

Andy Brownell (00:00):

You're listening to Rochester today on Rochester's Newstalk 1340 K R O C a M N 96 nine FM. Today we're talking with Kevin Torgersen Sheriff of Olmsted County. Hi, good morning. You're on with the Sheriff

Caller (00:11):

And kind of wondering, uh, near officers are sitting on private property. Why is that allowed? I have approached a couple of them who I know are trespassing on property and they just blow up. They go from zero to a hundred instantly. When you questioned them about it early, understand how your officers can sit on private property and try to get someone for speeding or something like that. I don't understand why they got immunity. Are you the, I guess I'm confused. You'd have to give me a little more of a specific situation where you guys out there you go out there and shoot. There's a big, uh, holding tank, the blue holding tank, w where Seneca, where? Well by Seneca on their fields out there, where you guys, where the county's got their shop across from fleet farm to the East. Okay. They sit up there all dependent on private property.

Sheriff Torgerson (01:06):

And why is that a problem? I guess I'm not tracking you, right? Do they have to go on just private property and sit and try to catch someone for speeding as the property owner? Are you the property owner? No, but CENIC is okay. And so know that they've given us or not given us permission to be there. Well, when I questioned him about it, he said he could do whatever the F he wants to do. Really. He, he used those words then. Exactly. Okay. I've got a picture of the car and I've got a picture of the car sitting up there by the tank high and light on why don't you go ahead. And, and why don't you, uh, go ahead and come on in. And, uh, we can take a look at the picture and, and, uh, and file a complaint on our deputy. If that's what you're interested in doing, we'd all be willing to listen to you. I guess they're on private property though, right? Well, they can there's, there's nothing that says they can't. And obviously if they're actively, um, enforcing the law, there's no, they're not, not like they're, uh, I guess I'm not entirely understanding why that's okay.

James Rabe (02:19):

It did. Did they have to get permission from the business owner if it's a private land issue that way, or can they just park there? Well, no. I mean, it's not trespassing

Caller (02:27):

Some of the objects, right, right, right. The trespassing generally isle trespassing works is if the landowner is objecting to it and, and the individual, whether it's us or anyone, if they are, uh, uh, offended by that then, and they tell us that, and then by all means, then we're trespassing. But, um, if they're, if I own land out in the country and you guys can just pull in the middle of my field of SU that's not generally that at all, no, we're not going to normally do that. Normally it's going to be, if it's in a field drive or something like that, deputies will do that on occasion. But they were actually parked in past the sign that says no trespass. And when I asked them what, well, we can park wherever we want. And so, so you called Sonic in Wisconsin. And I asked him for permission, that's when he blew up, like, okay, you know, you are being very, you are being rather accusatory of something that the deputies are actually doing their job trying to, as you say, catch speeders, um, I don't know why that's the objectionable to you.

Caller (03:43):

I don't want them on private property. They don't have the right to be on private property period. They don't, they don't have right to be on private property unless they get permission, I guess. That's okay. I appreciate it. And if you want to bring that picture in and, and let us know which deputy is, or just send me an email with the name of the, the, see numbers on the squad car, you certainly can and send that in and we'll, we'll handle it. Like we would do any other complaints. Um, and, uh, you know, we'll give her goals, but at this point, um, I don't know, um, you know, I guess you have every right to contact Seneca yourself and object to them. And if they are offended by that, then, uh, they can certainly get a hold of us too. But,

Andy Brownell (04:29):

And he's, he's off the phone now, but I'd like to, I'd like to ask something. I think it was interesting. Um, I want clarification, um, Andy, I think you said it was not trespassing unless someone objects, is that legally correct? Or is that just kind of the way it works? Like yeah, yeah. You have to mow your lawn, but if no one complains, no one's looking for it.

Caller (04:47):

Well, that's not entirely, that's, it's a little bit different, but generally how trespassing works is, um, uh, and how we, we are, uh, directed to do, uh, uh, handled trespassing issues by the court and by the County attorney's office is if someone is objecting that someone is on a, on a certain property of certain location, um, what they, uh, ask us to do is have the property owner, um, or the, the, um, specific resident, some cases, it could be a resident if they're living there. Um, but generally it's, the property owner has to either send them a letter, a certified letter, or, um, actually be in our presence to say then that they, um, don't want this person there. Then that's noted, it's reported, it's it's recorded. And then from that point forward, if that person returns, then a citation can be written for trespassing. But, um, we just don't arbitrarily run around because somebody is on some property

Andy Brownell (05:56):

Being kind of philosophical about it. Like if I go to someone's house without their permission, they can say I'm trespassing, but they, unless, unless you're there at the moment that the person said, Hey, you're a trespassing. Get out of here. I, if I leave, I'm good.

Caller (06:10):

Yeah. So that's, if they don't leave, leave, you get the ticket. Right, right, right. Exactly. I'm not usually a betting person. I'm not putting big wagers, but I would gather that if I was a betting person, that if I were to contact Seneca, that having a law enforcement presence on their property would probably not be something. And that's generally that's. Yeah. And that's generally the, the business response is, is obviously the deputies know that if there, if there's a truck coming in or wherever they're sitting, but as they're doing a right border or monitoring traffic, which is generally what they're doing in those positions, um, if the somebody is coming in or out or whatever, they're going to move, they're going to get out of the way they know that. And most businesses generally say they are very happy to have us sitting in or on their property, uh, for whatever reasons, um, on a squad car.

Andy Brownell (07:09):

Well, and people love their look and see your business.

Caller (07:12):

Yeah. So one guy says, gentlemen brings in his information or lets us know the information. We certainly will. Um, if, if our deputy did in fact use the language that he's saying he did, um, you know, that's not appropriate and we'll, we'll deal with that. But, uh, on the other end of it, um, no, most of the time these businesses are very happy. They have a marked squad cars fitting somewhere, um, in, around their property or near their property at various times. So

Andy Brownell (07:41):

Do they have to, and this is just, again, I want to make sure I cover every part of that question, because this is going to be a great story. Um, is, is, do they have to have written permission? I guess if he shows up and says, Hey, and he asked nicely and stuff, not that he has to necessarily, but the does know there's no written permission. He said, no, you can go ask Seneca there, seem fine with it.

Caller (08:02):

Yeah, no. And, and like, that's the thing, the issue is as him as an individual who just for whatever reason objects to that, um, that's not reason enough in that situation to say, okay, we better all get out of there because this individual, I mean, who knows, I don't know what his motivation is. I have no idea. Right. Um, so no, it just, just because someone is objecting and he's not that person, and there is no written paperwork that we have to give to each deputy that says, okay, you can park here to, uh, run traffic. I mean, I, I remember many years throughout my time where I'd sit in different places and, and whether it's doing stationary radar or whatever, LIDAR, you know, the laser, um, I'd sit in different places all the time. And if a farmer came by or said, Hey, what are you doing?

Caller (08:56):

And you know, we'd talk and okay, then, then I'll leave. If that's the person that's rejecting. And generally, if it's somebody like this, I probably would move on anyway, at least for a short term and, and, you know, come back again. Another time I imagine most of the property owners are willing to they're in a situation like that might offer you some coffee or something. And I've been offered that too. I have. Yeah. And I know our deputy staff too. They're very pleased to have our spied cars out there as a deterrent and getting people to slow down and do better on the roads apply. But it kind of does this 40 years ago when I was a teenager and we had our hot rotted cars and we'd drive up and down Broadway like idiots, it was fun. And, um, there was a crackdown because some people were misbehaving.

Caller (09:44):

So the police department went business to business and had people sign off on, I guess, a trespassing type thing. So they could tell the young people to move along, right. When they were hanging out along Broadway. Well, we had found, I won't name, I won't name the business person because they've since passed away, but they had a small business along North Broadway and I had a family connection to them. So we went and approached them and basically said, this group of us, that we would police they're locked and make sure that every weekend, all the trash was cleaned up and make sure you know, that somebody was actively keeping eye out for troublemakers being there and asking them to leave. If he would give us a written piece of paper, each one of us that said we had permission to be there. And he did. I am the soul every week. It was fun at first because almost every weekend it happened until the officers got familiar with the, we were, they would pull in and try to kick us out and we'd put on our glove box and pick out this piece of paper and they would go, well, I'll be damned.

Caller ([10:43](#)):

All right, we got to take a break for news Kim Davidson, the new center. We'll talk more with the sheriff, sheriff, Kevin targets. And then we returned Rochester today. Continues news, tack 1340 a cam and 96, nine FF.