mile or two apart and he plotted this on a MapQuest page, which he then printed.
8. He then drove by the Harris residence to get a physical description.
9. He also went to Columbine High School and spoke with Neil Gardner. He asked Gardner about Harris and Klebold; Gardner told him that they were misfit kids that weren't a problem to anybody. He thinks he also found out what car Harris drove. Gardner never mentioned having received the March 18th report from Dep. Mark Miller (98-5504). Guerra told him about his investigation, kind of a "heads-up." Guerra thinks their conversation lasted about 5 minutes.
10. He then started drafting his affidavit. He worked on it "of and on" between his regularly assigned cases.
11. He remembered getting Tanya Williams supplemental to Miller's March 18th report, 98-5504. But he does not remember if it was attached to Miller's original report.
12. He discussed his affidavit with Lt. John Kiekbusch. He is unsure if he showed him the entire file, or just the affidavit. He does not remember what Lt. Kiekbusch told him regarding probable cause. He does remember that after the shootings, Kiekbusch told him there was no probable cause in the affidavit.
13. He thinks he also showed the affidavit to Kate Batten and Tom Maturno.
14. He never showed the affidavit to or ran it by any one at the DA's office.
15. He was carrying an assigned caseload of about 20 cases, so he had to shift his efforts back to his assigned caseload. He was also pulled from his regular assignment to assist in the investigation of the Cody Neal murders, and he never went back to his affidavit.
16. The next time he remembered thinking about his affidavit was the day of the Columbine shootings, April 20, 1999. He remembered Kate Batten asking him "Weren't you working a warrant for this guy?" and he told her "yeah."

17. He responded to Columbine the day of the shooting and was part of the team that entered the building to identify and render safe, and explosive devices. He was the main bomb tech in the library over the course of several days and he also removed several explosive devices from Harris and Klebold's bodies.
18. On what he believed was the 3rd day after the shootings, he was summoned over the radio to report to Headquarters. There he met with Det. Dennis Gerlach. Gerlach told him to get his file on Harris and meet him in the Internal Affairs office. There they looked over his file. Gerlach then took him to the Open Space meeting.
19. He said that he remembered the Sheriff (John Stone), Undersheriff (John Dunaway), County Attorney (Bill Tuthill), Lilly Offler, Kiekbusch and an assistant DA. He does not remember Dave Thomas being there, and there were some Captains from the Sheriff's office.
20. They either passed around his file or gave copies to everyone, he wasn't sure.
21. He remembers hearing that they thought there was no probable cause, and someone opined that they were all indemnified. He was also told that they didn't see a problem with what he did, and that he hadn't done anything wrong.
22. His opinion of the content of the meeting was the liability that the office could incur as a result of the affidavit. He called it "kind of one of those cover your ass meetings I guess."
23. He was told not to discuss his affidavit with anyone outside the County Attorney's Office.
24. He left before the meeting concluded. He took his file with him and put his it back in his desk.
25. After they finished clearing the school of explosive devices, he was removed from the investigation and assigned to handling cases that were coming in the investigations unit.
26. Sometime after that, he noticed his file was missing from his desk, and it showed up again a few days or a week later. He had no idea what happened to it during that time.
27. He kept a copy of his affidavit in his computer files. He was very organized with his computer files.
28. Gerlach asked him for a copy of his affidavit from the computer about a month or two after Columbine and when he went to get it, it had been deleted. He went "back and forth" with Gerlach about getting the file and him telling him he couldn't find it.

29. He thinks Gerlach wanted it for a meeting with Dunaway. On the day of the meeting, Gerlach had a copy of the affidavit. He thinks this meeting was in the Sheriff's office and he is not sure if he attended the meeting or not. The main thing he remembered was the dispute over getting a copy of the affidavit.
30. He said there was no discussion, ever, about the accuracy of the facts in his affidavit, including the paragraph that confirms the meeting with Judy Brown took place on March 31st, 1998.
31. About a year after Columbine, Dunaway called him into his office. Dunaway had a folder that contained the Harris web pages and several documents he did not recognize. He said Dunaway asked him several questions that at the time he thought were very odd, but he does not remember the content other than some of the questions were about his affidavit. He mainly remembered that "the conversation seemed a little weird to me."



Investigator Michael Jones