

STATE OF INDIANA
COUNTY OF MARION

IN THE _____ COURT
Cause Number: _____

State of Indiana
VS.
Thomas J. Kleinhelter
DOB: 02/27/1969
OLN: 8901778908

AFFIDAVIT FOR PROBABLE CAUSE

Your affiant, Lieutenant Jeffrey C. Hearon, swears or affirms and has probable cause to believe the following:

I am authorized to conduct investigations on behalf of the State of Indiana. Furthermore, the information stated in this affidavit is based either on personal knowledge gained through the course of this investigation or from information provided to me by person(s) identified herein.

This affidavit is made in support of a complaint against the above-named individual for the following offense(s):

- IC 35-44.1-2-2: Official Misconduct Level 6
- IC 35-44.1-2-3: False Informing MB

Case #: 24ISPC011536

During the spring of 2024, the Indiana State Board of Accounts (“SBOA”) conducted a regularly scheduled audit of the Dubois County Sheriff’s Jail Commissary Fund. As part of that audit, investigators identified approximately \$78,000.00 in questionable expenditures.

The audit determined that Sheriff Thomas J. Kleinhelter (“Kleinhelter”) used Jail Commissary Funds to pay for travel, meals, recreation, and other expenses related to his wife, A.K., who was not an employee of the sheriff’s office. The audit also identified expenditures for gift cards and Blackstone grills purchased for department employees and for himself, which were not authorized under Indiana Code governing Commissary Fund expenditures.

As a result of these findings, the SBOA determined that Kleinhelter was personally responsible for reimbursing a portion of the questionable expenses. During the audit process and after repayment was demanded, Kleinhelter attempted to reimburse the Commissary Fund using monies from other sheriff-controlled accounts, submitted voucher requests seeking alternative funding sources, and proposed resolutions that would broaden the scope of permissible commissary expenditures.

In July 2024, upon completion of the audit, the SBOA requested that the Indiana State Police (“ISP”) conduct a criminal investigation into Kleinhelter’s handling of public funds.

From July 2024 through February 2025, ISP conducted a criminal investigation which revealed that Kleinhelter used Jail Commissary Funds to reimburse himself for travel expenses incurred on trips with his wife to Arizona, Florida, and a planned trip to Dubai. The investigation further showed that Kleinhelter submitted incomplete or non-itemized receipts for certain purchases, including meals, alcohol, and recreational activities.

The investigation also determined that after cancelling the planned trip to Dubai in January 2024, Kleinhelter received a monetary refund from Delta Airlines which was deposited into his personal American Express account. This refund was not disclosed during the audit process and was not returned to the Commissary Fund until after audit findings were issued and public scrutiny began.

During the investigation, evidence was obtained showing that Kleinhelter created and modified special deputy appointment documents for his wife. These documents included backdated forms which, according to digital forensic evidence, were generated and edited after the audit findings and during the criminal investigation.

On December 19, 2024, I conducted a recorded interview of Sheriff Tom Kleinhelter at the law office of James Voyles, 211 North Pennsylvania Street, Suite 2400, Indianapolis, Indiana, Marion County. During that interview, Kleinhelter made statements regarding the Dubai trip refund, activities at a conference, and special deputy documentation that were contradicted by documentary evidence obtained during the investigation.

Interview Background

During the interview, Kleinhelter claimed he had been in law enforcement for 31 years, all with the Dubois County Sheriff’s Office. Kleinhelter stated he began as a jail officer, became chief jail officer, became a deputy, was promoted to a sergeant, then detective sergeant, where he served until, he was elected sheriff in 2019.

Kleinhelter claimed there were approximately 24 sworn law enforcement officers working for the Dubois County Sheriff’s Office, approximately 20 civilian jail officers, kitchen staff, administrative staff, and a matron, which totaled approximately 55 civilian employees.

When asked about the Commissary Fund, Kleinhelter explained that luxury items, such as candy, soft drinks, or e-cigarettes are purchased, then sold to inmates. Kleinhelter continued, stating the profits for these sales can be used for specific, statutorily approved items or other things if there is approval from the county fiscal body.

When asked about the management of the Commissary Fund, Kleinhelter said the matron is responsible for “check writing and balancing,” but the sheriff has overall responsibility of the commissary.

Phoenix Arizona Trip

During the December 19, 2024, interview, a 2021 trip to Phoenix, Arizona was discussed. Kleinhelter identified the trip as a National Sheriffs’ Association (“NSA”) Conference. According to Kleinhelter, A.K., his wife, accompanied him on this trip, and the Commissary Fund paid for the event registrations and flights to Phoenix, Arizona. The cost of A.K.’s flight was **\$963.83** and was not included in the amount Kleinhelter paid back to the Commissary Fund, as a result of the SBOA audit (Reference Table Below).

Travel and Conference Expenses Paid With Jail Commissary Funds				
Travel Expenses for A [REDACTED]	Payee	Payment Method	Purchase Date	Purchase Amount
Registration for the National Sheriffs 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 6679	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 6679	10-04-23	347.50
Total				<u>\$ 8,852.95</u>

Kleinhelter confirmed he used his personal credit card for the purchase, and that he was reimbursed through the Commissary Fund. When asked, Kleinhelter claimed the purpose A.K. joined him was to attend the conference. According to Kleinhelter, the SBOA told him this expense was allowable through the Commissary Fund, but later, Kleinhelter learned it only would have been allowable if A.K. was a special deputy. When asked if A.K. had been made a special deputy, Kleinhelter replied, *“I had not, no, I did not.”*

When asked if he had paid back the cost of A.K.’s travel to Phoenix, Arizona, Kleinhelter stated he had paid back the cost of the flight. The table above was referenced, Kleinhelter was told this cost of the flights were missed by SBOA, and he was told he had not paid back the cost of A.K.’s flights. Kleinhelter responded, *“I paid back what the State Board of Accounts told me I needed to pay back to clear up that issue.”*

When asked if he and A.K. purchased meals and entertainment in Phoenix, Arizona, Kleinhelter responded, *“I’m sure we did.”*

When shown an itemized list of costs, Kleinhelter recognized his handwriting on the document and stated it appeared to be a list of the receipts he turned in to receive reimbursement from the Commissary Fund.

When asked about the purchase at Seamus McCaffrey’s Pub on 06/20/2021, Kleinhelter said he did not know if the other meal was for A.K. When asked if he would have eaten two meals, Kleinhelter said the meal could have been for another sheriff. Kleinhelter confirmed he and A.K. were the only people from Dubois County Sheriff’s Office that attended the conference, but other Indiana sheriffs were present. Kleinhelter said he did not know who the second meal could have been for.

When asked if he would have paid for A.K.'s meals with the Commissary Fund, he replied, "*I think most of our meals, what my wife attended with me, would've been provided, but I don't know. I can't, I cannot, I, I don't know that answer.*"

Indiana Code 36-8-10-21 specifically lists the items the Commissary Fund may be used for. This is the same Indiana Code Kleinhelter had previously referenced his knowledge of. According to this statute, costs related to other law enforcement officials, which are not employees of the sheriff's department, are not a permitted expense. Whether Kleinhelter used commissary funds to purchase the second meal for A.K. or another law enforcement officer, which he claimed could have occurred, the purchase is not allowed under Indiana Code. Given Kleinhelter said no other employee of the Dubois County Sheriff's Office was with him in Phoenix, Arizona, there is no other person which would have made this an allowable expense. Additionally, the purchase of alcoholic beverages is not an allowable expense (See receipt below).

SEAMUS MCCAFFREY'S
IRISH PUB
THANK YOU

REG 4 KEN 06-20-2021 15:34 MC #03 000135
TABLE No. 58.2

1	MICHELGE ULTRA	4.50
2	IMPERIAL BUD LIGHT	15.50
1	COBB SALAD	15.00
	BLUE CHEESE	
1	CLUB SANDWICH	16.00
	FRENCH FRIES	
	TAX	51.00
	TX1	4.38
	TL	55.38
	CREDIT CARD	55.38

XXXXXXXXXXXX1003
APP:568427
REF:00000000
REC#:29

CREDIT SALE \$55.38

TIP Amount 7.00

Total Amount 62.38

SLAINTE

seamusmccaffreys.com

Kleinhelter was asked about the purchase at Chick-Fil-A on 06/21/2021. Kleinhelter said he did not remember if the purchase of the second meal was for A.K. (Receipt below).

Aramark HE - ASU Chick Fil A

Date: 2021.06.21 Time: 14:54:22
Trn: A000099921062114531488
Loc: Chick-fil-A Downtown Phoenix Taylor Place
Emp: Andrea C

#199 - tom

Meal Chick-Fil-A		
Sandwich	x1	8.09
M-Diet Coke	x1	0.00
Meal Spicy Chick-Fil-A		
Sandwich	x1	8.39
M-Powerade	x1	0.00

Subtotal:		16.48
Tax:		1.42

Total: USD\$ 17.90

AMEX 1003 USD\$ 17.90

Total Paid: 17.90

Print: 2021.06.21 14:55:11 REPRINTS:1

Item Count: 2

, 825530
1003, AMEX, ingenico



#199 - tom

Terminal Id: 9999

Kleinhalter was asked about the concession purchases at Chase Field on 06/22/2024. Kleinhalter confirmed he attended a baseball game, stating, ***“That was a, um, part of the conference. They took us to a ball game.”*** When asked if he used the commissary funds to purchase concessions for A.K., Kleinhalter said, ***“I don’t, I don’t remember. I’m not even thinking A.K. went along.”*** Later, Kleinhalter was shown a photo of him and A.K. together at the game.

If the National Sheriffs’ Association had taken attendees, even voluntarily at no cost, to the baseball game, game concessions are not an allowable expense from the Commissary Fund. Attendance at the baseball game, with other conference attendees or not, is still a leisure activity outside the bounds of improving the training and experience of employees of the sheriff’s department and is not allowable under Indiana Code, which permits “special training in law enforcement for employees of the sheriff’s department.” While the NSA Conference is an allowable expense, this specific event would need to be included in the registration to make this an allowable expense.

Images recovered from Kleinhalter’s cellphone depict him posing with A.K. at Chase Field. An alcoholic beverage is observed on the table behind him. Metadata from the photo documents the

image being taken at Chase Field on 06/22/2021, at 7:48 PM. The display on Tom Kleinhelter's Apple watch also states the date and time being 7:48 PM on 06/22/2021. (Receipt and photos below).

```
CHASE FIELD
LEVY RESTAURANTS
CONCESSIONS

Merchant ID :
Terminal ID : 134
Check No    : 9966
Table No    : 0
Server      : 1910 118_4
Acct Num    : XXXXXXXXXXXXX1003
Expiry Date : **/**
Card Type   : AMEX
Trans Type  : PURCHASE
Trans Date  : 6/22/2021
Trans Time  : 6:42 PM
Entry Mode  : Chip
Auth Code   : 801163
Resp Code   : 00
Mode        : Issuer
App Label   : AMERICAN EXPRESS
AID         : A000000025010801
ARC         : 00
TVR         : 0000008000
TSI         : F800
IAD         : 06560103602002

TOTAL      : USD$      34.75

00 APPROVED - THANK YOU 000
```

I Agree to pay total amount as
per the Card Issuer Agreement.
MERCHANT COPY



Additional file info		Thumbnail
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Meta Data:		
Camera Make:	Apple	
Camera Model:	iPhone 11	
Capture Time:	6/22/2021 7:48:00 PM	
Pixel resolution:	4032x3024	
Resolution:	72x72 (Unit: Inch)	
Orientation:	Horizontal (normal)	
Lat/Lon:	33.445163 / -112.065798	

Kleinhelter was asked about the purchases of 18 holes of golf and a towel at TPC Scottsdale. Kleinhelter confirmed he made the purchase, and said, **“Yes. They took us golfing.”**

When asked about the prices, Kleinhelter replied, *“I know I played golf, but it was part of the conference, yes.”* When asked if they went golfing instead of attending classes or lectures, Kleinhelter said, *“For the afternoon, I believe it was, yeah. Or in the evening.”*

On January 18, 2025, I interviewed Timothy Wood, Deputy Executive Director of the NSA, and Collin Bush, Chief Financial Officer of the NSA and they advised two days of golf was not put on by the NSA as part of the conference.

According to the receipt, this round of golf began at 7:19 AM, on 06/21/2021. Images recovered from Kleinhelter’s cellphone depict him posing with a flagstick and a TPC Scottsdale Flag. Kleinhelter is observed holding a golf club and wearing attire consistent with playing golf. Metadata from the photo documents the image being taken at TPC Scottsdale on 06/21/2021, at 7:44 AM.

Another image recovered from Kleinhelter’s cellphone depicts a fairway on the golf course. Metadata from the photo documents the image being taken at TPC Scottsdale on 06/21/2021 at 12:21 PM. According to this information and Kleinhelter’s statement, he spent at least five or more hours at TPC Scottsdale, while the conference was ongoing (Image of receipt, Kleinhelter with flagstick, and fairway below).

```

TPC Scottsdale
-----
Chit Details
-----
Guest : Wilder, Michael/Player 4
Server: ADAM
Area: Stadium Pro Shop
Chit #: 01261584
Date: Jun 21/21 Time: 7:19am

GF1002 149.00
18 Hole Non-Resident
561818 20.00
TOWEL/NV/WH/1SIZE
-----
Sub-Total: 169.00
Sales Tax 13.60
-----
Chit Total: $182.60
=====


Credit Card $182.60-
AX XXXXXXXXXXXX1003
Approval Code: 821377
KLEINHELTER/TOM J
-----

Didn't find what you
were looking for?
Visit pgatourfanshop.com
for all your TPC Network
merchandise!

-----
End of Chit
-----

```



Additional file info	Thumbnail
<p>Size (bytes): 2392658 Created: 6/21/2021 3:44:55 AM(UTC-11) Modified: 6/21/2021 3:44:55 AM(UTC-11) Accessed: 6/21/2023 7:52:09 AM(UTC-11) Changed: 6/21/2023 7:52:09 AM(UTC-11) Source file EXTRACTION_FFS.zip/root/private/var/mobile/Media/DCIM/100APPL/IMG_0641.HEIC : 0x0 (Size: 2392658 bytes)</p>	
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Meta Data:	
Camera Make:	Apple
Camera Model:	iPhone 11
Capture Time:	6/21/2021 12:21:13 PM
Pixel resolution:	4032x3024
Resolution:	72x72 (Unit: Inch)
Orientation:	Horizontal (normal)
Lat/Lon:	33.636658 / -111.908548

Kleinhalter was asked about the purchases of 18 holes of golf at McCormick Ranch Golf Club. Kleinhalter stated he did not remember this purchase or playing golf at McCormick Ranch Golf Club. Kleinhalter said, *“No, they had a, we, I know we played one round at the TPC.”*

An image recovered from Kleinhalter’s cellphone depicts a fairway on the golf course. Metadata from the photo documents the image being taken at McCormick Ranch Golf Club on 06/24/2021

at 10:43 AM. According to the McCormick Ranch Golf Club website, it takes approximately 4.5 hours to play 18 holes at their golf course. According to the receipt, Kleinhelter's tee time was 7:12 AM. Based on this information, Kleinhelter would have been expected to be at McCormick Range Golf Club until at least 12:30 PM on the final day of the National Sheriffs' Association Conference. The NSA Conference was a 4-day event, and Kleinhelter is documented through photos and his statements playing golf, for two days, while the conference was ongoing. (Image of receipt and fairway below).

McCormick Ranch Golf Club
7505 E. McCormick Pkwy.
480-998-3800

Golf Shop
06/24/2021 6:37:12 AM
Employee: 49 Timothy
Z Date: 06/24/2021
Z Number: 1
Ticket: 762294

*****PURCHASE*****

Description	Total
018 INTERNET ROUND Item# 991000004	69.00
Subtotal	69.00
Taxes	5.55
Amount	74.55
Pay Acct Type: Amex XXXXXXXXXX1003 Authorization : 568440 Reference: #1920	74.55

IMPORTANT - retain this copy for your records.


*** Thank you for choosing the ***
*** McCormick Ranch Golf Club ***
*** www.mccormickranchgolf.com ***
*** 480-948-0260 ***

Please turn this receipt in to the
Player Services Dept. to obtain your
cart and complimentary range balls.
Thank you again!

Pala PA1 7:12 am
=====

Kleinhelter, Tom
Cardholder Copy



Additional file info	Thumbnail
<p>Size (bytes): 635034 Created: 6/24/2021 6:43:16 AM(UTC-11) Modified: 6/24/2021 6:43:16 AM(UTC-11) Accessed: 6/21/2023 7:52:09 AM(UTC-11) Changed: 6/21/2023 7:52:09 AM(UTC-11) Source file: EXTRACTION_FFS.zip/root/private/var/mobile/Media/DCIM/100APPLE/IMG_0666.HEIC : 0x0 (Size: 635034 bytes)</p>	
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Kleinhelter was asked about the purchases made at the Blanco restaurant on 06/24/2021, at approximately 6:26 PM. A.K.'s personal American Express card (Ending in 2019) was used

to make this purchase. Kleinhelter said he did not remember this purchase. When asked if A.K. was with him, Kleinhelter said, ***"I do not know."***

As previously stated, Indiana Code 36-8-10-21 specifically lists the items the Commissary Fund may be used for. This is the same Indiana Code Kleinhelter had previously referenced his knowledge of. According to this statute, costs related to other law enforcement officials, which are not employees of the sheriff's department, are not a permitted expense. Whether Kleinhelter used commissary funds to purchase the second meal for A.K. or another law enforcement officer, which he claimed could have occurred, the purchase is not allowed under Indiana Code. Given Kleinhelter said no other employee of the Dubois County Sheriff's Office was with him in Phoenix, Arizona, there is no other person which would have made this an allowable expense. Additionally, the purchase of alcoholic beverages is not an allowable expense (See receipts below).

<p>BLANCO 123 E Washington St Phoenix, AZ 85004 602-899-8102</p> <p>Server: STEPHEN 06:26 PM 11/1</p> <p>DOB: 06/24/2021 06/24/2021 3/30032</p> <p>Sale</p> <p>AMEX Card #: *****2019 Card Entry Method: CHIP ***** Rev Label: ENR PURCHASE Mode: AMERICAN EXPRESS RID: a00000025910001 TMR: 0000000000 TSI: f000 ZID: 0659010360002 ARC: 00</p> <p>Approval: 065353</p> <p>Amount: USD 867.87 + Tip: 10.00 = Total: 77.87</p>	<p>BLANCO 123 E Washington St Phoenix, AZ 85004 602-899-8102</p> <p>Server: STEPHEN 11/1 Guests: 4</p> <p>Reprint #: 1 Area: Dining</p> <p>HH DFT Bud Light (3 @5.00) 15.00 Pork Chile Enchiladas 14.50 HH Nachos 7.00 HH Frozen Paloma (2 @7.00) 14.00 Two Crispy Beef Tacos 12.00</p> <p>8 Items</p> <p>Subtotal 62.50 Tax 5.37 Total 67.87</p> <p>Amex- FP #XXXXXXXXXXXX2019 67.87 Tip 10.00 Total 77.87 Auth:865353</p>
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X _____

Join our email club
Get \$10 off \$20
On your Online Order
Scan now to sign up!
BlancoTacosTequila.com
Follow @BlancoTacosTequila

Merchant Copy

X _____

Join our email club
Get \$10 off \$20
On your Online Order
Scan now to sign up!

Kleinhelter was asked about the charges made to his hotel room, from the hotel's Park Lounge. When asked if he would have charged food or drinks to the room for himself and or A.K., Kleinhelter responded, ***"Could've been to myself and/or other sheriffs. It was, like I said, there was a whole group of us out there."***

As previously stated, Indiana Code 36-8-10-21 specifically lists the items the Commissary Fund may be used for. This is the same Indiana Code Kleinhelter had previously referenced his

knowledge of. According to this statute, costs related to other law enforcement officials, which are not employees of the sheriff's department, are not a permitted expense. Whether Kleinhelter used commissary funds to purchase meals for A.K. or other law enforcement officers, which he claimed could have occurred, the purchase is not allowed under Indiana Code. Given Kleinhelter said no other employee of the Dubois County Sheriff's Office was with him in Phoenix, Arizona, there is no other person which would have made this an allowable expense. Additionally, the purchase of alcoholic beverages is not an allowable expense (See receipt below).

Sheraton Phoenix Downtown
 340 North 3rd Street
 Phoenix, AZ 85004
 United States Of America
 Tel: (602) 262-2500 Fax: (602) 262-2501



TOM KLEINHELTER	Page Number	:	1
PLEASE COMPLETE	Conf. Number	:	1565115
JASPER, IN, 47546	Folio ID	:	A
United States Of America	Guests	:	1
NA2569 - NATIONAL SHERIFFS ASSOCIATION	Room Number	:	845
	Marriott Bonvoy Number	:	2108
	Arrival Date	:	JUN-20-21 13:01
	Depart Date	:	JUN-25-21 05:08

Tax Invoice

Sheraton Phoen PHXGP JUN-25-2021 05:10 MRBAM836

Date	Reference	Description	Charges (USD)	Credits (USD)
JUN-20-21	50272	Park Lounge	36.24	
JUN-20-21	50276	Park Lounge	50.61	
JUN-20-21	RT845	Room Chrg - Grp - Association	169.00	
JUN-20-21	RT845	County Tax	12.29	
JUN-20-21	RT845	City/Local Tax	8.96	
JUN-21-21	50544	Park Lounge	12.49	
JUN-21-21	50604	Park Lounge	25.72	
JUN-21-21	RT845	Room Chrg - Grp - Association	169.00	
JUN-21-21	RT845	County Tax	12.29	
JUN-21-21	RT845	City/Local Tax	8.96	
JUN-22-21	RT845	Room Chrg - Grp - Association	169.00	
JUN-22-21	RT845	County Tax	12.29	
JUN-22-21	RT845	City/Local Tax	8.96	
JUN-23-21	51870	Park Lounge	3.80	
JUN-23-21	RT845	Room Chrg - Grp - Association	169.00	
JUN-23-21	RT845	County Tax	12.29	
JUN-23-21	RT845	City/Local Tax	8.96	
JUN-24-21	52499	Park Lounge	35.95	
JUN-24-21	RT845	Room Chrg - Grp - Association	169.00	
JUN-24-21	RT845	County Tax	12.29	
JUN-24-21	RT845	City/Local Tax	8.96	
JUN-25-21	AX	American Express-1003		-1,116.06

For Authorization Purpose Only

xxxxxx1003

Date	Time	Code	Authorized
JUN-20-21	13:00	821963	1,098.50
JUN-20-21	03:35:55	105989	57.40
JUN-21-21			

Kleinhelter was asked why he used his personal credit card for the Phoenix, Arizona expenses instead of the Commissary Fund debit card. Kleinhelter claimed he did not have a Commissary Debit card at the time of the Phoenix trip in 2021.

Sandestin Florida Trip

Next, Kleinhelter was asked about the trip to Sandestin, Florida 2023. Kleinhelter stated the purpose of the trip was a leadership conference, through the Indiana Sheriffs' Association. Kleinhelter was asked about flights and event registration and if A.K. joined him. Kleinhelter responded, *"You know what, I just wanna say that if I would've just made her a special deputy,*

and I could've just easily lied about that when the State Board of Accounts asked that. Okay? But I told the truth. And then all of this would've been done. We wouldn't have been, we wouldn't even be sitting here."

Next, Kleinhelter said he was done speaking. Kleinhelter was given a brief overview of what the remaining questions were pertaining to, and Indiana State Police personnel left the room while he consulted with his attorney.

When the interview resumed, Kleinhelter was asked about receipts submitted for the trip to Sandestin, Florida in 2023. Kleinhelter stated, ***"Every receipt was turned over to the State Board of Accounts, um, for their audit, which on their paperwork says beginning January 1st, 2019, through December 31st, 2023, um, they gave me an amount to pay back. They audited everything. I paid every single penny back, um. End of story."***

When asked if Kleinhelter intentionally failed to bring purchases to the attention of SBOA, he replied, ***"Not intentionally, no."*** In a previous statement, given during the service of a search warrant on 10/28/2024, Kleinhelter said the cancellation of the Dubai trip was never mentioned to the SBOA, because they never asked, and he never volunteered the information. Kleinhelter claimed he did not intentionally withhold this information, but the planned Dubai trip was part of the audited funds he returned to the commissary. He had multiple interviews and discussions with SBOA personnel regarding the funds associated with the planned Dubai trip, and he gathered and provided receipts for the planned Dubai trip to SBOA. It is not reasonable to believe Kleinhelter had unintentionally failed to mention this purchase, when it had been such a frequent focus of his time and such a frequent topic of discussion and scrutiny.

Kleinhelter was asked about purchases made on 10/13/2023, at The Beach House Restaurant, located at 9301 US Highway 98 West, Miramar Beach, FL. Kleinhelter became confrontational, stating, ***"That was asked and answered in our audit interview."*** Again, Kleinhelter was asked about the purchase, and responded, ***"I re, I, I remember that question being brought up by the State Board of Accounts. And I don't remember the answer."*** When asked if A.K. was with him, Kleinhelter said, ***"I, I don't know. I don't. I've been honest. Like I said, this was all given to the State Board of Accounts. They audited every receipt that we have. The number that they gave me to pay back was \$16,774 and 71 cents. And that has been paid back."*** When asked again about The Beach House Restaurant, Kleinhelter repeated, ***"That was again, turned into the State Board of Accounts."*** Kleinhelter was informed this receipt was not submitted to the SBOA, as ISP had to contact the business to obtain an itemized receipt, which Kleinhelter failed to properly submit. Kleinhelter continued to speak over detectives and repeat, ***"The State Board of Accounts audited everything. They gave me a number to pay back, and I paid it back."*** When asked again, Kleinhelter finally answered the question, stating he did not remember the expense. When asked if A.K. was with him and if he would have paid for her meal, Kleinhelter responded, ***"I do not remember. That's been several years ago. I don't remember. Again, there were several sheriffs there from Indiana, so I don't remember."***

As stated previously, Indiana Code 36-8-10-21 specifically lists the items the Commissary Fund may be used for. This is the same Indiana Code Kleinhelter had previously referenced his knowledge of. According to this statute, costs related to other law enforcement officials, which

Hilton Sandestin
(850) 267-9500
4000 Sandestin Blvd. South
Miramar Beach, FL 32550
COFFEE SHOP

=====

2000003 Coffee Shop 1

CHK 7010
10/14/2023 10:24 AM

1 Grande Coffee	5.00
1 Grande Cappuccino	6.00
1 Flavor Added	1.00

Food	\$12.00
Tax	\$0.84

10:25 AM
Total Due \$12.84

Tip: _____

TOTAL: 14.84

Room/Acc# _____

Print Name

* Toni Kleinhelter
Signature

Kleinhelter was asked about the purchase made at Carrabba's Italian Grill in Sandestin, FL on 10/16/2023. Kleinhelter said he did not remember the purchase. When asked if A.K. was dining with him, Kleinhelter referred to the audit, claiming, ***“Again, State Board of Accounts audited it, ended the audit, gave me a price to pay, I paid it. They didn't have questions about it. I don't know”*** Again, SBOA did not have this receipt, as this was a receipt Kleinhelter failed to properly submit, which led to ISP contacting the business to obtain a copy. (Image of receipts below).

0128

Server: TAYLOR K Rec:102
10/16/23 19:39, Chip T: 24 Term: 4

CARRABBA'S ITALIAN GRILL
10562 Us Highway 98 W
Ste 168-b
(850)837-1140

PURCHASE USD\$72.51
*****6679 MC
AUTH: 348581 APPROVED 991016230071
ENTRY: CHIP READ
Mastercard Debit - A0000000041010
TC - 1829935B5CAFE7F0
Mode: Issuer
TVR: 8000 IAD: 0110607001220000
70890000000000000000FF
TSI: E800 ARC: 00

CHECK: 72.51

TIP: _____

TOTAL: 87.51

=====

VIEW YOUR REWARD BALANCE OR SIGN UP AT
DINE-REWARDS.COM

CARRABBA'S 6055
10562 Us Highway 98 W
Ste 168-b
Sandestin, FL 32550

Check: 0128 Table: 24 #Party: 2
Server: TAYLOR KEARNEY 18:52
RESTAURANT

Michelob Ultra	(18:53)	6.10
No Beverage	(18:53)	0.00
Herbs & Bread	(18:53)	0.00
Wine Sample	(18:53)	0.00
Special Instructions	(00:00)	0.00
Wine Sample	(18:53)	0.00
Special Instructions	(00:00)	0.00
Payment Code	(18:53)	0.00
Memo - CC Code	(00:00)	0.00
G1 9 Mark West P Noir	(18:58)	14.49
Fettuccine Carrabba	(19:03)	20.79
Caesar w/	(19:03)	0.00
Rigatoni Campagnolo	(19:03)	20.29
House Salad w/	(19:03)	0.00
Michelob Ultra	(19:10)	6.10

Sub Total:	67.77
TAX	4.74
19:30 Total:	72.51

Payments:	Amt-Tend	Tip/Chg	Tally
MC/VISA	87.51	15.00	72.51
10/16/2023 19:44			72.51

Memo: 348581,XXXXXXXXXXXX6679,XX/XX, 72.51

Terminal: T5 EXPO TERMINAL
Cashier: TAYLOR KEARNEY

Customer Copy

When asked about their hotel, Kleinhelter confirmed he and A.K. stayed at the Hilton Sandestin Beach Golf Resort and Spa. When asked about the expenses at the hotel lounge, Kleinhelter stated he did not remember what was purchased and did not remember if he used commissary funds to pay for meals and drinks for A.K.

Next, Kleinhelter was asked if A.K. completed the training. Kleinhelter confirmed A.K. had completed the training. Kleinhelter claimed the training was completely paid for and allowed each attendant to bring an additional person. Rather than bringing an employee of the sheriff's office, Kleinhelter chose A.K. to be the additional person he brought.

Dubai, United Arab Emirates Trip

Next, the trip to Dubai was discussed. Kleinhelter confirmed he booked this trip, paid for the trip with his personal credit card, and said the trip did not need authorization from the fiscal body, as it was allowed in the provisions of Indiana Code 36-8-10-21.

When asked why he cancelled the trip, Kleinhelter said, there were too many other things going on. Kleinhelter confirmed the purchase of the airline tickets and hotel were made in May 2023. Kleinhelter also confirmed the cancellation was made in January 2024. When asked how the flight cancellation was processed, Kleinhelter said, *"I canceled it. They immediately, I shouldn't say immediately, but it was within a couple hours when I checked back, they gave me an*

eCredit.” Kleinhelter explained an eCredit, saying, **“It’s when I can call Delta and just use that money that’s on my account so to speak, to pay for another flight, a different flight, any flight, whatever. It’s just a credit.”** When asked, Kleinhelter denied using the eCredit for any other flights, explaining, **“No. Uh-uh. I called them and asked them if I could get that turned over to cash because I needed to reimburse.”** Kleinhelter was again asked how he saw the eCredit. Kleinhelter confirmed he logged onto his Delta Airlines account and observed the eCredit had been credited to his account. After previously saying the credit was visible within a couple hours, Kleinhelter now said he did not recall when he observed the eCredit.

When asked what Kleinhelter did with the eCredit, he claimed he had it reimbursed to his personal credit card (American Express ending 1003) but did not recall when the reimbursement occurred.

Next, Kleinhelter was asked about the hotel in Dubai, he stated he found out it was non-cancellable.

When asked about the repayment of both flights, Kleinhelter explained, **“Well, the State Board of Accounts added the one (A.K. ’s) in the 2023 audit. Um, but not mine, which I knew I had to pay that back by the end of ‘24. So, when they told me I owed the \$16,774, I moved money around from my financial advisor to pay that back, and also had him move money around to get, to pay my ticket back and also the hotel back.”** Kleinhelter confirmed the Dubai hotel cost was associated with the payment of \$1,418.80 he made to the Commissary Fund on 08/12/2024. When asked why he waited until after the audit to return those funds and why he failed to disclose that information, Kleinhelter said the audit with SBOA did not include the year 2024 and he was not questioned about 2024 expenses. When Kleinhelter was told he was questioned about the Dubai expenses, he repeated that he was not questioned about 2024 expenses until ISP began their investigation.

When asked if SBOA spoke to him about the Dubai trip, Kleinhelter said, **“No. That way that he asked me about it, and I told him, um, or he, uh, he never even asked about it. He said, I owed that back from A.K. ’s flight. I knew I did. There was no question about anything else about it, because that didn’t happen until ‘24. They weren’t auditing ‘24.”**

According to Kleinhelter, A.K. ’s flight was paid back as part of the 2023 audit, and although being part of the same expense, his own flight was not subject to the 2023 audit. Despite the expense occurring during 2023, he claimed he did not need to repay the money as soon as possible but rather had until the end of 2024 to return the funds at any time he chose. According to SBOA, Kleinhelter is incorrect.

When asked how the costs were not subject to the 2023 audit, Kleinhelter became agitated and said, **“I didn’t cancel until ‘24. So, how am I going pay ‘em back before I cancel?”**

It was explained to Kleinhelter that the expenses were made in 2023, which would have corresponded to the 2023 audit. So, Kleinhelter was again asked why he did not mention the cancellation to SBOA and why he waited approximately 7 months to reimburse the Commissary Fund. Kleinhelter responded that there was no audit for 2024, so he did not need to pay the

expenses back until the end of 2024. This reasoning did not make sense. Kleinhelter was never able to justify why A.K.'s flight expense was to be returned to the commissary, for the 2023 audit, but his own travel expenses and the hotel could be returned later, at any time, before the end of 2024. The expenses were paid, were cancelled, and were refunded at the same time. Given A.K.'s costs were subject to the audit and immediate repayment to the Commissary Fund, there was no reasonable explanation why the related costs would not be held to the same standard.

While A.K.'s expenses were repaid because of the audit, Kleinhelter's own refund and costs remained undetected by SBOA and undisclosed by Kleinhelter. While Kleinhelter claimed he did conduct his own, "self-audit," this was not done until the media began providing negative press coverage and ISP had begun the criminal investigation. The Exit Conference for the Audit occurred on 07/22/2024 and the SBOA published the findings on 07/26/2024. The criminal investigation began on 07/23/2024. On 07/30/2024, the local media began sending inquiries regarding a criminal investigation to the Dubois County Prosecutor's Office. On 07/30/2024, Kleinhelter's laptop documents activity on his American Express account. On 07/31/2024, local news media began publishing articles, which subjected Kleinhelter to public scrutiny. On 08/01/2024, Kleinhelter produced a written statement, which concluded, "I am now in full compliance and will work closely with the Dubois County Council to continue our compliance with the jail commissary statute. The SBOA report—and my reimbursement to the Commissary Fund—bring this matter to a close." On 08/05/2024, the Dubois County Prosecutor made a written statement, which confirmed a petition for a special prosecutor had been filed. The following day, on 08/06/2024, Kleinhelter provided a check to pay for his travel for the Dubai trip. This was never reported to the SBOA but was paid 15 days after the Exit Conference. On 08/07/2024, Kleinhelter was first contacted by ISP to schedule an interview regarding the criminal investigation. On 08/12/2024, following the scheduling of the interview, Kleinhelter submitted another reimbursement to the Commissary Fund. The initial interview with ISP occurred on 08/29/2024.

Having this timeline in mind, it was pointed out that Kleinhelter said he knew he needed to return the funds when he cancelled the trip, so again, he was asked why he took approximately 7 months to reimburse the Commissary Fund. Kleinhelter again became agitated and raised his voice, stating, ***"I was never going to, if I wanted to steal money, why would I tell you I canceled the trip?"*** Again, he was asked why the funds were not returned immediately, upon the cancellation of the trip. Kleinhelter continued to raise his voice and talk over detectives, stating, ***"I answered the question. If you, if I wanted to steal money, why would I even call and tell you? Why would I even tell the s, the first state police investigator that we canceled the trip? That's stupid. If I wanted to steal money, I wouldn't have told anybody. Now you're sitting here telling me that I'm a thief and that's pissing me off."***

Next, Kleinhelter said, ***"I paid back \$16,774 and 71 cents. Exactly what the State Board of Accounts told me to pay back. I already paid back what I know that they would've called in '25. I already paid that back. Because it's not been audited. And instead of going through this again, I paid it back in '24. Maybe you don't like the way I did it, but it's not illegal."***

French Lick Indiana Sheriff's Association Conference

The next item that was discussed was the 2024 ISA Conference registration, as Kleinhelter again used commissary funds to pay for A.K. This expense was to attend the 2024 ISA Conference at French Lick Resort. Kleinhelter again became agitated and said that expense did not occur until 2024. Kleinhelter confirmed he paid A.K.'s registration cost and stated the \$105.00 registration fee was included in the check of \$1,418.80 he had written to the Commissary Fund on 08/12/2024 (Image below).

2024 ISA Annual Conference



July 15, 2024 – July 18,
2024

French Lick Resort
8670 West State Road 56
French Lick, IN 47432

Congratulations, you are now registered!

Your Confirmation Number is:

XGNVTM3VZLN

You will receive an email with your registration details.

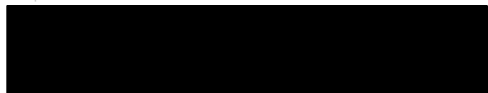
Add to Calendar

Submit Payment

*\$105.00
el conference
registration*

Registration Summary

Review your registration information below



Mobile Number (include area code) County
 [Redacted] Dubois County

Agenda

Item	Date	Price
Admission Item		
Partial Conference Registration		Free
Sessions		
Wednesday - Women's Breakfast & Program	7/17/24, 8:30 AM - 7/17/24, 10:30 AM	\$35.00
Wednesday - President's Reception & Dinner	7/17/24, 5:30 PM - 7/17/24, 9:00 PM	\$70.00

Special Deputy Appointment

Next, Kleinhelter was asked about a special deputy form, which was submitted with the 2024 ISA Registration. The form was dated 06/06/2024, and appointed A.K. as a special deputy. In response, Kleinhelter said, ***“Yeah. Made her a special deputy. Just exactly what the State Board of Accounts told me to do.”*** Kleinhelter had previously stated A.K. was not a special deputy and had never been a special deputy. This was also stated during the interview on 10/28/2024. When asked about the process of making A.K. a special deputy, Kleinhelter said, ***“IC code 36-8-10-10.6 tells you how I can do it.”***

When asked why A.K. was appointed as a special deputy, Kleinhelter said, ***“State Board of Accounts told me to. Except if I would've made her a special deputy, all of this stuff would've been totally fine. But instead of lying, I told the truth and paid back money, so that I wouldn't be a liar.”*** Kleinhelter continued, claiming SBOA instructed him to appoint A.K. as a special deputy during an interview. Kleinhelter was asked when this occurred and responded, ***“In our, in our interview. Not the exit interview, but one of the interviews that we had in my office. J.D. asked me, ‘Did you make your wife a special deputy?’ I said, no. Basically, I talked to my attorney, my legal deputy, and he was like, yeah, well if you would've made her, I can't remember how that all went out, but the just of it is, if I would've made her a special deputy, everything would've been fine.”***

When asked if he had appointed anyone else as a special deputy, Kleinhelter said every jail officer is a special deputy (which he previously said was approximately 23 people), court security personnel, and a school resource officer. When asked what he did with the special

deputy documents, Kleinhelter said he filed them in his office. When asked if they were filed with the county clerk or recorder, Kleinhelter said he did not have to file them with the county.

Next, Kleinhelter was asked what qualifications A.K. had for the appointment of special deputy. Kleinhelter said, ***“Don't need any qualifications. If you read the statute, it's pretty self-explanatory.”***

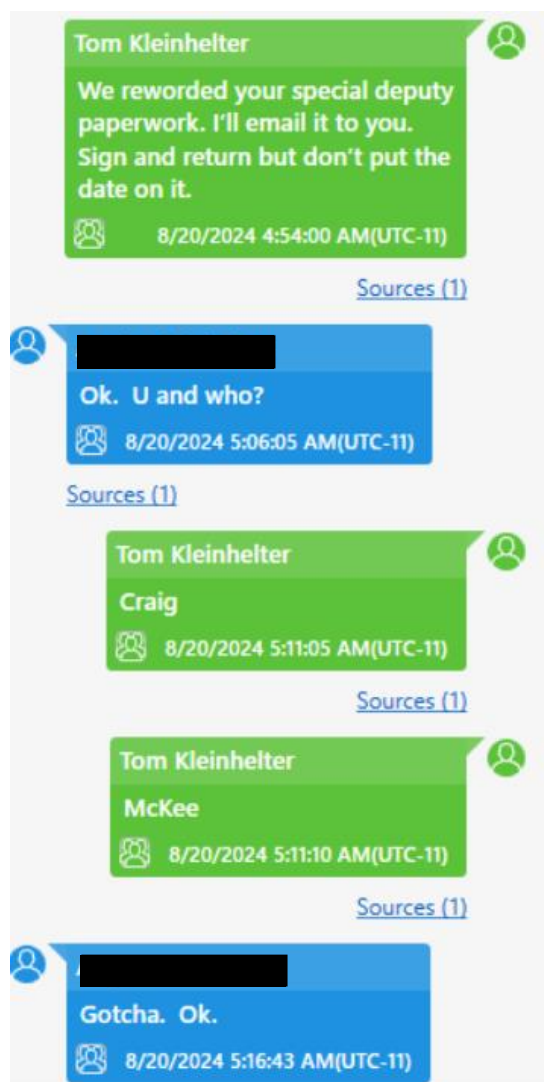
Next, Kleinhelter was asked if A.K. was made a special deputy in 2019, due to the date of one of the documents listing the date as 2019 on the top right corner. Kleinhelter said he did not make A.K. a special deputy in 2019. Kleinhelter was asked to explain the document, and he refused, then said, ***“This is not the one that I have on file.”***

Kleinhelter was shown both special deputy documents that had been signed by A.K. The document submitted with the ISA Conference receipt had a header date of 07/01/2023. A.K. signed and dated this document as 06/06/2024. The second document had a header date of 01/01/2019. A.K. signed this document and did not add a date beside her signature. This was the document that had been saved on Kleinhelter's laptop on 08/20/2024, which corresponded with text messages from that same day.

Kleinhelter was informed the document had been recovered from his laptop and he said, ***“I was advised to make it. To backdate it.”*** Kleinhelter confirmed he backdated the document, stating, ***“I was advised to backdate it, yes.”*** When asked why, Kleinhelter responded, ***“I'm not gonna say, but I didn't put that one on file.”***

Next, Kleinhelter was asked when he created the backdated document. Kleinhelter pointed to the document A.K. had signed on 06/06/2024, and said it was “around the same time.” Kleinhelter asked why he backdated the document. Kleinhelter said, ***“I took advice that I shouldn't have taken. That's why we did it.”*** When asked to elaborate on his answer, Kleinhelter said, ***“No. There's no reason to elaborate. If I would have, I could have said that she was a special deputy. Plain and simple. What I'm seeing, I'm sitting here telling the truth and you're not believing me. So, why?!”***

Next, Kleinhelter was asked if he sent A.K. any text messages about the special deputy document. Kleinhelter responded, ***“Maybe.”***



The previously mentioned text thread was read to Kleinhelter and provided to him. Kleinhelter was asked if the form A.K. dated 06/06/2024 was also backdated. Kleinhelter said the form was accurate, ***“Unless she-e-e-e put the wrong date down there, but no, we did not backdate it. There's no reason to backdate it. She hasn't done anything. Nothing has happened.”*** Kleinhelter was reminded that the special deputy form was submitted with the paperwork for A.K.'s attendance at the ISA Conference in French Lick. Kleinhelter became agitated again, raised his voice, began waving his hands and tapping on the table for emphasis as he loudly said, ***“That's, was paid back already! I'm certain of it!”***

Next, Kleinhelter was asked about the annual certification of elected officials for compliance with the Dubois County Nepotism policy. Kleinhelter confirmed he signed the form every year he had held elected office. When shown the most recent document, Kleinhelter showed familiarity with the document and confirmed he had signed it the previous week.

Next, Kleinhelter was read the duties of a special deputy, under IC 36-8-10-10.6, and asked if A.K. fulfilled any of the statutory duties. Kleinhelter responded, ***“No.”*** Kleinhelter was asked if

A.K. had any lawful enforcement training, as stated in the statute, Kleinhelter responded, ***“Not law enforcement training. No.”***

Next, Kleinhelter was asked about A.K.’s employment status. Kleinhelter said, ***“Um, director of, um, so, she's in the, under the human resources umbrella, but, um, director for training, I think it is, or something like that.”*** Kleinhelter also confirmed A.K. did not have prior experience as a police officer and did not have any issued vehicles or equipment.

Next, Kleinhelter was read part of IC 36-8-10-10.6, which stated “The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in IC 35-31.5-2-144 or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer.” Kleinhelter was directly asked if anything A.K. did with the HR department of her private employer, necessitated she have the powers of a law enforcement officer. Kleinhelter responded, ***“No, but she's privy to conversations that I have as far as, um, confidential matters. That I can talk to her about it and not worry.”*** When asked, Kleinhelter confirmed A.K. offered advice, stating, ***“She's advised me on a lot of things that HR related”*** Kleinhelter was then asked if her advice necessitated law enforcement power. Kleinhelter responded, ***“No, but she doesn't need to. No special deputy needs law enforcement powers. It can be given, but if you look under the special deputy statute, there's a whole lot of things that you can do.”*** In response, Kleinhelter was asked what other duties A.K. had performed. Kleinhelter responded, ***“She has not. She's never, never, I've never, I didn't make her a special deputy.”***

When confronted with the inconsistency of this contradictory claim, Kleinhelter said, ***“Well, I did now, 'cause I was told to by the State Board of Accounts, but if I would've back in 2019, then I wouldn't, then everything would've been fine.”***

For clarity Kleinhelter was asked, “So, as of the date of that form, June 6th, 2024, as of that time, A.K. has been a special deputy?” Kleinhelter responded, ***“I don't know. Do you really wanna? I mean, I don't, I don't know. But it's whatever you wanna call it, I guess.”***

Kleinhelter was reminded he was the sheriff, and he is the only person that can provide A.K. with the appointment, and was asked again, if A.K. was or was not a special deputy. Kleinhelter responded, ***“No.”*** After claiming A.K. was not a special deputy, Kleinhelter was asked when her appointment was terminated. Kleinhelter said he did not remember, but agreed A.K. was appointed on 06/06/2024, and the termination was sometime between 06/06/2024 and the current date (12/19/2024). Kleinhelter was asked for documentation of the revocation of A.K.’s special deputy appointment, and responded, ***“Don't need any. Nor do I need the documentation that I made her a special deputy.”*** When asked how he kept a record of who was a special deputy, Kleinhelter declined to answer the question, saying, “If you read the statute, it’s self-explanatory.” Kleinhelter continued, stating the statute does not require him to document his special deputy appointments. Kleinhelter also claimed sheriffs all over Indiana practiced the same lack of structure (Images of Special Deputy form Below).

Dubois County Sheriff's Office

Subject: Special deputy

Approved by: Sheriff Tom J. Kleinhelter

Date: July 1, 2023

Adopted by: _____

Date: _____

Purpose: This S.O.P. was written to establish a policy for the appointment of Special Deputies according to I.C. 36-8-10-10.6 and for the specific limitations and requirements concerning their powers, privileges, and duties.

Policy: The sheriff follows a policy of designating all full-time jailers and transport officers as special deputies. Their appointment allows them to carry out specific law enforcement duties, such as serving arrest warrants by reading them to defendants or addressing any felonies that occur while the jailer is on regular duty. This duty applies whether they are inside the jail, judicial center or transporting an inmate(s) using a Dubois County vehicle.

It is also the policy of the Sheriff to appoint civilian employees of the Dubois County Sheriff's Office as a Special Deputy to conduct all necessary business of the Sheriff's Office while on-duty if the Sheriff so chooses. The appointment is limited to the specific authority of the Sheriff to include accompanying the Sheriff to training, providing advice on confidential matters and operating a county vehicle if necessary.

The status of Special Deputy may only be given by the duly elected Sheriff who is in Office during the period of appointment. A copy of this policy shall be signed by each individual and placed in their respective personnel file as authorization.

Signature of _____ 6/12/24

Printed Name

Tom J. Kleinhelter
Signature of the Sheriff

Dubois County Sheriff's Office

Subject: Special deputy

Approved by: Sheriff Tom J. Kleinhelter

Date: January 1, 2019

Adopted by: _____

Date: _____

Purpose: This S.O.P. was written to establish a policy for the appointment of Special Deputies according to I.C. 36-8-10-10.6 and for the specific limitations and requirements concerning their powers, privileges, and duties.

Policy: The sheriff follows a policy of designating all full-time jailers and transport officers as special deputies. Their appointment allows them to carry out specific law enforcement duties, such as serving arrest warrants by reading them to defendants or addressing any felonies that occur while the jailer is on regular duty. This duty applies whether they are inside the jail, judicial center or transporting an inmate(s) using a Dubois County vehicle.

It is also the policy of the Sheriff to appoint a civilian as a Special Deputy to conduct business of the Sheriff's Office if the Sheriff so chooses. The appointment is limited to the specific authority of the Sheriff to include but is not limited to, providing advice on confidential matters, operating county owned vehicles if necessary and advising on human resource related topics.

The status of Special Deputy may only be given by the duly elected Sheriff who is in Office during the period of appointment. The Sheriff may suspend or terminate the special deputy status at any time for any reason. A copy of this policy shall be signed by each individual and placed in their respective personnel file as authorization.


Signature


Printed Name


Signature of the Sheriff

A review of these documents shows they are not in compliance with Indiana Code. For instance, the document signed by A.K. on 06/06/2024 contains language that states the appointment of special deputy includes "accompanying the sheriff to training, providing advice on confidential matters, and operating a county vehicle if necessary." Accompanying the sheriff to training and providing advice are not outlined in the statute. These fabricated duties were added to

Kleinhelter's draft of the special deputy form to falsely legitimize A.K.'s appointment to special deputy. Given this specific added verbiage, which is outside of Indiana Code, it is clear the purpose of this document was to validate A.K.'s travel and justify the impermissible expenses related to her.

The second special deputy form included "providing advice on confidential matters, operating county owned vehicles if necessary, and advising on human resource related topics." Again, these fabricated duties were added to Kleinhelter's second draft of the special deputy form to falsely legitimize A.K.'s appointment to special deputy. Given this document was backdated to include Kleinhelter's entire term as sheriff and the specific added verbiage, which is outside of Indiana Code, it is clear the purpose of this document was to validate A.K.'s travel and justify the impermissible expenses related to her.

Purchase of Clothing

Next, Kleinhelter was asked about the purchase of clothing from Siebert's. Kleinhelter declined to answer the question, and continuously repeated that clothing was an allowable use of commissary funds. Finally, Kleinhelter stated, ***"I bought a sport coat at Siebert's, but I'm not certain I paid for it out of the commissary. It was for the Indiana Sheriffs' Association, 'cause I was gonna become the incoming president. Um, so, I wore that to a lot of the conferences."*** Kleinhelter then continued to repeat that duty attire was an allowable expense. Kleinhelter was then shown the receipt with the purchase and stated, ***"I, I know that I pur, that I Ok'd purchases from Siebert's, because it is an allowable expense."*** Kleinhelter confirmed he would approve his own purchases at Siebert's if they were for his duty. During the interview on 10/28/2024, Kleinhelter provided a contradictory statement, as he denied the purchase of the sports coat and said he would not purchase clothing, from Siebert's, for himself.

Purchase of Blackstone Grills and Gift Cards

Next, Kleinhelter was asked about the purchase of Blackstone grills and gift cards that had been paid back to the Commissary Fund as result of the SBOA audit. Kleinhelter stated the items were Christmas gifts, which he purchased with commissary funds because his staff were stressed during the new jail build. Kleinhelter said he did not obtain a grill for himself until after he reimbursed the Commissary Fund following the SBOA audit.

Next, Kleinhelter was asked why the purchase of the grills and gift cards was labeled on the commissary ledger as "Walmart training." Kleinhelter claimed this was an error by his matron and he did not direct or indicate the expense was related to training.

SBOA Meeting

Next, Kleinhelter was asked about his meeting with SBOA on 06/04/2024, which was two days prior to A.K.'s special deputy appointment. Kleinhelter said he was sure this meeting was when SBOA told him to make A.K. a special deputy. When directly asked if SBOA told him to appoint his wife as a special deputy, Kleinhelter said, ***"It was by implication, because of, it'd be, that***

was the implication that he had was if, uh, you would've, if you would've just made her a special deputy, all of this stuff we wouldn't be talking about."

SBOA has several statutory obligations, none of which provide them with law enforcement powers, or the authority to dictate and advise the appointments made by sheriffs. Kleinhelter's insistence that SBOA directed him to make A.K. a special deputy was false. As shown, when questioned further, Kleinhelter said he made A.K. a special deputy of his own volition because he believed it would justify the impermissible expenses that were causing him to face scrutiny.

Next, Kleinhelter was asked why he chose to reimburse the commissary with funds from Edward Jones instead of the refund Delta had placed on his American Express. After much back-and-forth, Kleinhelter claimed he kept most of his finances in his Edward Jones account and did not know how to liquidate the surplus funds from the American Express account.

Next, Kleinhelter was asked about the backdated special deputy form. Kleinhelter claimed there was no reason for the form because everything had been paid back. When confronted with the previously mentioned purchases in Phoenix and Sandestin, Kleinhelter claimed he paid back everything SBOA told him to pay back, and any discrepancies would need to be addressed with them.

Final Statement During Marion County Interview

For his final statement, Kleinhelter said, "I paid the money back when I was told to pay it back. I paid this back because we didn't go on the trip (Dubai), which I knew I had to by the end of 2024, so that the State Board of Accounts wouldn't have questioned me in '25. Plain and simple. Maybe you don't like the way I did it, but I did it. And it's not illegal that I know of. There was nothing criminal. There was no intent to steal any money. Um, for you to imply that I am trying to steal money, I'm pissed about that, 'cause I gave 31 years at this profession. And I'm sure that you wouldn't like me to call you a liar or a thief because I know that I'm not."

Follow-up

After the interview, Craig McKee was contacted and questioned about the special deputy documents that were made on 08/20/2024. McKee declined to comment, claiming the appointment of the special deputy was confidential communication between him and his client and he would need to get permission to provide any information. It was unclear how the documentation of the appointment of a public servant was confidential.

Following the attempted conversation with McKee, Kleinhelter's attorney was contacted to follow-up on Kleinhelter's agreement to share American Express records. During that conversation, Kleinhelter's attorney referenced special deputy forms having been approved by Dubois County Prosecutor Beth Schroeder.

On January 15, 2025, I recontacted Craig McKee and he advised he had never seen either special deputy document making A.K. a special deputy.

Next, Kleinhelter's laptop was reviewed again for contact with Beth Schroeder regarding the approval of special deputy forms. Kleinhelter had three copies of special deputy forms that had been emailed during September 2023 and October 2023. Beth Schroeder had reviewed and approved special deputy forms, which were specific for jailers, transport officers, and school resource officers. The forms were different from the forms that had been signed by A.K., as they included different language. These forms also included duties and responsibilities which were within Indiana Code. One of the templates copied Indiana Code verbatim. The forms signed by A.K. were never sent to Beth Schroeder for review. On January 16, 2025, detectives met with Beth Schroeder, and she advised she had never seen the form signed by A.K. nor did she endorse or assist in drafting the A.K. forms. Given other special deputy forms were approved by the county prosecutor, included Indiana Code and clearly stated responsibilities outlined in Indiana Code, it is clear the forms created for A.K. only served the purpose of monetary benefit to the Kleinhelters. Additionally, when confirming the forms were acceptable, Schroeder asked for Kleinhelter to consider including statements for revocation of powers for record keeping. This was contrary to Kleinhelter's claims that there was no need for record keeping of special deputy appointments and revocations (Images below).

Special Deputy Appointment

IC 36-8-10-10.6 Special deputies with powers of law enforcement officer; appointment; qualifications; duties

Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in IC 35-31.5-2-144 or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of the special deputy's appointment and while the special deputy is fulfilling the specific responsibilities for which the appointment is made, a special deputy has the powers, privileges, and duties of a county police officer under this chapter, subject to any written limitations and specific requirements imposed by the sheriff and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

- (1) be twenty-one (21) years of age or older;*
- (2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;*
- (3) be of good moral character; and*
- (4) have sufficient training to insure the proper performance of their authorized duties.*

Consistent with the referenced statute, Sheriff Tom Kleinhelter appoints _____ as a Special Deputy for the Dubois County Sheriff's Office. This appointment is for the sole purpose of employing the Special Deputy to provide services as a School Resource Officer for the _____ School Corporation. No additional authority is granted beyond that function without prior written authority and approval by the Sheriff. The appointment may be terminated by either Sheriff or Special Deputy, with or without cause, at any time. The appointment does not extend beyond the Sheriff's term of office. The appointment is effective as of the last date written below.

Special Deputy

Date

Tom Kleinhelter, Sheriff

Date

Figure 1- Special Deputy Form- September 2023

Dubois County Sheriff's Office

Subject: Special deputies assigned as jail officers or transport officers

Approved by: Sheriff Tom J. Kleinhelter

Date: July 1, 2023

Adopted by: _____

Date: _____

Purpose: This S.O.P. was written to establish a policy for the appointment of Special Deputies according to I.C. 36-8-10-10.6 and for the specific limitations and requirements concerning their powers, privileges, and duties.

Policy: The sheriff follows a policy of designating all full-time jailers and transport officers as special deputies. Their appointment allows them to carry out specific law enforcement duties, such as serving arrest warrants by reading them to defendants or addressing any felonies that occur while the jailer is on regular duty. This duty applies whether they are inside the jail, judicial center or transporting an inmate(s) using a Dubois County vehicle.

It is also the policy of the Sheriff to appoint civilian employees of the Dubois County Sheriff's Office as a Special Deputy to conduct all necessary business of the Sheriff's Office while on-duty if the Sheriff so chooses. The appointment is limited to the specific authority of the Sheriff.

The status of Special Deputy may only be given by the duly elected Sheriff who is in Office during the period of appointment. A copy of this policy shall be signed by each individual and placed in their respective personnel file as authorization.

Signature and date

Printed Name

Signature of the Sheriff

Figure 2- Special Deputy Form- October 2023 (1)

Dubois County Sheriff's Office

Subject: Special deputies assigned as school resource officers

Approved by: Sheriff Tom J. Kleinhelter

Date: October 1, 2023

Adopted by: _____

Date: _____

Purpose: This S.O.P. was written to establish a policy for the appointment of Special Deputies according to I.C. 36-8-10-10.6 and for the specific limitations and requirements concerning their powers, privileges, and duties.

Policy: The sheriff adopted a policy that permits a school resource officer with full-time jailer responsibilities to serve as a special deputy. This appointment grants them the authority to perform law enforcement tasks, including executing arrest warrants by verbally conveying them to defendants. Their appointment allows them to address any felonies that occur while the jailer is on regular duty. This duty applies whether they are inside the jail, judicial center or transporting an inmate(s) using a Dubois County vehicle.

Moreover, they are empowered to handle incidents involving minor offenses or serious crimes that take place while they are on regular duty, regardless of whether they occur within a building or on property owned by their assigned school.

It is also the policy of the Sheriff to appoint civilian employees of the Dubois County Sheriff's Office as a Special Deputy to conduct all necessary business of the Sheriff's Office while on-duty if the Sheriff so chooses. The appointment is limited to the specific authority of the Sheriff.

Special Deputy status may only be given by the duly elected Sheriff in Office during the appointment period. A copy of this policy shall be signed by each individual and placed in their respective personnel file as authorization.

Signature and date

Printed Name

Signature of the Sheriff

Figure 3- Special Deputy Form- October 2023 (2)

On January 15, 2025, I contacted American Express and requested they expedite Tom and A.K.'s statements requested by Search Warrant 6. I received the records and discovered that Tom Kleinhelter received a refund on his American Express account of \$14,747.30 for the Dubai Delta Airlines tickets on January 19, 2024. Delta Airlines Senior Paralegal Specialist Shannon Shaw advised the refund from Delta to American Express was a refund for \$14,747.30 and not airline credit or points as described by Tom Kleinhelter.

Payments	-\$13,460.53
Credits	
TOM J KLEINHELTER 9-91003	-\$14,747.30
ANGIE M KLEINHELTER 9-93017	-\$488.55
Total Payments and Credits	-\$28,696.38

Detail *Indicates posting date

Payments			Amount
01/23/24*	TOM J KLEINHELTER	ELECTRONIC PAYMENT RECEIVED-THANK	-\$13,460.53
Credits			Amount
01/19/24	TOM J KLEINHELTER	DELTA AIR LINES ATLANTA DELTA AIR LINES Ticket Number: 0062186649264 Passenger Name: [REDACTED] Document Type: MISC. CHARGE ORDER (MCO)/PREPAID TICKET AUTH.	-\$7,373.65
01/19/24	TOM J KLEINHELTER	DELTA AIR LINES ATLANTA DELTA AIR LINES Ticket Number: 0062186649262 Passenger Name: KLEINHELTER/THOMAS JOSEPH Document Type: MISC. CHARGE ORDER (MCO)/PREPAID TICKET AUTH.	-\$7,373.65
01/27/24	[REDACTED]	YVESAM TAX REFUND MEXICO ZBC190327EA0 Galway, Ireland CO TAX PAYMENT	-\$488.55

New Charges

Summary

		Total
TOM J KLEINHELTER 9-91003		\$8,149.53
[REDACTED]		\$1,882.00
Total New Charges		\$10,031.53

A review of the Kleinhelters' American Express statements indicates from May 2023 to October 2024 the Kleinhelters charged \$219,081.83 on their American Express account. See below:

Kleinhelter AMEX 91003

Starting Balance: \$9,908.17

Month **Year** **Total New Charges**

May	2023	\$9,873.82
June	2023	\$20,855.76
July	2023	\$7,437.89
August	2023	\$7,458.05
September	2023	\$13,678.04
October	2023	\$11,658.21
November	2023	\$16,672.72
December	2023	\$11,959.67
January	2024	\$13,640.53
February	2024	\$10,031.53
March	2024	\$12,267.64
April	2024	\$9,995.97
May	2024	\$14,900.77
June	2024	\$13,504.38
July	2024	\$8,042.71
August	2024	\$16,851.93
September	2024	\$5,709.56
October	2024	\$14,542.65
Total		\$219,081.83

A review of the time frame two months prior and after the refund of the planned Dubai trip on January 19, 2024, indicated that on his American Express account statement dated November 10, 2023, Tom Kleinhelter carried over a balance of \$2,658.21, made new charges totaling \$16,672.72, and made payments totaling \$11,658.21.

On his December 12, 2023, statement, Kleinhelter carried over a balance of \$7,672.72, made new charges totaling \$11,959.67 and made payments and received credits totaling \$15,855.26.

On his January 12, 2024, statement, Kleinhelter carried over a balance of \$3,777.13, made new charges totaling \$13,640.53, and made a payment and received credit totaling \$3,957.13.

On his February 9, 2024, statement, Kleinhelter carried over a balance of \$13,460.53, made new charges totaling \$10,031.53, and made a payment and received refunds totaling \$28,696.38. The breakdown of the \$28,696.38 refund/payment is as follows:

Delta Airlines Refund	\$14,747.30
Electronic Payment	\$13,460.53
Yvesam Tax Refund	\$488.55
Total Payment/Credit(s)	\$28,696.38

Additionally, the Kleinhelters paid a \$725.00 American Express annual membership fee. On his March 12, 2024, statement, Kleinhelter carried over a credit of \$4,479.32, made new charges totaling \$12,267.64, and made a payment and received credit totaling \$5,006.36. Below is a chart for additional explanation:

Closing Date	Pmt Due	Previous Balance	Payments/Credit	New Charges	Fees	New Balance
11/10/2023	12/6/2023	\$ 2,658.21	\$ 11,658.21	\$ 16,672.72	\$ -	\$ 7,672.72
12/12/2023	1/6/2024	\$ 7,672.72	\$ 15,855.26	\$ 11,959.67	\$ -	\$ 3,777.13
1/12/2024	2/6/2024	\$ 3,777.13	\$ 3,957.13	\$ 13,640.53	\$ -	\$ 13,460.53
2/9/2024	3/6/2024	\$ 13,460.53	\$ 28,696.38	\$ 10,031.53	\$ 725.00	\$ (4,479.32)
3/12/2024	4/6/2024	\$ (4,479.32)	\$ 5,006.36	\$ 12,267.64	\$ -	\$ 2,781.96

Regarding the refund from the Dubai ticket cancellation, it appears Kleinhelter used a portion of the refund to pay off his American Express debt balance and then used the remaining to purchase a golf cart from Carts Gone Wild in Haubstadt, Indiana.

Below is the charge from Kleinhelter’s American Express Statements:

02/02/24	CARTS GONE WILD 812-615-5050	HAUBSTADT	IN	\$5,564.59
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Below is a copy of the golf cart receipt:



1141 E Warrenton Rd
 Haubstadt IN 47639
 812-615-5050
 812-615-5051
 cartsgonewild.com

SERVICE INVOICE

Invoice: 01-22576 PO:
 Date: 2/2/2024 CustId: TOM KLEINHELTER
 Cust Email: takleinhelter@hotmail.com
 Phone: (812) 639-3322
 Salesperson: CameronR
 User: CameronR

Bill To: Tom Kleinhelter 575 N Weisheit Dr. Jasper, IN	Ship To: Tom Kleinhelter
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Opened: 11/9/2023 Responsible Tech:
 Work Order No: 01-23910 My Ref:
 Pickup Date: Delivery Date:

Item	Type	Description	Qty	Tax	Price	Discount	Net Price
Showroom Used		Unit: None					
		Showroom Used					\$318.00
1232	SL	Internal Recondition Labor for Used Units					\$318.00
	UN	E-Z-GO EZGO RXV	1.0000	Y	\$2,750.00		\$2,750.00
		S/IN: 5078146					
		USE - 2009 E-Z-GO RXV 48v Used					
	PA	BAT - 12 Volt US Golf Cart Battery	4.0000	Y	\$242.00		\$968.00
	PA	NIV - Windshield, Tinted Folding, RXV	1.0000	Y	\$138.75		\$138.75
	PA	STE - Folding Side Mirrors	1.0000	Y	\$32.95		\$32.95
	PA	RED - Light Kit, LED Head and Tail Lights, RXV 201	1.0000	Y	\$200.30		\$200.30
	PA	RED - Turn Signal Switch with Horn Button, 7 Wire	1.0000	Y	\$86.99		\$86.99
	PA	RED - Switch, Brake Light	1.0000	Y	\$24.66		\$24.66
	PA	RED - Turn Signal Switch Wire Cover, Injection Mol	1.0000	Y	\$10.92		\$10.92
	PA	RED - Horn, 12V 2 Terminal	1.0000	Y	\$24.17		\$24.17
	PA	RED - Charge Meter, 48V Round,	1.0000	Y	\$52.37		\$52.37
	PA	NIV - GTW MACH3 Rear Seat RXV Sandstone	1.0000	Y	\$413.97		\$413.97
	PA	EBA - 15 amp voltage reducer, 48 or 36 volts to 12	1.0000	Y	\$45.99		\$45.99
	PA	RED - Rear Hub, Electric, E-Z-G	1.0000	Y	\$91.30		\$91.30
	PA	RED - Axle, Rear, Passenger Sid Ele RXV	1.0000	Y	\$193.50		\$193.50
	MC	Custom Seat Cover	1.0000	Y	\$75.00		\$75.00
	RE	Front Seat Bottom Cover					
	MC	Shop Supplies	1.0000	Y	\$25.00		\$25.00
	PA	EZG - SWITCH,NONC,PEDAL,MOLEX	1.0000	Y	\$32.68		\$32.68
Segment Total:							\$5,484.55

Labor:	\$318.00
Parts:	\$2,316.55
Misc Charges:	\$100.00
Units:	\$2,750.00

Conclusion

Based upon the State Board of Accounts audit findings, financial and airline records, digital forensic evidence, text message communications, and the recorded interview conducted on December 19, 2024, in Marion County, Indiana, I have probable cause to believe that Thomas J. Kleinhelter committed the offenses of False Informing, and Official Misconduct.

During the December 19, 2024, interview, Kleinhelter knowingly provided materially false information to law enforcement officers regarding the receipt and handling of refunded public funds, thereby committing False Informing under IC 35-44.1-2-3.

At the time those statements were made, an active criminal investigation was underway concerning his administration of the Jail Commissary Fund, and at the time of the interview,

Kleinhelter was serving as the elected sheriff of Dubois County, was wearing attire identifying him as sheriff, was armed, and was speaking about matters directly arising from his official administration of public funds, and by committing the above-described offenses in connection with his official duties, he committed Official Misconduct under IC 35-44.1-1-1

All these events occurred in the state of Indiana.

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Date: 04/08/2026

Affiant Signature: *Lt. Jeffrey C. Hearon PE 5201*