

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

20A01427
27-CR-20-3296

State of Minnesota,

Plaintiff,

vs.

COMPLAINT

Warrant

Amended

DAVID MICHAEL KRUCHTEN DOB: 06/18/1982

203 DONKEL CT
COTTAGE GROVE, WI 53527

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Interfere w/Privacy-Against a Minor Under 18

Minnesota Statute: 609.746.1(e)(2), with reference to: 609.746.1(e)

Maximum Sentence: 2 YEARS AND/OR \$5,000

Offense Level: Felony

Offense Date (on or about): 12/07/2019

Control #(ICR#): 19361977

Charge Description: That on or between December 6, 2019 and December 8, 2019, in Minneapolis, Hennepin County, Minnesota, DAVID KRUCHTEN, with intent to intrude upon or interfere with the privacy of an occupant surreptitiously installed or used any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a sleeping room in a hotel, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts or the clothing over the immediate area of the intimate parts and DAVID KRUCHTEN knew or had reason to know the victim(s) were under the age of 18.

COUNT II

Charge: Interfere w/Privacy-Against a Minor Under 18

Minnesota Statute: 609.746.1(e)(2), with reference to: 609.746.1(e)

Maximum Sentence: 2 YEARS AND/OR \$5,000

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COUNT III

Charge: Interfere w/Privacy-Against a Minor Under 18

Minnesota Statute: 609.746.1(e)(2), with reference to: 609.746.1(e)

Maximum Sentence: 2 YEARS AND/OR \$5,000

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STATEMENT OF PROBABLE CAUSE

COMPLAINT IS BEING AMENDED TO CORRECT THE SPELLING OF DEFENDANT'S NAME

Complainant, a licensed peace officer with the Minneapolis Police Department, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On December 8, 2019, Minneapolis Police Officers were dispatched to the Hyatt Regency Hotel located at 1300 Nicollet Mall, in Minneapolis, Hennepin County, Minnesota, on an invasion of privacy call. Upon arrival, officers learned that suspicious surveillance devices were found in three hotel rooms where multiple teenagers were staying for a conference.

Officers learned that during the early morning of December 8th, one of the student advisors, later identified as DAVID KRUCHTEN, the defendant herein, delivered two air freshener canisters, later determined to contain surveillance cameras, to the front desk. At that time, the defendant informed hotel staff that the devices were in the cabinet of student rooms, as opposed to properly reporting that they were found positioned in bathrooms in places where the likely intent was to capture sexual imagery. The juvenile victim's ages range from 15 to 17. There is no evidence the police were called at that time.

The group of juveniles involved in this case had arrived at the Hyatt regency hotel on Friday, December 6th and left on December 8th, just before noon. On Sunday, December 8th, the hotel was called by parents of the juveniles and alerted to the fact that several surveillance cameras were found placed surreptitiously in the rooms of the reported victims in the evening of December 7, 2019. It was later realized that the devices that were delivered to the front desk by the defendant were the same devices reported by the parents.

When officers were dispatched on the morning of December 8th, officers interviewed several parties, and learned that collectively, three devices were found. Two automatic air fresheners were found and one smoke detector that was affixed to a wall in the bathroom of a group of juvenile females. All devices were oriented to face toward the toilet and shower area. One of the victims noticed an air freshener on her bathroom counter and went to press a button that she believed would activate the spray. When she pressed it, the device opened up to reveal the inner workings of a surveillance camera and other related electronics. The device was brought to the attention of the advisors and all of the affected rooms were searched for additional devices.

The items found were located as follows:

Room 805 – smoke detector with recording device in the bathroom at shower height, facing the shower.

Room 809 – air freshener with recording device located on a bathroom shelf.

Room 810 – air freshener with recording device located on a bathroom shelf.

The students in those three rooms reported that the rooms were not cleaned on Saturday and reported that the devices were found Saturday night. Officers spoke with the member of the cleaning staff who worked the 8th floor on that Saturday. She reported being told by a man, who matched the defendant's general description, that the rooms in question did not need to be cleaned.

While at the hotel, responding officers spoke to the defendant. The defendant told officers that he was made aware of the devices by several students who had found them placed in the bathrooms in their respective hotel rooms. The defendant told officers that they had located two air fresheners and a smoke

detector. He also mentioned that he had removed some thermostats from the walls in the rooms of the victims. He indicated that he delivered two air freshener cameras to the hotel lobby.

Through the course of the investigation, it was later determined that the smoke detector and thermostats were not delivered by the defendant to the lobby. Officers on scene asked what happened to the devices and the defendant told them that he gave them to a security guard that was on his floor soon after their discovery. In a later interview with investigators, the defendant stated that he delivered the smoke detector and thermostats, along with other perceived suspicious items, to the security guard, whom he believed was on the floor for a noise complaint. He described the security guard as having a black shirt on, heavysset, unknown race, and had something titled "security" attached to his clothing.

Minneapolis Police Sergeant Faulconer spoke with hotel security and learned that there were no hotel calls to the 8th floor where they were staying for that evening, and no internal reports indicating that surveillance equipment was found in the rooms of minors or any security guard taking possession of said items. Hotel security further explained that the description of the uniforms for security did not match what their staff wears. Security at the Hyatt typically wear business attire, sport coat and slacks and have a nametag that does not identify that they are security. They further stated that the only call for service that they had from late Saturday to early Sunday morning within the vicinity of the defendant's room was two floors down.

Sergeant Faulconer accessed the devices that were turned over to officers. The devices appeared to be commercially available air fresheners that had been modified to hold surveillance equipment. Both canisters had what appeared to be tiny cameras and battery packs glued into the inner device. One device in particular also contained a separate module, which indicated that a micro SD media card could be placed into the slot, presumably to record media.

Upon further interviews of hotel security, Sergeant Faulconer learned that the hotel security conducted lock interrogation inquiries of the hotel rooms where the cameras were found. They learned that there were multiple failed attempts to access the respective doors assigned to the juvenile victims, using key cards that were assigned to the collective group as a whole. Hotel staff informed officers that every room that was assigned to the conference groups received four keys that have unique numerical identifiers. These keys operate on radio frequency and have to be touched, not swiped, to a lock present on the door in order to operate. This creates a log of both successful and unsuccessful attempts. The logs showed access to the affected rooms using one of the room keys assigned to the advisors at times when it was known that the juvenile occupants were not in the rooms. Activity logs also showed that a room key assigned to the advisors was used to unsuccessfully attempt to enter the rooms, showing that the suspect had possession of numerous keys, but was unaware which key belonged to which room and scanned them, in succession, until successfully finding the correct key to gain entry.

Investigators spoke to the conference staff who stated that advisors assigned to supervise the children are not advised to enter the rooms of any of the children, without them being present, during the conference.

Hotel staff was asked to review security footage from the weekend for possible evidence and located footage that revealed a person identifiable as the defendant turning over devices to the front desk at approximately 0135 hours on Sunday morning. Sergeant Faulconer has confirmed that these were the two air fresheners that were later turned over to officers.

Despite the defendant being a mandated reporter, at no time during his interaction with the front desk did he inform hotel staff that a crime had been committed or request that the police be called. Minneapolis Police Sergeant Cross learned that the defendant failed to notify the director or supervisory staff of the conference being held at the hotel.

Sergeant Faulconer learned from victims that they delivered all of the suspicious devices to the defendant, who informed them that he would bring them to security at approximately 2330-0000 hours. Video footage shows that he did not arrive at the hotel lobby until 0135 hours. Video footage also captured evidence of the defendant, rather than going directly to the front desk, walking on the exterior of the hotel prior to going to the lobby. His movement was not entirely recorded while he was outside of the building, but he is seen walking around several doors and attempting to access entry into the hotel while holding a box with the air fresheners. He also approaches a bathroom, which appears locked, several hundred yards from the hotel lobby and nearest the parking lot.

The remaining devices found in the rooms of the juveniles were never located. The defendant had ample time outside to conceal or destroy the items.

As part of the investigation, officers seized and searched the defendant's cell phone. Contained in the internet history were records showing that the phone visited a website for a company that sold electronic equipment similar to the equipment found in this case. Investigation revealed that the defendant had an account with said company and that his account purchased surveillance cameras built to look like smoke detectors, air fresheners and thermostats. These items were consistent with the devices described by the victims.

The defendant is currently in custody in Wisconsin on Federal charges. Accordingly, the State asks that a warrant be issued.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subs. 1, 2.

Complainant

Bryon Cross
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 1357

Electronically Signed:
02/06/2020 01:11 PM
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Dan Allard
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
02/06/2020 01:04 PM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at the address listed on the attached court summons to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$75,000.00

Conditions of Release: No Contact with Minors/Males/Females under age of: Under 18

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: February 6, 2020.

Judicial Officer

Nicole Engisch
District Court Judge

Electronically Signed: 02/06/2020 01:28 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

David Michael Kruchten

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent:

