

STATEMENT OF PROBABLE CAUSE

Affiant's Experience:

I, Indiana State Police Lieutenant Jeffrey C. Hearon, being a duly sworn peace officer for the State of Indiana, have been employed by the Indiana State Police for 36 years.

Your affiant, Jeffrey C. Hearon, a law enforcement officer with the Indiana State Police, being duly sworn, swears and affirms under penalties for perjury that the following statements are true and accurate to the best of my knowledge:

I am a police officer with the Indiana State Police. I have been a police officer with the Indiana State Police since 11/13/1988. I am a "law enforcement officer" as that term is defined in Ind. Code 35-31.5-2-185.

I am currently assigned as a Lieutenant to the Area V Field Investigations of the Indiana State Police. In connection with my official duties, I am involved in investigations relating to violations of the Indiana Criminal Code.

I have received training relating to the enforcement of the Indiana Criminal Code, including the following:

- A. My initial training at the Indiana Law Enforcement Academy in 1988. I have satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4
- B. I have attended numerous additional training courses; see attached transcripts.

As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection.

Investigation:

In support of affiant's assertion of Probable Cause, the following facts are known to affiant, to wit:

During July 2024, the Indiana State Police became aware of the findings of a regularly scheduled audit of Dubois County. According to the findings of the State Board of Accounts, there were purchases from the Jail Commissary fund that did not fall under the County Sheriff's discretionary spending authority set forth at Indiana Code 36-8-10-21. These unallowable expenditures from the fund were approved by County Sheriff, Thomas "Tom" J. Kleinhalter. Indiana State Board of Accounts (SBOA) auditors determined additional procedures were

needed to evaluate expenditures from the fund for the duration of Kleinhelter's term beginning January 1, 2019, through December 31, 2023.

As the County Sheriff, Kleinhelter oversaw the Jail Commissary fund established under Indiana Code 36-8-10-21. All monies received from jail commissary sales are to be deposited into the fund's bank account. The statute provides categories of expenses that can be disbursed from the Jail Commissary fund at the Sheriff's discretion. All categories of expenditures listed within the statute are at the discretion of the Sheriff without the need for further appropriation by the county fiscal body. Specifically, Indiana Code 36-8-10-21 states the following:

IC 36-8-10-21 Application to certain counties; jail commissary fund; disposition of money from commissary sales; record of receipts and disbursements

Sec. 21. (a) This section applies to any county that has a jail commissary that sells merchandise to inmates.

(b) A jail commissary fund is established, referred to in this section as "the fund". The fund is separate from the general fund, and money in the fund does not revert to the general fund.

(c) The sheriff, or the sheriff's designee, shall deposit all money from commissary sales into the fund, which the sheriff or the sheriff's designee shall keep in a depository designated under IC 5-13-8.

(d) The sheriff, or the sheriff's designee, at the sheriff's or the sheriff's designee's discretion and without appropriation by the county fiscal body, may disburse money from the fund for:

(1) merchandise for resale to inmates through the commissary;

(2) expenses of operating the commissary, including, but not limited to, facilities and personnel;

(3) special training in law enforcement for employees of the sheriff's department;

(4) equipment installed in the county jail;

(5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, animals, animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;

(6) an activity provided to maintain order and discipline among the inmates of the county jail;

(7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:

(A) Substance abuse.

(B) Child abuse.

(C) Domestic violence.

(D) Drinking and driving.

(E) Juvenile delinquency.

(8) expenses related to the establishment, operation, or maintenance of the sex and violent offender registry web site under IC 36-2-13-5.5; or

(9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.

Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8).

(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year. Funds misappropriated, diverted or unaccounted for through malfeasance, misfeasance, or nonfeasance in office of any official or employee may be the personal obligation of the responsible official or employee. (Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1) *

As stated above, under Indiana Code 36-8-10-21(d)(9), other expenditures not specifically listed that benefit the Sheriff's Department must be mutually agreed upon by both the Sheriff and the County fiscal body prior to being disbursed.

During their audit, State Board of Accounts investigators located approximately \$78,000.00 of questionable expenses. Of those expenses, Kleinhelter was able to provide State Board of Accounts with unverified justifications, for all but \$16,774.71 of expenses, of which \$8,852.95 of these expenses were attributed to airfare and training conference costs for Kleinhelter's wife, Angela "Angie" Kleinhelter (See itemized table below).

Travel and Conference Expenses Paid With Jail Commissary Funds

Travel Expenses for Angie Kleinhelter	Payee	Payment Method	Purchase Date	Purchase Amount
Registration for the National Sheriff's Association Conference in Phoenix, AZ	Vendor	Check 3702	02-26-21	\$ 244.40
Airfare to Panama City, FL for a law enforcement training event	Vendor	Commissary Card [REDACTED]	05-02-23	887.40
Reimbursement for airfare to Dubai for the World Police Summit	Sheriff	Check 4083	05-16-23	7,373.65
Reimbursement for airfare to Sandestin, FL for a law enforcement training conference	Vendor	Commissary Card [REDACTED]	10-04-23	347.50
Total				\$ 8,852.95

Angie Kleinhelter was not an employee of the County during the time of these expenses. Thus, the expenditures from the Jail Commissary fund for her travel reimbursements and the conference registration fall outside the Sheriff's discretionary spending authority under Indiana Code. Therefore, any expenditure of commissary funds on travel or training conferences for Angie Kleinhelter must have been for the benefit of the Sheriff's Department and approved by the County fiscal body pursuant to Indiana Code 36-8-10-21(d)(9). Sheriff Kleinhelter did not request or obtain approval from the County fiscal body for these expenses regarding his wife.

The remainder of the unjustified expenses were found to have occurred on November 1, 2023, when Kleinhelter purchased four Visa \$100.00 prepaid gift cards and fifty Blackstone, 22-inch, flat-top grills for a total of \$7,921.76. Kleinhelter took possession of one of the grills, leaving the gift cards and forty-nine grills to be given to employees of the Sheriff's Department as gifts. Purchasing grills and kitchen equipment may be otherwise permissible if the equipment is installed in the jail and used to serve inmates. However, since the expenditures were gifts for employees and Kleinhelter himself, the purchases did not satisfy the acceptable expenses outlined in Indiana Code. Additionally, these expenses were not approved by the County Council in accordance with Indiana Code 36-8-10-21(d)(9). Following State Board of Accounts inquiries to Kleinhelter and an evaluation of County policies, it was determined there is no gift policy approved by the Board of County Commissioners which would have allowed this expenditure.

The State Board of Accounts determined Kleinhelter was personally responsible for the unjustified expenses and charged with repaying the Jail Commissary fund \$16,774.71.

During the week of June 17, 2024, Kleinhelter was notified he was solely responsible for the charges and needed to pay the balance from his own personal funds. Below is an itemization.

1. Airfare for World Police Summit May 5-7, 2024, \$8,852.95
2. Four Visa \$100.00 prepaid gift cards and fifty Blackstone, 22-inch, flat-top grills for a total of \$7,921.76
3. Total reimbursement of \$16,774.71

On June 18, 2024, after having been notified he was individually responsible for repaying \$16,774.71 to the Jail Commissary fund, Kleinhelter contacted the Dubois County Auditor, Sandy Morton, via email, and requested, "Can you get me a check for \$16,774.71 from the Sheriff donation [REDACTED]?" Kleinhelter instructed Morton, "Just put it into my commissary account." Morton, responded, "I don't understand. That money was a donation and can be used for your purposes. Why would we put it in the commissary and not just spend it from the donation fund?" Kleinhelter remained adamant the amount be placed into the commissary fund, stating "Because that is how I want to do it." After receiving Kleinhelter's response, Morton contacted the State Board of Accounts field examiners for guidance.

Again, State Board of Accounts informed Kleinhelter he was personally responsible for paying the balance, as airfare and law enforcement conference fees for his wife were not permissible expenses, nor were the purchases of gift cards and flat-top grills for himself and his employees. Again, Kleinhelter expressed understanding and explained he would need to speak with his accountant to arrange for the repayment of funds to the commissary account. Kleinhelter prepared a check, which was photographed and shared with State Board of Accounts. The check was to be deposited the following week, when Kleinhelter returned from a Sheriff's Conference in Oklahoma.

Later, after Kleinhelter made the appropriate payment, it was discovered Kleinhelter submitted a voucher to receive a reimbursement of \$16,774.71 from the Sheriff's donation fund. This reimbursement was dated July 15, 2024, and included Scott Stockton's (State Board of Accounts) name, as if the reimbursement had been endorsed by Scott Stockton of the State Board of Accounts (Image of voucher below).

Review of the records regarding the Dubai trip show Kleinhelter officially booked the flight on May 16, 2023. The Kleinhelters were scheduled to leave Indiana and begin their journey to the United Arab Emirates on February 29, 2024. The Audit conducted by State Board of Accounts did not begin until May 2024. During the audit process, which included discussions and inquiries with State Board of Accounts Investigators Ed Wheelie, Scott Stockton, and James Donoho, Kleinhelter failed to tell or correct the impression he had canceled the United Arab Emirates World Police Summit Trip. Kleinhelter did not make any mention of the trip being canceled until he was interviewed by the Indiana State Police on August 29, 2024. The SBOA Audit was completed and published on July 26, 2024. Because Kleinhelter withheld information about the canceling of the trip, State Board of Accounts only found Kleinhelter liable for repaying costs related to his wife. Had State Board of Accounts known the trip was canceled, Kleinhelter would have been responsible for returning all the county funds used to pay for the trip.

Additionally, if he did cancel the trip, Kleinhelter would have needed to make the cancelation prior to February 2024. This means, at minimum, the trip would have been canceled for at least 4 months, without any repayment of county funds. Kleinhelter did not make any payment until he was directed to do so by State Board of Accounts, which Kleinhelter repeatedly attempted to circumvent.

When Indiana State Police asked Kleinhelter to explain the finances regarding the Dubai trip, he stated the following:

“Um, the Dubai trip did not, did not happen. So, that was on my personal credit card.

*Okay. The commissary paid me part of that, from that. When I canceled the trip, **Delta provided me airline credit instead of cash.***

So, I did not pay it back immediately.

But when I had, when this came through, I immediately moved some money around to, from my financial advisor to get that paid off. And then I also paid my ticket off, that paid for it and the darn hotel room, which I didn't know at the time, but it was a non, um.”

Interviewing officer: It's non-refundable?

Kleinhelter: “Cancelation policy, so I paid that. Um, and that's, that's all been paid back.”

The Commissary ledgers provided from SBOA to the Indiana State Police fail to show any deposits from Kleinhelter or Delta Airlines for 2023 or 2024. At this point, there is no documentation corroborating Kleinhelter's claims of the Dubai trip being fully paid back to the Commissary fund, and his explanation of what occurred with the airline credit is left unresolved. Additionally, receipts document Tom and Angela Kleinhelter as having “SkyMiles” accounts registered with Delta Airlines. The “SkyMiles” program is a frequent flyer program with rewards including free upgrades, free travel, free drinks, and other preferred customer benefits. As they

are documented using their “SkyMiles” accounts for their purchases, the Kleinhelters would have reaped additional, personal profits through Delta Airlines (Image of receipt below).

The Delta Airlines receipt also documents Kleinhelter paying for the trip with an American Express credit card ending in [REDACTED]. The State Board of Accounts audit determined that number belonged to Kleinhelter’s personal credit card. (Image of receipt below).

Date of Purchase: May 16, 2023

Evansville, IN ▶ Dubai, United Arab Emirates

Passenger Information

THOMAS JOSEPH KLEINHELTER
SkyMiles#: [REDACTED]
ANGELA MARIE KLEINHELTER
SkyMiles#: [REDACTED]

Confirmation Number: JO7JU2
Ticket Number: 0062109765270
0062109765272

FLIGHT

Date and Flight	Status	Class	Seat/Cabin
EVV ▶ ATL Thu 29Feb2024 9E 4925	OPEN	I	
ATL ▶ CDG Thu 29Feb2024 AF 8672	ARPT	I	
CDG ▶ DXB Fri 01Mar2024 AF 8626	ARPT	I	
DXB ▶ CDG Fri 08Mar2024 AF 8627	ARPT	D	
CDG ▶ ATL Fri 08Mar2024 DL 83	OPEN	D	
ATL ▶ EVV Fri 08Mar2024 9E 5174	OPEN	D	

DETAILED CHARGES

Air Transportation Charges

Base Fare:	\$6,000.00	USD
Carrier-imposed International Surcharge (YR):	\$1,200.00	USD

Taxes, Fees and Charges

United Arab Emirates - Passenger Service Charge (AE)	\$20.40	USD
United States - September 11th Security Fee(Passenger Civil Aviation Security Service Fee) (AY)	\$11.20	USD
FG	\$9.50	USD
France - Civil Aviation and Airport Tax (FR)	\$11.00	USD
France - Passenger Service Charge (QX)	\$44.30	USD
United Arab Emirates - Passenger Security and Safety Fee (TP)	\$1.40	USD
United States - Transportation Tax (US)	\$42.20	USD
United States - Animal and Plant Health Inspection Service Fee (APHIS User Fee - Passengers (XA))	\$3.83	USD
United States - Passenger Facility Charge (XF)	\$13.50	USD
United States - Immigration and Naturalization Fee(Immigration User Fee) (XY)	\$7.00	USD
United States - Custom User Fee (YC)	\$6.52	USD
United Arab Emirates - Advanced Passenger Information Fee (ZR)	\$2.80	USD
Total Per Passenger:	\$7,373.65	USD
Total (2 Passengers)	\$14,747.30	USD

Paid with American Express ending [REDACTED]
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A search warrant, granted under cause no. 19D01-2410-MC-001127, gave law enforcement authority to obtain records from Delta Airlines regarding Kleinhelter's travel. According to the records, the itinerary for the flights regarding the World Police Summit in Dubai were documented under identifier "JO7JU2." This was the same as the confirmation number provided on the aforementioned receipt (Image above). According to the records, the phone number [REDACTED] was provided as a contact number. This phone number was known to belong to Tom Kleinhelter. The phone number [REDACTED] was also provided as a phone number. Open

source information showed this phone number was associated with Angie Kleinhelter. Additionally, the email addresses

[REDACTED] and [REDACTED] were provided as additional contacts. As changes were made to the itinerary, such as updates to arrival and departure times, notifications were sent to the Kleinhelter's phone numbers through SMS (text) and both listed email addresses (Image from record below).

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PAX ADVZD AT [REDACTED] C
PAX ADVZD SMS [REDACTED] - CNS 1026A 23MAR24
PAX ADVZD AT [REDACTED] - CNS 1026A 23MAR24
DL1836 23MAR24 10JATE 522P 838P TK 41MIN LATER DEPT
CNS - UNRBK 308P 23MAR24
PAX ADVZD AT [REDACTED]
PAX ADVZD SMS [REDACTED] - CNS 308P 23MAR24
PAX ADVZD AT [REDACTED] - CNS 308P 23MAR24
PAX ADVZD SMS [REDACTED] - CNS 308P 23MAR24
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Further review of the records indicate that Delta Airlines recorded the Internet Protocol (IP) address for the device used to book the Dubia trip on May 16, 2023 at 1345 hours Zulu Time. An IP Address is a unique identifying number assigned to every device connected to the internet. The IP number for the Dubia trip was [REDACTED]

I consulted with the American Registry for Internet Numbers and determined that the IP number listed above is utilized by Perry-Spencer Communication, Inc, 11877 East State Road 62, PO Box 126, St. Meinrad, IN 47577.

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DL RLOC JO7JU2
CREATION DATA: 13:45 Z DATE 16 MAY 2023 DUTY CODE GS SIGNATURE WW CITY LAX
AGENT SET: 24D532 SECURITY ID: D006217
THIS PNR: WAS ORIGINATED BY AGENT-SET
PASSENGER NAMES: 01KLEINHELTER/THOMASJOSEPH
01KLEINHELTER/ANGELA
PHONE: EVV [REDACTED]
NO ACTIVE SEGMENTS

TICKETING: TK/TE/0932A/07NOV
NMNBR NMRMK NAME W/BLANKS
NAME REMARK 1.01 KLEINHELTER/THOMAS JOSEPH
NAME REMARK 2.01 KLEINHELTER/ANGELA MARIE
REMARKS
-IPAP-[REDACTED] PDWDC** / 1345Z16MAY23
**SCHEDULE CHANGE**
DL4925 29FEB24 EVVATL 500P 734P WK*FLIGHT CHANGE
DL5174 8MAR24 ATLEVV 425P 450P WK*FLIGHT CHANGE
MINOR SCHEDULE CHANGE
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Further review of these records revealed Kleinhelter was, in fact, issued a refund from Delta Airlines regarding his purchases related to the World Police Summit in Dubai. The refund was

issued on 01/18/2024. Kleinhelter was issued a refund of \$14,747.30 for his expenses and the expenses of his wife, Angie Kleinhelter. These costs are documented as being refunded to his American Express ending in [REDACTED] (Images below).

MISCELLANEOUS DOCUMENT - FULL DISPLAY

0060795879235	JO7JU2/DL	ATLREFR	0066
KLEINHELTER/ANGELA MARIE		REFUND DATE	
CPN	TYPE	STATUS	US 18JAN24

1 EMD EREF

ISSUED FOR REF - REFUND RECEIPT

ENDORSEMENT RESTRICTIONS AGENT ID DL/KS

REFUND TRANSACTION ID: DLM0060795879235

756461/ATLREFR/18JAN24 -

BASE	USD	
TOTAL TAX	USD	1373.65
FEE	USD	0.00
TOTAL REFUND AMOUNT	USD	7373.65

TAX BREAKDOWN

XF	13.50	AY	11.20	US	42.20	FR	11.00
XA	3.83	YC	6.52	QX	44.30	XY	7.00
YR	1200.00	F6	9.50	ZR	2.80	AE	20.40
TP	1.40						

7373.65 USD REFUNDED TO AXXXXXXXXXXXX [REDACTED]

MISCELLANEOUS DOCUMENT - FULL DISPLAY

0060795593670	JO7JU2/DL	ATLREFR	0066
KLEINHELTER/THOMAS JOSEPH		REFUND DATE	
CPN	TYPE	STATUS	US 18JAN24

1 EMD EREF

ISSUED FOR REF - REFUND RECEIPT

ENDORSEMENT RESTRICTIONS AGENT ID DL/KS

REFUND TRANSACTION ID: DLM0060795593670

756461/ATLREFR/18JAN24 -

BASE	USD	
TOTAL TAX	USD	1373.65
FEE	USD	0.00
TOTAL REFUND AMOUNT	USD	7373.65

TAX BREAKDOWN

XF	13.50	AY	11.20	US	42.20	FR	11.00
XA	3.83	YC	6.52	QX	44.30	XY	7.00
YR	1200.00	F6	9.50	ZR	2.80	AE	20.40
TP	1.40						

7373.65 USD REFUNDED TO AXXXXXXXXXXXX [REDACTED]

The State Board of Accounts audit has shown Kleinhelter to engage in deceitful behavior, such as making false statements, misrepresenting the statements of others, attempting to manipulate others to avoid consequences, and attempting to manipulate others for future benefit. Additionally, the records from Delta Airlines show Kleinhelter lied to Indiana State Police about receiving a refund from Delta Airlines. This information was also withheld from State Board of Accounts. This resulted in Kleinhelter only reimbursing funds for his wife's expenses, rather than his expenses as well. Currently, it appears, Kleinhelter made an inappropriate personal profit of \$7,373.65 from the Commissary Fund.

To further this investigation, I am requesting the court grant law enforcement authority to review the forementioned records, retained by **Perry-Spencer Communications, Incorporated**. A review of these records would possibly provide subscriber information, identifiers for devices used (such as computers, mac addresses for iPhones, tablets, watches) and location where Kleinhelter was when he booked, canceled, and received a refund for the Dubia trip.

Conclusion:

I am investigating official misconduct and theft involving Dubois County Sheriff, Thomas "Tom" J. Kleinhelter.

The facts set forth in this affidavit are based upon my own personal observations, my training and experience, and information obtained during this investigation, along with my mapping and analysis of the data.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

All of the above events occurred in Dubois County, Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

DATED: October 22, 2024

/s/ Lieutenant Jeffrey C. Hearon PE 5201
AFFIANT