

CASE STUDY: INVESTIGATION AND PROSECUTION OF DEPUTY CHARLES THIBEDEAU


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PRESENTATION OVERVIEW-ARREST TO PROSECUTION




DUNDY COUNTY
Sheriff's Department
Elected Sheriff and 4 Deputies
Dispatch Center located in Benkelman
Operated by several dispatchers including Thibedeau's wife



BENKELMAN GOLF COURSE
 9 hole golf course
 2.5 miles east of Benkelman

VICTIM - W. H.
 - 26 YEAR OLD FEMALE
 - RESIDENT OF BENKELMAN
 - CLOSE FAMILY FRIEND OF SUSPECT AT ONE TIME
 - HAD A FALLING OUT APPROXIMATELY ONE YEAR BEFORE INCIDENT




THIBEDEAU'S ISSUED PATROL VEHICLE
 W. H. handcuffed and placed in backseat
 Sexually assaulted
 Vehicle secured by Sheriff for evidence purposes

NEBRASKA STATE PATROL INVESTIGATION


- 3 INVESTIGATORS RESPONDED TO BENKELMAN
- MET WITH DUNDY COUNTY SHERIFF J. NICHOLS
- SET UP INTERVIEWS WITH REPORTING PARTY AND VICTIM

INTERVIEW OF W. H., SHOWED INVESTIGATORS FACEBOOK MESSAGE BETWEEN HER AND THIBEDEAU




S- Hey I know we haven't talked in a while but I got some info you might want
 V- Alright
 V- What's that?
 S- Can we meet just you
 V- Well What's it about?
 S- You
 V- Umm I'm really confused
 V- I'm home right now I have "Child" here with me but he is playing
 S- I can't talk on the phone

FACEBOOK MESSAGE BETWEEN THIBEDEAU AND VICTIM



S- Ok can't go to your house
 V- Alright, well. I'm home. Will that work?
 S- No
 S- Can you go anywhere
 V- Like where?
 S- Anywhere
 V- Well I have "boyfriend's" son with me. This is weird Charlie. A year ago we had a falling out over some stupid shit, and we were literally just talking about how we should have a bday beer with you and now your messaging me saying you have info on me

FACEBOOK MESSAGE BETWEEN THIBEDEAU AND VICTIM



S- Hey I'm not mad at you guys some stuff came in the office that you should know about.

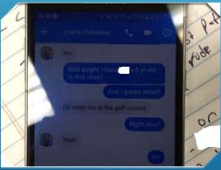
V- Am I in trouble for some thing?

S- I can't say on the phone

V- "Boyfriend" can't be there

S- NO

FACEBOOK MESSAGE BETWEEN THIBEDEAU AND VICTIM



V- Well alright, I have "boyfriend"s" 5 yr old is that okay?

V- And I guess when?

S- Ok meet me at the golf course

V- Right now?

S- Yeah

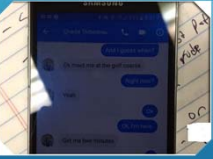
V- Ok

V- Ok, I'm here

S- Get me ten minutes

V- K

FACEBOOK MESSAGE BETWEEN THIBEDEAU AND VICTIM



S- Your warrants erased

V- Ok

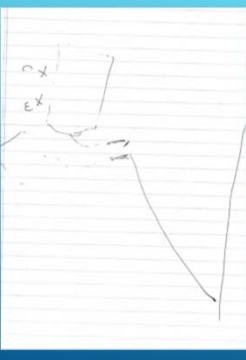


DIAGRAM DRAWN BY VICTIM DURING INTERVIEW OF LOCATION

- DURING MEETING THIBEDEAU REQUESTED TO SEE HER BREASTS IN EXCHANGE FOR INFORMATION HE HAD TOLD HER (ADVISED SOMEONE CAME INTO OFFICE WITH DRUG INTEL ON HER AND HER BOYFRIEND)
- THIBEDEAU THEN HANDCUFFED HER AND TOLD HER THAT SHE WAS UNDER ARREST FOR A WARRANT (NO ACTIVE WARRANT)
- THIBEDEAU THREATENED HER WITH JAIL, BEGAN TO DRIVE AWAY WHILE SHE WAS HANDCUFFED, THEN SEXUALLY ASSAULTED HER
- VICTIM WAS THEN RELEASED
- DETAILED HER BOYFRIENDS 5 YEAR OLD SON WAS WITH HER AT GOLF COURSE BU HAD STAYED IN HER VEHICLE. CAC INTERVIEW CONDUCTED WITH 5 YEAR OLD.




DIAGRAM OF PATROL VEHICLE DOOR

During interview, victim detailed being handcuffed, placed in patrol vehicle and sexually assaulted. Thibedeau ordered she place her hands on his patrol vehicle before she was handcuffed.

X's are placed by victim to indicate placement of hands

Investigators after interview checked patrol vehicle and observed what appeared to be two hand prints in area victim advised she placed hands on vehicle.

HIGHLIGHTS OF THIBEDEAU INTERVIEW

[Handwritten notes from an interview transcript, partially obscured by redaction boxes.]

- *Investigators requested a written statement.
- *written statement took over 20 minutes
- *blame deflection
- *victim's "reputation" and advised
- *violent boyfriend

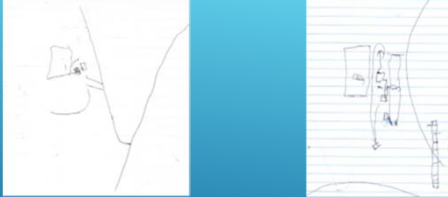
SEVERAL INCONSISTENCIES

- *Arranging meeting to tell someone they had no warrant did not fit (could have told over message) [\(VIDEO\)](#)
- *Initial information gathering collected dispatch log from Sheriff
- *Status checked at 1454
- *TRYING TO DISTANCE HIMSELF FROM CRIME SCENE [\(VIDEO\)](#)

	From:	To:	Time	Title type	Phone	Rank	Status
1	DASO	9562	1454		✓		Status Check - 10-4

INTERVIEW CONTINUED

- *Confronted THIBEDEAU that Investigators knew what happened and there was video footage. [\(VIDEO\)](#)
- *THIBEDEAU then began to detail what actually happened. Version of events more in line with details from victim. [\(VIDEO\)](#)



INITIAL DIAGRAM VS UPDATED DIAGRAM
 **MORE ADMISSIONS (VIDEO)

INTERVIEW CONTINUED

*Admits to placing victim under arrest for false warrant and handcuffing her. (VIDEO)

*Later in interview admits to sexual arousal.

Thibedeau placed under arrest after interview



Nebraska Attorney General's Office handled prosecution



CHARGES

- ▶ Kidnapping or First Degree False Imprisonment
- ▶ Third Degree Sexual Assault
- ▶ Oppression Under Color of Office

FBI INVESTIGATION

- ▶ Potential Charges
- ▶ Depth of Interview
- ▶ Victim's admission

FIRST DEGREE FALSE IMPRISONMENT
N.R.S. §28-314

- Knowingly restrains or abducts another person
 - Under terrorizing circumstances
 - Or under circumstances which expose the person to the risk of serious bodily injury
- Class IIIA felony
 - 0-3 years imprisonment

KIDNAPPING
N.R.S. §28-313

- ▶ Specific intent crime
 - ▶ Requires special state of mind along with physical act
- ▶ Class II felony
 - ▶ 1-50 years imprisonment

KIDNAPPING
N.R.S. §28-313

- ▶ Having **abducted** W.H. continued to **restrain** her
- ▶ With intent
 - ▶ To hold her for ransom or reward
 - ▶ To terrorize her or a third person
 - ▶ To commit a felony
 - ▶ First Degree Sexual Assault

INTENT

- ▶ Can exist at the time of the abduction
- ▶ Can be formed while continuing to restrain the abducted person

STATEMENTS SHOW INTENT

- ▶ "My plan was to sneak off somewhere and do something...sex."
- ▶ "I told her there was a warrant to scare her into letting me touch her breasts."
- ▶ "I put her handcuffed in the back of my truck and pulled away to further persuade her into letting me touch her breasts."
- ▶ "I wanted to keep feeling her breasts so I shut the door to keep scaring her with jail"

TIME/DISTANCE

- ▶ Not required to abduct her or keep her restrained for certain period of time
- ▶ Not required to transport her a certain distance
- ▶ Kidnapping happened even if he had not moved the truck

THIRD DEGREE SEXUAL ASSAULT N.R.S. §28-320

- ▶ Subjected W.H. to sexual contact
 - ▶ Without her consent
 - ▶ When he knew or should have known that W.H. was incapable of resisting

SEXUAL CONTACT
N.R.S. 28-318(5)

- ▶ Intentional touching of the victim's intimate parts
 - ▶ Breasts
 - ▶ N.R.S. §28-318(2)
- ▶ For the purpose of sexual gratification or arousal

WITHOUT CONSENT

- ▶ Compelled to submit due to the use of force or threat or coercion
 - ▶ N.R.S. §28-318(8)(a)(i)
- ▶ Expressed lack of consent through words
 - ▶ N.R.S. §28-318(8)(a)(ii)
 - ▶ "She said no multiple times."

INCAPABLE OF RESISTING

- ▶ Handcuffed
- ▶ In back of police cruiser
- ▶ Child in other car
- ▶ No one around

OPPRESSION UNDER COLOR OF OFFICE
N.R.S. §28-926

- ▶ While being a peace officer
- ▶ By color of his office
 - ▶ Used his position
- ▶ Willfully or corruptly
- ▶ Injured, deceived, harmed or oppressed W.H.
 - ▶ Tricked her
 - ▶ Touched her breasts without consent

W.H.'S CREDIBILITY

- ▶ Strength of memory
- ▶ Demeanor
- ▶ Motive

DNA

- ▶ 1st set of handcuffs
 - ▶ W.H. not in those
- ▶ 2nd set of handcuffs
 - ▶ Loose cuffs
- ▶ Swabs from door
 - ▶ Smooth surface
 - ▶ Press contact
 - ▶ Not a cutting from evidence

MEDICATIONS

- ▶ Dr. Garcia
 - ▶ No complaints from defendant in March 2017
 - ▶ No concerns about defendant from others
 - ▶ Never actually observed documented side effects in a real patient
- ▶ Investigators
 - ▶ No signs of impairment
 - ▶ Distraction

FOCUS

- ▶ Lust
- ▶ Lies
- ▶ Terror
- ▶ Abuse of Power

GUILTY

- ▶ Kidnapping
- ▶ Third Degree Sexual Assault
- ▶ Oppression Under Color of Office

SENTENCE

- ▶ Count I: Kidnapping – six to eight years
- ▶ Count II: Third Degree Sexual Assault – one year
- ▶ Count III: Oppression Under Color of Office – six months
- ▶ All consecutive
- ▶ Sex offender registration

QUESTIONS
