

REPORT OF INVESTIGATION

Employee: Edward Finlayson, Judicial Marshal

Allegations: Interfering with ICE Agents

Date(s) of Incident: October 31, 2019

Location: G. A. 5, Derby

Reported By: O'Donovan Murphy, Director of Judicial Marshal Services

BACKGROUND

On October 31, 2019, this office was made aware of an incident occurring at G.A. 5 in Derby involving Immigrations and Customs Enforcement (ICE) agents. On November 1, 2019, this office received Judicial Marshal Services Incident Reports pertaining to this incident. One was prepared by Judicial Marshal Lieutenant James Fraulo (LT Fraulo) under Incident Report No. 50579, and the second was prepared by Judicial Marshal Edward Finlayson (JM Finlayson) under Incident Report No. 50582. LT Fraulo's incident report signed and dated October 31, 2019, read, "*At approximately 9:15 AM, on 10-31-19, I was called by JM Finlayson to be made aware that armed Ice (sic) Agents were at our courthouse. I immediately called Chief Speringo to make sure I understood our role in this type of scenario. As I was talking to Chief, Finlayson called me again to state the Ice (sic) Agents wanted to see a supervisor. I went upstairs and met with the Agents, I listened to their complaint of how they were treated and then assured them of our role here. I was told their Supervisor (sic) was enroute to GA#5. I returned to my office and debriefed Chief Speringo. Around 10:00 AM, Agent in Charge (sic) Michael Loser came to my office to voice his concerns over JM Finlaysons (sic) behavior and Obstruction of Justice (sic). Loser stated to me that Finlayson greeted the ICE agents with 'Oh, you guys again,' and then stated in a loud voice for all in the lobby to hear that 'ICE AGENTS ARE HERE!' It was immediately after that statement that The Agents (sic) lost sight of their target and believe him to be hiding out in the Public Defenders (sic) Office. END of Report.*"

JM Finlayson's incident report signed and dated October 31, 2019, read, "*On the morning of Thursday October 31, 2019 at approximately 9:15am while working at the metal detector, three ICE AGENTS (sic) came through the front door and announced to me that they had a warrant for an individual. I asked them to wait one moment while I called my Lieutenant. I called LT Fraulo and he asked me if*

they had weapons, I asked them and they stated they did. At this time LT Fraulo instructed me to have them stand by until further notice. Some time passed and I answered a call at the metal from Chief Speringo who asked me to give some direction to the ICE AGENTS (sic). The ICE AGENTS (sic) had asked to talk to my superiors so I went down to the cellblock and asked LT Fraulo to come upstairs and instruct the ICE AGENTS (sic) what he wanted them to do.....end of report.”

INVESTIGATION

This investigator reviewed surveillance video footage from G.A. 5 for the date in question. The following was observed:

9:09:40 a.m.: The ICE suspect¹ (suspect) entered the lobby. JM Finlayson and Judicial Marshal Dolores Weingerl (JM Weingerl) were stationed at the metal detector.

9:10:44 a.m.: An ICE agent wearing a green jacket (green jacket agent) approached JM Finlayson at the metal detector and appeared to present credentials to him. At the same time, the suspect was gathering his belongings at the other end of the x-ray machine.

9:10:50 a.m.: Green jacket agent appeared to point at the suspect, at which time JM Finlayson turned his head to his right, and looked at the suspect. (Exhibit 1)

9:10:55 a.m.: The suspect walked into the lobby to the right, and stood in front of the Clerk's Office.

9:11:00 a.m.: JM Finlayson turned to his left and picked up the telephone. Three ICE agents stood at the doorway while JM Finlayson was on the phone.

9:11:43 a.m.: JM Finlayson hung up the phone, turned to his right, and pointed at the entrance doors.

9:11:48 a.m.: The three ICE agents stepped into the foyer with the doors closing behind them. JM Finlayson screened another individual. The suspect remained in the lobby where he had gone after clearing the metal detector.

9:12:20 a.m.: JM Finlayson looked out at the ICE agents in the foyer then looked to his right, left, and right again.

¹ The ICE suspect was identified by reviewing surveillance video when he was escorted out of the building by Public Defenders at 5:09:44 p.m.

9:12:23 a.m.: The suspect turned and looked in JM Finlayson's direction.

9:12:26 a.m.: The suspect turned and walked down the hallway, going out of the picture near the Public Defender's Office. ICE agents still standing in the foyer between entrance doors. (Exhibit 2)

9:13:29 a.m.: JM Finlayson walked away from the metal detector and down the hallway. This is the same hallway that the suspect retreated down. (Exhibit 3)

9:13:39 a.m.: JM Finlayson entered the door on the left, midway down the hallway which is the door to the Public Defender's Office. (Exhibit 4)

9:13:59 a.m.: Public Defender Diana Gomez (Gomez) walked out of the Public Defender's Office, followed by JM Finlayson. (Exhibit 5a, 5b)

9:14:05 a.m. to 9:14:09 a.m.: Gomez re-entered the Public Defender's Office, and the suspect followed behind her. JM Finlayson walked back toward the metal detector. (Exhibit 6a, 6b)

9:14:15 a.m.: JM Finlayson was at the metal detector with JM Weingerl. The ICE agents remained in the foyer between entrance doors.

9:17:22 a.m.: JM Finlayson turned to his left and answered the phone.

9:19:04a.m.: JM Finlayson went to the lower level and entered the door leading to the lock-up area.

9:19:57 a.m.: LT Fraulo exited the door from the lock-up and pressed the elevator button.

9:20:24 a.m.: LT Fraulo entered the elevator.

9:20:52 a.m.: LT Fraulo entered the foyer between entrance doors where the ICE agents were waiting.

9:22:38 a.m.: LT Fraulo entered the lobby from the foyer with the three ICE agents and pointed to his right.

9:22:45 a.m.: JM Weingerl handed the ICE agent wearing a black shirt and tan pants (tan pants agent) a clipboard with white paper on it.

9:22:48 a.m.: Tan pants agent took the clipboard and appeared to write something on the paper.

9:23:07 a.m.: Tan pants agent handed the clipboard to green jacket and walked to the left of the screen. Green jacket agent appeared to write on the white paper.

9:23:25 a.m.: Green jacket agent handed the clipboard to the agent wearing a baseball hat (hat agent) and walked to the left of the screen. Hat agent appeared to write on the white paper then walked to the left.

9:23:42 a.m.: The three ICE agents walked from the left toward the hallway where LT Fraulo was standing.

9:26:37 a.m.: LT Fraulo walked away from the agents and to the left of the picture. The three ICE agents remained standing at the beginning of the hallway/lobby.

9:27:19 a.m.: LT Fraulo entered the lock-up door on the lower level.

9:27:41 a.m.: Hat agent walked to the far end of the hallway to the State's Attorney's Office door on the right. The other two agents remained near the lobby/metal detector.

9:30:59 a.m.: Green jacket agent walked off screen at the bottom left (into the lobby).

9:33:19 a.m.: Green jacket agent returned to the area at the beginning of the hallway near the entrance doors.

9:40:40 a.m.: The camera panned left and JM Finlayson was at the metal detector with JM Weingerl and another male marshal.

9:41:20 a.m.: A male with dark hair, wearing a black short sleeved shirt entered the metal detector, and said something to the male marshal who pointed to his left.

9:41:23 a.m.: The above individual walked off camera to the lower left.

9:42:04 a.m.: Green jacket agent, tan pants agent, and the individual with the black shirt (black shirt agent) met in the middle of the hallway.

9:43:07 a.m.: A marshal at the bottom of the picture pointed at black shirt agent and the black shirt agent, and green jacket agent walked off camera to the bottom left.

9:43:27 a.m.: Green jacket agent returned to area near the metal detector/entry doors with tan pants agent.

9:44:37 a.m.: Black shirt agent entered the lock-up door on the lower level.

INTERVIEWS

Dolores Weingerl, Judicial Marshal

This investigator spoke with JM Weingerl via telephone on November 6, 2019. JM Weingerl was at the metal detector with JM Finlayson when the ICE agents entered the courthouse on the date in question. JM Weingerl stated that when ICE entered the building, JM Finlayson told her that he would take care of it. He asked them to stand in the vestibule while he called for LT Fraulo to come upstairs. JM Weingerl said that LT Fraulo came upstairs, and ICE signed the log book. This investigator asked JM Weingerl if she heard JM Finlayson say, "Oh it's you again" to the ICE agents when they entered. She said, "I did not hear that." JM Weingerl stated that she heard one ICE agent say to their supervisor that they would try to smooth it over, but did not know what he meant by that. JM Weingerl was asked if she heard JM Finlayson announce that there were ICE agents in the building. She said, "It was busy, I think I heard something like that. It was crowded. I don't want to say for sure but I heard something to that effect."

Kenneth Grohs, Judicial Marshal (Retired)

This investigator was contacted via telephone by retired Judicial Marshal Kenneth Grohs (JM Grohs) on November 8, 2019. JM Grohs' was present on the date in question working in his capacity as a Judicial Marshal. JM Grohs' retired following his shift on the date in question. JM Grohs stated that the ICE agents entered the courthouse, and showed JM Finlayson their I.D.s. JM Finlayson told them to wait in the foyer and he would call his supervisor. JM Grohs stated that the normal procedure is for the ICE agents to show their I.D.s, sign the log book, and then go to the State's Attorney's Office. JM Grohs said, "It didn't go down right." This investigator asked JM Grohs if he heard JM Finlayson say, "Oh, it's you guys again." He said, "I don't recall that, I wasn't paying attention." JM Grohs was asked if he heard JM Finlayson announce that there were ICE agents in the building. He said, "I didn't pick up on that either."

Edward Finlayson, Judicial Marshal

This investigator met with JM Finlayson on November 8, 2019 at Court Operations Administration. Concezio DiNino, IBPO/NAGE, was present as JM Finlayson's union representative. JM Finlayson stated that on the date in question, ICE came in and told him they had a warrant for someone. He told them to stand by and he called LT Fraulo. LT Fraulo asked him if they had weapons, he told them that they did, and LT Fraulo told him to have them wait. JM Finlayson said that one of the ICE agents asked him if he was not letting them into the building. He told them

that he was waiting for his supervisor. JM Finlayson said that it was not he who made the ICE agents wait, it was LT Fraulo.

JM Finlayson stated that he then spoke with CJM Speringo on the phone, but it was loud in the lobby, and he had trouble understanding his instructions. JM Finlayson went downstairs and told LT Fraulo to go upstairs and tell the ICE agents what they had to do. JM Finlayson stated that this was the end of his interaction with the ICE agents. This investigator asked JM Finlayson what the normal procedure is when ICE agents come to the courthouse. He said, "I don't really know, it's not a super common thing." He added that he is normally assigned to "A court," was not familiar with the procedure at the metal detector, and called his Lieutenant.

This investigator asked JM Finlayson if he said, "Oh it's you guys again" when the ICE agents entered the courthouse. He said, "No, not that I can recall." JM Finlayson was asked if he knew the individual that the ICE agents were looking for. He said, "No." This investigator asked JM Finlayson if he announced that ICE agents were in the building. He said, "No." JM Finlayson was asked what he went to the Public Defender's Office for. He said, "I went to the Public Defender's Office? I don't remember going to the Public Defender's Office." This investigator showed JM Finlayson pictures from the surveillance video and told him that he was observed walking to the Public Defender's Office, going into the door, a blonde female came into the hallway, and brought the suspect into their office. He said, "I don't remember talking to anyone" and then asked this investigator if there was "anything of him talking to anyone." JM Finlayson stated, "They said they had a warrant for someone, I don't know who, they never produced a warrant to me." This investigator asked JM Finlayson if they were supposed to present a warrant to him. He said, "I don't know the policy."

JM Finlayson said that he looked through all of the Roll Call Notices and the last one he had was from February 2014 which addressed what Judicial Marshals do with ICE when prisoners are in custody. JM Finlayson stated that the ICE agents might have thought that he was making them wait, but that was why he called LT Fraulo, because he was not sure of what to do. He immediately called LT Fraulo who asked him if they had weapons, and then told me not to let them in, and have them stand by. He added, "I was not telling them anything that I was not told to do" and "I never made any sort of announcement in the hallway." This investigator asked JM Finlayson if it was just a coincidence that he followed the suspect down the hallway to the Public Defender's Office. He said, "I didn't follow anyone anywhere."

Prior to meeting with JM Finlayson on this date, this investigator was made aware of another incident that occurred on November 7, 2019 that he was involved in.

CJM Speringo reported the following via email on November 8, 2019: *“Yesterday I received a verbal complaint from State’s Attorney Rebeca (sic) Berry (sic) and Inspector Robert Nash about Marshal Finlayson. This incident took place in the lobby area by the elevator of the derby (sic) courthouse. According to Inspector Nash, he was escorting a warrant pick up with an officer from the Shelton police department (sic) when marshal (sic) Finlayson interrupted there (sic) escort at the elevator and began to question them about the status of the warrant and demanded to see it. Detective Nash relayed to marshal (sic) Finlayson that a copy had already been provided to the control room marshal and that it was an active warrant. Marshal Finlayson continued to demand to see the warrant several times until inspector Nash told him he did not have to provide him with information and walk (sic) past him into the elevator. Atty Berry (sic) was concerned about what happened to her inspector in the lobby and wanted to let me know about the marshals (sic) actions.”*

With regard to the incident on November 7, 2019, this investigator asked JM Finlayson what transpired. He said that from what he could recall, he was in the lobby, “probably at metal” when State’s Attorney Investigator Robert Nash (Nash) and two police officers, pulled someone from the line in the lobby and walked him to the elevator near his post. JM Finlayson stated that it is his understanding that when agencies have a warrant, they produce it to the Judicial Marshals who take the individual into custody, and bring them to the cellblock. The agency then comes and takes them out and brings them to court. JM Finlayson said that they told him they had a warrant, and in the course of his duties, he asked, “Where’s the warrant?” so that he could look at it and take the person into custody. Nash advised JM Finlayson that “Smooth”² had it. JM Finlayson asked Nash where “Smooth” was so that they could take the individual into custody. Nash again reported that “Smooth” had it, JM Finlayson went downstairs to look for him, could not find him, and went back upstairs.

JM Finlayson again stated that he was just asking Nash where the warrant was so they could take the person into custody. He added, “I was not being crass or obstructive.” “I was trying to be that person to take the person into custody like we do.” This investigator asked JM Finlayson if he has ever done this before. He said, “All the time.” This investigator referred to his earlier answer about not knowing the policy regarding ICE warrants and asked him if this situation was different because it was a criminal warrant. JM Finlayson referred to Roll Call Notice 19-11 – ICE and DHS Civil Immigration Detainers, which was issued on November 7, 2019 and said that he was less familiar with how they deal with ICE and DHS. JM Finlayson was asked if he was aware that the warrant on November 7, 2019,

² Smooth is the nickname for Judicial Marshal Scott Cornish.

was a criminal warrant. He said that he assumed it was because he had been in the courtroom during this individual's arraignment, and Nash was with two local police officers.

This investigator asked JM Finlayson if Nash or the police officers said anything to him after this incident. He said that one of the police officers came up to him and apologized because he thought he could tell there was confusion. JM Finlayson said that he explained to the officer that it is the marshal's job to take people into custody on warrants inside of the courthouse. He said that the officer told him that he did not mean to overstep his bounds. This investigator asked JM Finlayson if they have to be in physical possession of the warrant when they take someone into custody. He said that it is his understanding that they need the warrant in hand to take someone, and he did not see the warrant in their hand. He added that he was just trying to get "Smooth" so they could take the person into custody. This investigator asked JM Finlayson if Nash and the police officers brought the individual to lock-up. He said that they did, with the assistance of marshals. JM Finlayson was asked if Nash said anything to him following this incident. He said that Nash said hello to him loudly two or three times, but nothing about this incident.

Louis Speringo, Chief Judicial Marshal

This investigator received a written report on November 8, 2019, prepared by CJM Speringo on November 1, 2019. His report read, "*At approximately 09:20 hrs on October 21, 2019 (sic) I received a call from Lieutenant Fraulo about ICE Agents arriving at the Derby courthouse for a warrant pick-up asking if agents were allowed in the building with firearms, as well as where in the building they were allowed to go. After a brief conversation I asked to speak to Marshal Finlayson. I explained to Marshal Finlayson that the ICE Agents were allowed in the building, however they are not permitted to enter the courtroom with their exposed firearms. At approximately 09:40 hrs. I received a call from Lieutenant Fraulo informing me that a supervisor from ICW was en-route to speak to him about a Marshal being rude to his agents and notifying the general public in the hallway that ICE Agents were in the building. The agent was also concerned that they lost sight of their wanted person (later identified as Domar Shearer) and that he was believed to be being sheltered by the Public Defenders in their Office (sic). I immediately notified the Administrative Judge, Judge Peter Brown, about the ongoing incident, as well as Director Murphy. At approximately 11:20 hrs. Lieutenant Fraulo called me to inform me that immigration activists were beginning to arrive at the courthouse. At that time I had Marshal Carrasquillo and Marshal Whiting come with me to the Derby courthouse for additional security. The Connecticut State Police were then contacted and notified about the ongoing incident. At approximately 11:50 I*

arrived at the Derby courthouse and met with Lieutenant Fraulo and Supervising ICE Agent Mike Loser. Agent Loser informed me that his agents were treated poorly at the metal detector by a marshals, later identified as Marshal Finlayson. The agent also stated that Marshal Finlayson loudly announced that ICE Agents were present in the building. Agent Loser also told me that the U.S. Attorney General's Office was aware of the ongoing situation, and that they would most likely F.O.I. the courthouse video camera recordings and any official reports. At approximately 11:55 hrs. State Police began to arrive at the Derby courthouse. At approximately 12:15 hrs. I received a phone call from State Representative Kara Rochelle looking for information about what was transpiring at the courthouse. I assured the representative that we, as Judicial Marshals, would adhere to the State of Connecticut Trust Act, and that the marshals were in no way assisting the ICE Agents in their job duties. At approximately 12:47 hrs. a minor verbal argument took place in the hallway between ICE Agents and activists. The incident was quelled by Marshal Carrasquillo (see incident reporter (sic) #50598). At approximately 13:20 hrs. the marshals and C.S.P. directed the public and ICE Agents to congregate in the public lobby area. This was done to clear the hallway to facilitate a line for the motor vehicle docket as well as keeping free movement through the narrow hallway. At approximately 14:00 hrs. State Police notified me that they would be leaving the building and waiting outside in the case (sic) of a public disturbance, per the Commissioner of the State Police. At approximately 16:55 hrs. I received a call from Director Murphy notifying me that all persons of the general public, including the ICE Agents, must exit the building by 17:00 hrs. per the Judicial Branch administration. I immediately notified the supervising ICE Agent of this fact. At that time the ICE Agents thanked me and left the building. At 17:00 hrs. the general public was cleared of the building, except for Domar Shearer who was being sheltered in the Public Defender's Office. At 17:10 hrs. Mr. Shearer exited the building with Public Defenders Damien Tucker, Dianna Gomez and John Gable. It later came to my attention that Mr. Shearer was represented by a private attorney, and that Marshal Finlayson may have assisted in Mr. Shearer in avoidance of ICE via Public Defender Dianna Gomez and the use of their office. END REPORT."

David Hamilton, Deportation Officer, U.S. Department of Homeland Security

This investigator spoke with David Hamilton (Officer Hamilton), Deportation Officer with the United States Department of Homeland Security via telephone on November 13, 2019. Officer Hamilton stated that he and his fellow officers were in their government vehicles outside of the Derby courthouse when they spotted their target. They exited their vehicles and the individual entered the courthouse too quickly for them to take him into custody outside. Officer Hamilton stated that they approached the metal detector and Officer Palumbo spoke with JM Finlayson.

Officer Palumbo showed JM Finlayson his badge and credentials and Officer Hamilton saw the target clear the metal detector and proceed into the lobby near the Clerk's Office.

Officer Hamilton stated that they normally sign into a log book and then conduct their business quietly but JM Finlayson told them they could not come in the building. Officer Hamilton stated that JM Finlayson said, "Oh it's you guys, you can't come in here." Officer Hamilton told JM Finlayson that they were Federal Law Enforcement Officers on official business and asked to speak with his supervisor. JM Finlayson then said, "Yeah, you can't come in here, it's our policy" then picked up the phone to call his supervisor. While JM Finlayson was on the phone, he turned toward the lobby and said loudly, "ICE is here to conduct enforcement activity." Officer Hamilton stated that lots of people looked around when he said this, and they lost sight of their target at that point.

Officer Hamilton stated that he and the other two officers waited in the foyer between the two sets of doors for about fifteen minutes for the supervisor. Officer Hamilton said with regard to JM Finlayson, "He knew what he was doing, he impeded and interfered with our operation." He added, "I've never encountered this kind of obstruction by another law enforcement agency." Officer Hamilton said that this was something he would expect from a public defender, not someone who wears a badge. He added that the supervisors and all of the other marshals they encountered that day were courteous and respectful.

James Schiavone, Deportation Officer, U.S. Department of Homeland Security

This investigator spoke with James Schiavone (Officer Schiavone), Deportation Officer with the United States Department of Homeland Security via telephone on November 14, 2019. Officer Schiavone stated that on the date in question, they saw their target enter the courthouse and was at the metal detector ahead of them. Officer Palumbo identified himself to JM Finlayson, showing his badge and credentials. One of the other officers told JM Finlayson they were there to arrest an individual, and pointed that individual out to JM Finlayson. Officer Schiavone stated that JM Finlayson said, "Oh, it's you guys, it's our policy not to let you in," and Officer Hamilton asked JM Finlayson if he was denying them entry, and hindering an investigation. Officer Schiavone said that JM Finlayson said, "Yeah," and Officer Hamilton told him to call his supervisor.

Officer Schiavone stated that when JM Finlayson got on the phone and loudly said, "ICE is here," paused, then said loudly, "Well I presume for immigration enforcement." JM Finlayson asked them if they had weapons, they told him they did, and JM Finlayson told them to wait in the foyer for the Lieutenant to come

upstairs. Officer Schiavone stated that when LT Fraulo met with them in the foyer, he told them that JM Finlayson was out of line and should have let them in. They then entered the courthouse, signed the log book, and went about their business. Officer Schiavone said, "No one else that day knew what we were there for." They waited in the building until the end of the day, when they were told they had to leave. Officer Schiavone said that he has had issues with JM Finlayson in the past, expressing his views to him.

Steve Palumbo, Deportation Officer, U.S. Department of Homeland Security

This investigator attempted multiple times to contact Steve Palumbo (Officer Palumbo), Deportation Officer with the United States Department of Homeland Security via telephone without success.

Robert Nash, Investigator, State's Attorney's Office

This investigator spoke with Nash via telephone on November 19, 2019, with regard to the incident on November 7, 2019 involving JM Finlayson. Nash stated that on the date in question, he was asked by Shelton detectives to assist with a male and female who were due to appear in Derby court, and had active warrants for their arrest. Nash stated that he pulled the warrants, confirmed them, made copies, and placed them in the State's Attorney's files. Nash also made copies of the warrants and pictures of the individuals, and brought them to a Judicial Marshal named "Scott"³ in the lock-up.

Nash stated that the Shelton detectives arrived as he was coming into the main lobby from downstairs and they saw the subjects in the line in the hallway. Nash went to the courtroom and Judicial Marshal "Dolores"⁴ that the individuals were in line and they would bring them downstairs. Nash said that JM Weingerl (Dolores) exited the courtroom with them as she was the marshal who would escort these individuals to lock-up. Nash added that this was what he believed to be the marshals' protocol.

Nash stated that as he, the Shelton detectives, the two subjects, and JM Weingerl got to the elevator, JM Finlayson walked away from the metal detector to where they were at the elevator, and said, "I want to see the original warrant." Nash told JM Finlayson that this was not his gig. JM Finlayson said a second time to Nash, "I want to see a warrant." Nash told JM Finlayson to push the elevator button, and JM Finlayson said, "I'm not pushing the button, I need to see a warrant." Nash told JM Finlayson again to push the button, at which time he did, and Nash, JM

³ Nash was referring to Judicial Marshal Scott Cornish.

⁴ Judicial Marshal Dolores Weingerl.

Weingerl, the Shelton detectives, and the two suspects, got on the elevator. Nash stated that JM Finlayson had no business intervening, and added that the two Shelton officers were upset and could not believe how JM Finlayson had acted.

Danny Escobar, Judicial Marshal Trainee

This investigator spoke with Judicial Marshal Trainee Danny Escobar (JMT Escobar) via telephone on November 19, 2019, with regard to the incident on November 7, 2019 involving JM Finlayson. JMT Escobar stated that he was at the metal detector but couldn't "recall too well" what happened because "it was busy" and he "was watching the door." JMT Escobar said that JM Finlayson stepped behind him to go to the elevator, but claimed that he did not hear anything.

Dolores Weingerl, Judicial Marshal

This investigator spoke with JM Weingerl via telephone on November 19, 2019, with regard to the incident on November 7, 2019 with JM Finlayson. JM Weingerl stated that Nash had given a warrant to a marshal in the lock-up. Nash told her that the male and female who were the subjects of the warrants were in the courthouse, so she went with Nash to escort them down to lock-up.

JM Weingerl stated that when they got to the elevator near the metal detector, JM Finlayson came and said to Nash that they could not do it, you don't have a warrant. JM Weingerl told this investigator that Nash did have a warrant but JM Finlayson kept demanding to see a warrant from Nash. JM Weingerl said at that point, she, Nash, the police officer, and the two suspects all got on the elevator and went downstairs to lock-up. JM Finlayson remained near the metal detector.

FINDINGS

As to October 31, 2019

- The statements offered by Deportation Officer Hamilton, and Deportation Officer Schiavone, are consistent and confirm that JM Finlayson said something to the effect of "Oh, it you guys again" when the ICE agents arrived at the metal detector.
- The statements offered by Deportation Officer Hamilton, and Deportation Officer Schiavone, are consistent with surveillance video and confirm that their suspect was at the other side of the x-ray machine and was pointed out to JM Finlayson by an ICE agent as they were attempting to gain entry into the courthouse.

- The statements offered by Deportation Officer Hamilton, and Deportation Officer Schiavone, are consistent and confirm that JM Finlayson loudly announced that ICE agents were in the building to conduct enforcement activities.
- Surveillance video showed the suspect retreating from the lobby, and down the hallway.
- Approximately one-minute after the suspect left the lobby, surveillance video showed JM Finlayson leave the metal detector, walk down the hall, and enter the Public Defender's Office. Approximately twenty seconds later, Public Defender Diana Gomez stepped into the hallway, and when she re-entered the Public Defender's Office, the suspect followed her. JM Finlayson exited the Public Defender's Office, and returned to the metal detector.
- The ICE agents remained in the building until 4:59 p.m., at which time they exited the courthouse voluntarily.
- The suspect remained in the Derby courthouse until 5:09 p.m., at which time he was escorted to the main entrance doors by three individuals from the Public Defender's Office.

As to November 7, 2019

- The statements offered by Nash, and JM Weingerl are consistent and confirm that JM Finlayson was demanding to see a warrant from Nash, as they attempted to get onto the elevator to bring the suspects downstairs.
- Surveillance video from this date showed JM Weingerl escorting the subjects, Nash, and Shelton detectives off of the elevator on the ground floor at 9:32:44 a.m.

CONCLUSION

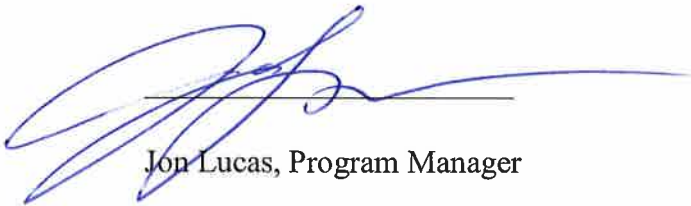
As to October 31, 2019, it is concluded that JM Finlayson's aided the ICE suspect in seeking refuge in the Public Defender's Office which directly impeded the enforcement actions of the ICE agents. As a result of these actions, JM Finlayson violated the following: Judicial Branch policy 101 – Judicial Branch Mission; Judicial Marshal Services policy 200-02 – Mission Statement; 200-03 – Ethics and Conduct, sections 3 A(1), 3 A(2), 3 A(3), 3 A(4), 3 A(5), 3 B(10), 3 B(14), 3 B(20), 3 C(1), 3 C(2), 3 F(2), and 3 F(15).

As to November 7, 2019, JM Finlayson violated the following: Judicial Branch policy 101 – Judicial Branch Mission; Judicial Marshal Services policy 200-02 – Mission Statement; 200-03 – Ethics and Conduct, sections 3 A(1), 3 A(2), 3 A(3), 3 A(4), 3 A(5), 3 B(14), 3 C(2), 3 F(7), and 3 F(15).

EXHIBITS

- Exhibit 1: Photo from surveillance video at 9:10:50 a.m.
- Exhibit 2: Photo from surveillance video at 9:12:29 a.m.
- Exhibit 3: Photo from surveillance video at 9:13:31 a.m.
- Exhibit 4: Photo from surveillance video at 9:13:39 a.m.
- Exhibit 5a: Photo from surveillance video at 9:13:59 a.m.
- Exhibit 5b: Photo from surveillance video at 9:14:01 a.m.
- Exhibit 6a: Photo from surveillance video at 9:14:05 a.m.
- Exhibit 6b: Photo from surveillance video at 9:14:07 a.m.

Submitted by:



Jon Lucas, Program Manager

11/21/19
Date