

STATE'S ATTORNEY'S OFFICE REPORT DECLINE

Officer: Arnie Rummel

Agency: BCI

Report Number: 18-473/1

Defendant: Christopher Olson, et al.

Prosecutor: Reid Brady 

SA #: 18-PC-02398

Date: November 27, 2018

RE: Warren Lindvold Death Investigation

INTRODUCTION

After reviewing the reports and other available information, I have concluded that criminal charges are not supportable. The information does not show that any law enforcement officer or other identified person caused Warren Lindvold's death or otherwise committed any crime.

FACTS SUMMARY

Agents from the North Dakota Bureau of Criminal Investigation ("BCI") thoroughly investigated. The following is a summary from the reports, recordings, and other documents compiled by the BCI.

A. The Traffic Stop & Arrest

On the early morning of July 15, 2018, Valley City Police Officer Christopher Olson saw a vehicle turn into a lane for oncoming traffic (though no traffic was oncoming) and hit the curb on the far side of the road. (Squad Video at 00:42:44.) Officer Olson turned on his squad car's emergency lights. (Squad Video at 00:43:01.) The vehicle that made the improper turn stopped. (Squad Video at 43:17.) As Officer Olson was getting ready to approach the vehicle, it pulled away and continued down the road. (Squad Video at 43:42.) Officer Olson turned on his siren and followed the vehicle. (Squad Video at 43:45.) The vehicle stopped again. (Squad Video at 44:01.)

The driver of the vehicle, Warren Lindvold, got out. (Squad Video at 44:13.) After a few seconds, Lindvold appeared to stumble back, leaning against his vehicle. (Squad Video at 44:33.) Lindvold rubbed his neck and referenced having had a neck problem "for a while this week." (Squad Video at 44:44.)

During his time with Lindvold, Officer Olson smelled alcohol coming from Lindvold and saw that Lindvold's eyes were bloodshot and watery. (VC-18-05297 at pg. 3.) When asked if he had anything to drink, Lindvold said, "No, I haven't. ... That's the problem." (Squad Video at 45:59.)

A short while later, Officer Olson again asked Lindvold if he had consumed any drinks. (Squad Video at 47:07.) Lindvold again indicated he had not. (Squad Video at 47:08.) Lindvold agreed to perform field sobriety tests and walked to the front of the squad car. (Squad Video at 47:40.) When asked if he had suffered any head injuries, Lindvold responded that he had arthritis and ankylosing spondylitis. (Squad Video at 48:07.)

After Lindvold showed signs of impairment on a horizontal gaze nystagmus test (Squad Video at 48:52, VC-18-05297 at pg. 4), Officer Olson again asked if Lindvold had had anything to drink (Squad Video at 00:50:08). The Defendant quickly responded, "Nope." When pressed and asked to be honest, Lindvold indicated that he had drunk a couple Brandy 7's. (Squad Video at 00:50:12.) Officer Olson asked if Lindvold would be willing to do more tests, Lindvold indicated he would not. (Squad Video at 00:50:30.)

After receiving the implied consent advisory (Squad Video at 00:51:05), Lindvold said he would submit to a preliminary breath test (Squad Video at 00:51:22). Lindvold indicated that he had arthritis in his neck and when it starts bothering him, it is very painful. (Squad Video at 00:51:51.) Multiple attempts were made to get a valid breath sample, but Lindvold never provided a valid sample. (Squad Video at 00:57:15, VC-18-05297 at pg. 4.)

Officer Olson advised Lindvold that he was under arrest for DUI. (Squad Video at 00:57:19.) Lindvold responded, "I'm not." (Squad Video at 00:57:22.) During handcuffing, Lindvold tried to face Officer Olson. (Squad Video at 00:57:35.) Lindvold alluded to his arm hurting. (Squad Video at 00:57:52, 00:58:45.) Officer Olson advised Lindvold to walk toward the back of the squad car. (Squad Video at 00:59:04.) Asserting that his wrists were hard and hurt, Lindvold asked that the handcuffs be taken off. (Squad Video at 00:59:07.) When told that the cuffs would stay on until they got to the police department, Lindvold said he was going back to his vehicle. (Squad Video at 00:59:40.) "You take 'em off now," Lindvold said. (Squad Video at 01:00:04.) When Officer Olson reiterated that the cuffs would not be taken off right then, Lindvold said, "well then you'll drag me up there on my hips." (Squad Video at 01:00:07.) Lindvold indicated he was going to stay there until morning and alluded to the sun coming up at 8:00. (Squad Video at 01:00:18.)

Officer Olson applied a wrist lock (Squad Video at 01:00:23.) Officer Olson and Sgt. Wade Hannig, who had arrived to assist, each grabbed an arm of Lindvold's and began walking him to the back of the squad car. (Squad Video at 01:00:43.) Lindvold complained, and when the officers told him to stand, he said that he could not. (Squad Video at 01:01:10.) In the squad car, Lindvold claimed his wrists hurt. (Squad Video at 01:02:20.) Lindvold alluded to chaining and hanging "you sons of bitches" by the neck. (Squad Video at 01:05:46, BCI 18-00473 at pg. 12.) Finally, Lindvold asked to be unhooked, indicated he thought he was ready to die, and said he was in constant pain and did not know what was wrong. (Squad Video at 01:05:09.)

B. The Valley City Police Station

Officer Olson drove Lindvold to the Valley City Police Station to perform an Intoxilyzer test. (BCI 18-00473/1 at § 2.) Inside the station garage, Lindvold walked slowly toward the rear of the squad car. (BCI 18-00473/1 at § 2.) At some point, Lindvold dropped down; Officer Olson and Sgt. Hannig held Lindvold's arms. (BCI 18-00473/1 at § 2.) Over the next several minutes, the officers tried to get Lindvold to stand, and at times, Lindvold grabbed the officers' arms. (BCI 18-00473/1 at § 2.) Ultimately, the officers got Lindvold back into the squad car. (BCI 18-00473/1 at § 2.)

C. The Barnes County Correctional Facility

Officer Olson drove Lindvold to the Barnes County Correctional Facility. Upon arrival, Lindvold appeared to walk into the facility. (BCI 18-00473/2 at § 16.) While speaking with officers, Lindvold complained about pain and said his neck was sore. (BCI 18-00473/2 at § 16.) At one point, Lindvold remarked, "I wonder if I should have a doctor's appointment." (BCI 18-00473/2 at § 16.) Ten to fifteen minutes later, Lindvold asked to be taken to a doctor and indicated it was an emergency. (BCI 18-00473/2 at § 16.) About three minutes after that, an EMT arrived. (BCI 18-00473/2 at § 16.) Lindvold indicated that he had not fallen and the officers did a "good job." (BCI 18-00473/2 at § 16.) An ambulance crew arrived a few minutes later. (BCI 18-00473/2 at § 16.)

D. The Hospital in Valley City

Lindvold was taken by ambulance to CHI Mercy Health Hospital in Valley City. (VC-18-00474 at § 7, BCI 18-00473/3 at § 2.) After being seen at the hospital, Lindvold was cleared to be brought back to the Barnes County Correctional Facility. (VC-18-00474 at § 7.) A provider gave to Lindvold instructions for dealing with muscle cramps and spasms, which included using ibuprofen as needed and having a follow-up visit in 7 to 10 days at the clinic.

When Officer Olson was bringing Lindvold from the hospital to the squad car, Lindvold asked if officers had brought Lindvold's vehicle to the hospital or if Lindvold would be dropped off at his vehicle. (VC-18-00474 at § 7.) Officer Olson informed Lindvold that he was still under arrest and would be going back to the Barnes County Correctional Facility. (VC-18-00474 at § 7.) Lindvold then tried to drop to his knees. (VC-18-00474 at § 7.) Officers helped Lindvold to the squad car. (VC-18-00474 at § 7.)

E. The Return to the Barnes County Correctional Facility

Officer Olson drove Lindvold back to the Barnes County Correctional Facility. There officers walked Lindvold into the building. (VC-18-00474 at § 8, BCI 18-00473/2 at § 16, BCI 18-00473/3 at § 2.) After the booking process was completed, officers started to bring Lindvold to a cell. The officers provided significant support, believed that Lindvold was refusing to walk, and saw Lindvold grab at fixed items apparently trying to prevent the progress toward the cell. (VC-18-00474 at § 8, BCI 18-00473/2 at § 16, BCI 18-00473/3 at § 2.)

At points during the next few hours, Lindvold asked for help. Correctional Officer Jenna Jochim reported that she heard Lindvold ask for help getting out of the corner and saw Lindvold sitting in the corner of the cell. (BCI 18-00473/3 at § 2.) Lindvold said he put himself in the corner. (BCI 18-00473/3 at § 2.) He also appeared to be angry and called Officer Jochim names. (BCI 18-00473/3 at § 2.) Officer Jochim later saw Lindvold apparently sleeping in a different spot within the cell, in front of the bunks. (BCI 18-00473/3 at § 2.) Officer Jochim and other officers checked on Lindvold at other times. (BCI 18-00473/2 at § 16.)

Later the same morning, Correctional Officers Ryan Burchill and Bruce Potts went to Lindvold's cell. (BCI 18-00473/3 at § 5.) The officers tried to lift Lindvold onto the bunk but were not successful. (BCI 18-00473/2 at § 16, BCI 18-00473/3 at § 5.) Lindvold did not complain about pain but said his fingertips were tingly and he could not move his legs. (BCI 18-00473/3 at § 5, BCI 18-00473/2 at § 16.) An ambulance was called and arrived a few minutes later. (BCI 18-00473/2 at § 16.)

F. Hospitalization

Lindvold was ultimately taken to Sanford in Fargo. Providers noted "ankylosis of the entire cervical and thoracic spine" and "a 3 column fracture involving the C7 vertebral body." Lindvold died on July 21, 2018.

G. Autopsy

On July 21, 2018, Dr. Mark Koponen performed an autopsy. Dr. Koponen's findings included a fracture of the 7th cervical vertebrae with epidural and subdural hemorrhage and ankylosing spondylitis. For the cause of death, Dr. Koponen indicated "fracture of the cervical spine (delayed consequences of) due to probable fall from standing height." For the manner of death, Dr. Koponen indicated "accident."

In his summary, Dr. Koponen noted that "ankylosing spondylitis is an inflammatory arthritis that affects the spine and individuals with ankylosing spondylitis are predisposed to falls and spinal (including cervical spinal) fractures. Consequently, ankylosing spondylitis is listed as a significant contributing factor in the death."

H. Further Investigation of Lindvold's Pre-Arrest Activity

BCI agents discovered that Lindvold had been at bars in Valley City before his arrest. (BCI 18-00473/4.) Bar staff believed that Lindvold had consumed "a lot." (BCI 18-00473/4.) One bartender saw Lindvold trip over a stool and fall, though she was uncertain whether Lindvold had hit his head. (BCI 18-00473/4.)

DISCUSSION

No evidence suggests that law enforcement officers or others caused Lindvold's death or committed any crime.

During the initial encounter, Valley City Police Officer Christopher Olson and Sargent Wade Hannig did nothing criminal. Officer Olson had reason to doubt Lindvold's reliability; Lindvold had initially and repeatedly insisted that he had not been drinking but showed signs of impairment and later admitted he had been drinking. Further, Lindvold had suggested that he was not going to physically comply with officers – claiming that he was not under arrest, that he was going to return to his car, and that he was not leaving the scene until morning.

During Lindvold's time at the Barnes County Correctional Facility, officers did nothing criminal. Officers sought medical attention for Lindvold shortly after he requested it. And Lindvold was brought by ambulance to the hospital and diagnosed with muscle spasms. Once back at the facility, Lindvold appeared to be uncooperative – resisting officers' efforts to bring him to a cell.

The autopsy report further supports a conclusion that no crime was committed. The medical examiner indicated that Lindvold's death was an accident - probably due to a fall which caused the fracture of his cervical spine.

CONCLUSION

Lindvold's death was tragic. But the evidence does not support criminal charges against anyone.