

The following is a transcript of the audio tape recordings from the two officers that physically detained Mrs. Mueller. Identification of the persons involved are as follows:

Dr. Macdonald - the ER physician for which Mrs. Mueller was assigned upon arrival. He pursued the claim for imminent danger.

Bob Condon - Social Worker employed by the hospital

April Auker - Social Worker employed by Health and Welfare Department

Taige Mueller - five and a half week old baby brought to ER

Mrs. Mueller - mother of Taige

Detective Rogers - Detective that claimed imminent danger on baby

Officer Snyder - one of two officers to physically escort and detain Mrs. Mueller

Officer Green - other officer to physically escort and detain Mrs. Mueller

### **Beginning of Officer Green's Recording**

DR. MACDONALD: Watch 'em for 1-3 days until the cultures grow out and keep treating with antibiotics until either the baby has no fever for 24 hours or is just looking so perfectly good that you're sure it's not a meningitis or blood infection something like that or until all the cultures come back negative or if something comes up positive, you're glad you gave antibiotics and continue to treat for a designated period of time depending on what it is that you're treating. There is no crystal ball, there is no way to look into it and say this is what the baby has this is what's going to happen if I treat or if I don't treat. There is just no way I can say that if I took a hundred kids with this same presentation probably 95% of them would end up having just some viral illness; will get better in a couple of days would be fine. I know that about 5 out of those 100 if I let them go home will die. Will die of meningitis. Will die of sepsis. Umm...and at minimum will have some severe brain deficit because of bad infection\_\_\_\_\_ five. But five out of a hundred in my mind is a lot, uh...if it's preventable, and it's preventable. Umm...so, Mom's willing to accept some treatments. She even said you know, particularly about ear infections she'd let me put 'em on antibiotics. But what she doesn't want is to put him on antibiotics if he doesn't need it; if it's just viral. In a sense, if you take a kid that's five years old that works fine, 'cause I can follow a five year old. If a five year old gets worse I can tell a lot easier and bring him back and the outcome isn't as bad, but with a five week old things happen very quickly and they go from running a high fever, a fever comes to normal and then it Drops down below normal and then they don't make fever anymore because they're too sick. They just don't act like normal kids do. So, my recommendation is that we get antibiotics into the baby, we admit the baby to the hospital, and we watch the baby and wait for the cultures to grow out and see what happens. That's what we would do with every other kid that comes into the hospital with this scenario. Umm...Can I be sure that something's going to grow out? No. Can I be sure that if I let this mom go home the baby's gonna have a bad outcome? There's no way I can predict that. All I can do is present the statistics.

Male voice (Bob Condon?): Uh, ultimately I think what, what we're hoping will happen is, umm...is that Mom...is that Mom will be willing to allow her children hospital treatment as the doctor was just describing. If she is unwilling to do that we will ask you guys to collectively place the child in care and stage us to proceed and allow us to treat. It isn't a religious...religious debate, but I don't know... what choices do we have? (Can't hear)..that's kind of where we're at.

APRIL AUKER: I kind of agree with that. (Can't hear)...I try to think of Taige, she's so young and her body isn't ready to deal with that.

Male: So, what is Mom willing to do then?

DR. MACDONALD: Right now Mom's letting me do a urine specimen, she's letting me do a blood culture and Draw some blood and put an IV in her. She's letting me run some IV fluid just to see if the baby will get better with just some IV fluid. Umm...In my mind regardless of whether the baby seems to be getting better or not, umm...it doesn't change the fact that I still have no way to predict what will happen. I'm just gonna have to go by...have to go by experience and statistics and previous signs about what's telling me I should put her on antibiotics, I should put her in the hospital.

Male: So, they are not willing to ..to admit her?

DR. MACDONALD: She does not want to. She does not believe that she needs to be admitted. Now, if the kid...if while the kid is sitting here, the kid starts getting floppy and blue then I have no doubt that the mom would say, "Oh, go ahead and admit the kid and do everything and anything." But she wants to kind of wait and use her own judgement which is a non-medically based, you know...and I agree moms have a lot of good insight. Umm... but if mom could take care of everything they wouldn't need us. Umm...

APRIL AUKER: That's right!

DR. MACDONALD: And she did bring the kid in. She does want the kid treated, but we're in disagreement that , as to how sick the kid is. Umm...I could be totally wrong. Umm, but if I...if I ...if I practice medicine the way she is wanting me to practice it, it would...I'd loose five out of a hundred kids. See what I'm saying?

Male: Yeah, I see what you're saying. So, she's not willing to put the kid in and she's not willing to go on antibiotics.

DR. MACDONALD: No yet. Now, she may be willing in six hours, but you know in six hours it may be too late. My thoughts, you know, we either...we either put the kid in protective custody, treat the kid, do the right thing, or we say Mom has the right to refuse and then let her go home and let her refuse treatment and sign out against medical advice and go home. And take, you know...roll the dice and see how the baby does. I mean those are really the only two options I see.

APRIL AUKER: What if this baby does die though? I don't agree with that. Let me talk to my supervisor about that. From everything that you've told me with this baby being five weeks.

(Doctor receives call concerning another patient)

Male: Okay people, what's our next step? What do we need to do to proceed?

APRIL AUKER: Talk with Mom and see what she's willing to do.

(Doctor continuing phone conversation while April Auker and Male continue conversation. Can't understand the words.)

**Tape starts up again**

DR. MACDONALD: As far as my recommendations medically, uhh....and what I think we should do, umm....I've explained to her in my opinion the risks of not treating. I haven't explained

anything about calling, you know, the Police Department or Child Protective Services. Umm...for fear that she would just take the baby and leave and I would have to, you know, be chasing her down and all that.

(Doctor Macdonald receives another call concerning another patient)

Male (Officer Snyder having phone conversation with possibly Sergeant): ...Sergeant \_\_\_\_\_.... The doctor came in and basically he said it was a five week old...It could be nothing, but there is a certain percentage of chance that is life threatening and they would want to do what protocol says they should do. However, the mom is no willing to do that. There is a certain percentage of chance that if they let it go, then in the next six hours if it's bad, then the baby could die. Health and Welfare agrees and they want to look at doing imminent danger. So, yeah, they've talked to the parents. They let the parents know what their protocol is, and the mom disagrees and doesn't want to do that, however. What they'll normally do is they'll run antibiotics and put the baby in for observation in the hospital until the cultures run out to see whether...what type of illness it is. They don't disagree that the child needs treatment, however, they just disagree as to what treatment it needs and the doctor is saying that the...even though it's a small chance that nothing would happen, or small chance that something bad would happen, that chance still exists and with a five month old

Different Male (Officer Green?): five week old

Male (Officer Snyder): five week old that it's, Uhh, once you get past a certain point it's irreversible. Okay, thanks. (Phone conversation ends) They're gonna call out a sergeant or a person....We'll get back with you.

APRIL AUKER: Okay. What's your name?

DR. MACDONALD: Macdonald. Richard Macdonald.  
Bob Condon: Robert Condon. C-O-N-D-O-N.

DR. MACDONALD: So, now what do we do?

Male (Officer Snyder): Hurry up and wait.

DR. MACDONALD: Okay, so I can go back to 300 people....just let me know when you hear.

Male (Bob?): (Can't hear)...for shelter care.

APRIL AUKER: (Can't hear)...for shelter care.

Male (Bob?): because it would be easier to get....

APRIL AUKER: T. Green. What does the T stand for?

(Exchanging of names between officers and social workers; can only hear bits and pieces.)

Male (Officer Snyder): My problem from a legal standpoint...I'm wondering if they'll be willing because with that kind of chance and Mom willing to treat medically if something were to happen, then we can't prove that she is neglected, being neglectful..

APRIL AUKER: She is here!

Male (Officer Snyder): So, I'm thinking they're probably gonna tell us that they are not gonna claim imminent danger 'cause legally we would be violating her rights to do that, and that's

something that no law enforcement agency in the world wants to happen. I agree that she's not being very smart about it, but criminally, she's not doing anything harmful to her child.

(Background radio noise)

APRIL AUKER: Well, if nothing else, they could declare her and she could go to shelter care for two days and in that time she would be treated.

Male (Officer Snyder): Yeah.

APRIL AUKER: And then in shelter care the judge can say, "Oh, send her home."

Male (Officer Snyder): Yeah, that should give them enough time to get the cultures back...

APRIL AUKER: Right

Male (Officer Snyder):.... and know whether or not...

APRIL AUKER: Right

Male (Officer Snyder): it's gonna work. Even if Mom just started the kid on antibiotics, we would be running a course of antibiotics. It's not gonna hurt the kid if we run a full course. And then she could take it home and if it does get worse, it got the treatment the doctor recommended. So...

**Officer Snyder's recording starts here, but Officer Green's recording doesn't contain the following section. I have just been physically escorted by Officer Green and Snyder, out of the exam room away from my baby after requesting to call her physician.**

MRS. MUELLER: They didn't tell me. She just has a temp. I just...Will you listen?...It just went up to 101.

OFFICER SNYDER: Okay

MRS. MUELLER: Okay?.. Before it wasn't.

OFFICER SNYDER: Listen, listen, listen. Calm down, calm down, calm down.

MRS. MUELLER: She didn't have a temperature when I told them that I didn't want antibiotics. Now I might.

OFFICER SNYDER: Well, she did, that what they told you.

MRS. MUELLER: No. No, she didn't. She had 98.9. She had 98.9. I said, "I don't want to do antibiotics right now."

OFFICER SNYDER: Okay, do me a favor, okay, do me a favor. Calm down.

MRS. MUELLER: Now we just did the temperature again and it's 101. Now I am more concerned and I would like to go and talk to her doctor and let her know.

OFFICER SNYDER: Well, calm down. Okay? Let's take this one step at a time.

MRS. MUELLER: What have they done to my baby?

OFFICER SNYDER: They're gonna do the tests that the doctor said they were gonna do.

MRS. MUELLER: Let me make a phone call.

OFFICER SNYDER: Not yet.

MRS. MUELLER: This is ridiculous! I cannot believe this! I cannot believe this! Let me make a phone call.

OFFICER SNYDER: We can't let you do that just yet.

**Officer Green's recording starts up again, and Officer Snyder's recording continues.**

MRS. MUELLER: Why not?! Why not!

OFFICER SNYDER: Okay, are you calling your doctor?

MRS. MUELLER: Yes

OFFICER SNYDER: Wait for the detective to come in and talk to you.

MRS. MUELLER: Let me call. Let me call!

OFFICER SNYDER: Ma'am

MRS. MUELLER: How can you do that?

OFFICER SNYDER: Listen, listen, listen.

MRS. MUELLER: How can you do that? Let me call my husband!

OFFICER SNYDER: My other choice is to put you in handcuffs. Would you rather me do that?

MRS. MUELLER: Let me call my husband

OFFICER SNYDER: Would you rather me put you in handcuffs?

MRS. MUELLER: How can you ...how can you do that?

OFFICER SNYDER: Would you rather me put you in handcuffs?

MRS. MUELLER: No

OFFICER SNYDER: Okay then please come over here and sit down.

MRS. MUELLER: How can you do this to me?

OFFICER SNYDER: Okay. Then please, come over her and sit down.

MRS. MUELLER: How can you do this to me? That's my baby in there.

OFFICER SNYDER: I understand

MRS. MUELLER: No you don't

OFFICER SNYDER: Yes, I do.

MRS. MUELLER: That's my baby.

OFFICER SNYDER: I'm a dad. I understand exactly.

MRS. MUELLER: That's my baby in there. This doesn't make me a bad mother.

OFFICER SNYDER: I know that. Okay?

MRS. MUELLER: Please let me make a phone call.

OFFICER SNYDER: Not yet. Have a seat.

MRS. MUELLER: Let me call my husband.

OFFICER SNYDER: In just a little bit. Have a seat.

MRS. MUELLER: When? When?!

OFFICER SNYDER: Ma'am

MRS. MUELLER: I can't...no...Please tell me when...

OFFICER SNYDER: Listen, listen to me. Let the detective come in and explain things to you.

MRS. MUELLER: Then have him come in here right now.

OFFICER SNYDER: Okay in just a little bit.

MRS. MUELLER: No...No...Right now! How can you say he's too busy? How can you do this?

OFFICER SNYDER: Have a seat please.

MRS. MUELLER: How can you do this?

OFFICER SNYDER: Have a seat please.

MRS. MUELLER: I want her to have antibiotics if she had a fever.

OFFICER SNYDER: Okay. Have a seat. Have a seat.

MRS. MUELLER: No. You're not listening to me.

OFFICER SNYDER: I am. You're not listening to me.

MRS. MUELLER: Please one of you go get him.

OFFICER SNYDER: Okay, we're not going to leave, because you're...

MRS. MUELLER: I know... I know...I didn't say both of you. I said one of you.

OFFICER SNYDER: Neither one of us can leave, for your safety, for our safety. We're both staying here with your.

MRS. MUELLER: Are they going to do a spinal tap on her too?

OFFICER SNYDER: Yes. They are going to do whatever the doctor recommends at this point. Okay?

MRS. MUELLER: I cannot believe this. That was before her temperature was high again. It was 98.9. I said I don't want to do antibiotics right now. I want to take her temperature again and then decide. And now it's what I wanted and you guys didn't let me decide. You just automatically took me.

OFFICER SNYDER: Okay. Well, the doctor said he already explained all of this to you.

MRS. MUELLER: Yes, yes.

OFFICER SNYDER: And what the implications are. I mean, you want what's best for your baby, right?

MRS. MUELLER: Oh my gosh.

OFFICER SNYDER: Listen. They're not going to hurt your child, Okay?

MRS. MUELLER: You don't understand that...You don't...You can't guarantee that...You can't guarantee that. There are risks associated with spinal taps. You cannot guarantee this...that she's not gonna get an infection from that...or have numbness or have pain.

OFFICER SNYDER: You're right. But the doctor explained to you that you also can't guarantee that she couldn't have spinal meningitis and die this very night.

MRS. MUELLER: I can't believe this.

OFFICER SNYDER: Okay.

MRS. MUELLER: Let me make a phone call. I don't...I just don't see why...Can you just tell me why?

OFFICER SNYDER: You know what, there's due process. Let's see what we can do. As soon as the detective comes in and explains to you, you can make a knowledgeable phone call. Okay. You can explain exactly what's going on.

MRS. MUELLER: Why can't I do that now?

OFFICER SNYDER: Because I'm not going to let you just make phone calls. Okay?

MRS. MUELLER: Please let me just call my husband. Please.

OFFICER SNYDER: I'm going to.

MRS. MUELLER: I want to now.

DET. ROGERS: You need to take this paper.

MRS. MUELLER: I can't because her temperature was not 101.

DET. ROGERS: It is right now.

MRS. MUELLER: It is now. I would want antibiotics now.

DET. ROGERS: Okay. Listen, I'm going to tell you, since you're not going to take the paper I'm just going to tell you. You have a hearing tomorrow at 1:30 at the Court House at 200 West Front Street.

MRS. MUELLER: How can you send me that. I didn't say that. She didn't have a temperature when I said no to antibiotics.

DET. ROGERS: Okay, and they just checked the baby.

MRS. MUELLER: Okay. When can I make a phone call?

DET. ROGERS: They just checked the baby and the baby had a temperature.

MRS. MUELLER: Yes, and I said, "Okay, let me call her doctor." This changes everything.

DET. ROGERS: It does change everything, 'cause now we're going on the recommendations of the doctor. Okay. And now the child's been declared.

**Officer Green's recording doesn't contain the following section**

MRS. MUELLER: I just want to know when I can make my phone call.

DET. ROGERS: As far as I'm concerned...

MRS. MUELLER: When can I make a phone call?

DET. ROGERS: ...you can leave.

MRS. MUELLER: Okay.

DET. ROGERS: Okay, but before you leave...

MRS. MUELLER: No. I want to make...Excuse me! He pushed me!

(Detective Rogers pushes me back into the chair with his chest, and I turn towards Officer Snyder when I exclaimed, "He pushed me!")

OFFICER SNYDER: I know...you walked up behind him.

DET. ROGERS: But, before you leave...before you leave...You calm down, 'cause if you don't calm down you're probably going to end up going to jail. That won't help your cause either.

MRS. MUELLER: I just want to make a phone call.

DET. ROGERS: I understand that, and we are going to allow that to happen. But you need to calm down before you end up getting yourself in trouble. You don't push policemen around. You don't fight your way out of here.

MRS. MUELLER: I did not push...I did not push anyone. All I am trying to do is make a phone call.

DET. ROGERS: You don't understand anything we're saying.

OFFICER SNYDER: Okay. We're going to escort you out front, Ma'am.

(Officer Snyder tries to get me out of the room once Detective Rogers began getting physical with me.)

DET. ROGERS: You need to sit down.

MRS. MUELLER: I am asking you when I can make my phone call.

DET. ROGERS: You can make your phone call when you leave this hospital under control and outside somewhere else besides in here. Okay. You're done in here.

MRS. MUELLER: Okay, let me go.

APRIL AUKER: Before you leave though...I'm with the Department of Health and Welfare.

(April Auker never gave me her name, card or the name of her supervisor, which I understand is the law.)

MRS. MUELLER: I want to make a phone call. Can you talk to me later about this?

APRIL AUKER: No, because the child needs to get medical care right now and I'm (can't hear)..consent for medical treatment.

MRS. MUELLER: Why? You guys are already doing it. Why do you need my consent?

APRIL AUKER: 'Cause you're the parent.

MRS. MUELLER: I'm not going to consent.

DET. ROGERS: Okay. She just said...

MRS. MUELLER: No, no I don't want...Let me...

DET. ROGERS: Here's how it works.

MRS. MUELLER: Bring her back. Listen, listen. No, listen please.

DET. ROGERS: If you don't consent, she's going to go get her own consent from her supervisor. So, it's either from you or her supervisor.

MRS. MUELLER: Will she come back?

DET. ROGERS: No, you get one chance at this. You need to do it right. You're not calming down, you're not listening to anybody, but otherwise you're cooperating.

MRS. MUELLER: I am listening, but no one listened to me. Once... As soon as he took her temperature and it was 101, I said let me call the doctor 'cause that changed everything. And you didn't let me have the opportunity to change my mind.

OFFICER SNYDER: Would you like to make your phone call?

MRS. MUELLER: Yes.

OFFICER SNYDER: Okay. Let's escort you out front so that you can make your phone call. You can't stay back here in the restricted area.

April Auker: She can't leave yet.

OFFICER SNYDER: She can't? Why not?

April Auker: 'Cause she needs to provide some information for me.

OFFICER SNYDER: Well, where do they want her?

Male voice: Ma'am. Wait, wait, wait.

Different male voice: Where are you going? Out's this way

OFFICER SNYDER: Let's go out this way.

MRS. MUELLER: No. I would like to know...

Different male voice: Out back here.

DET. ROGERS: It isn't gonna happen...be outside.

MRS. MUELLER: ... Would you please let me use the phone? Please.

OFFICER SNYDER: Okay. Let's go out front to the front lobby.

MRS. MUELLER: Okay. I will go wherever you take me or tell me, if you'll let me use the phone.

OFFICER SNYDER: Okay.

MRS. MUELLER: I haven't pushed any of you guys.

OFFICER SNYDER: Okay, you're not calming down though. Okay.

MRS. MUELLER: Well, I'm not very calm...

OFFICER SNYDER: I understand.

MRS. MUELLER: ... It's 2 AM, I've been up all night and you just took my baby away.

OFFICER SNYDER: Okay. Come over here. There's a phone for you.

MRS. MUELLER: Okay. Thank you.

OFFICER SNYDER: All right.

(I call my husband and have a conversation with him)

Officer Snyder: If you want to help your baby out, just wait out here. Okay? 'Cause they need to ask you some questions about what she's had to eat and things of that nature. Okay?

Mrs. Mueller: I was not being unreasonable.

Officer Snyder: You know...

Mrs. Mueller: I'm sorry. I don't mean to get myself in more trouble. I'll just be quiet.

Officer Snyder: I understand you're upset. Okay?

Mrs. Mueller: I am not being unreasonable. He is not fair to me. Okay? Okay.

Officer Snyder: Well...

Mrs. Mueller: He wasn't...

Officer Snyder: I'm not here to debate equity. Okay?

Mrs. Mueller: No, I know that.

Officer Snyder: But what...what you have to understand is that if you begin to get physically confrontational then I've only got a couple choices. Now one of them is to put you in handcuffs.

Mrs. Mueller: But \_\_\_\_\_ my baby.

Officer Snyder: I know...I understand that and I understand how much that hurts. Believe it or not. Okay? But what's done is done and there's a legal recourse that you can take care of, but you need to act within the bounds of the law. Okay?

Mrs. Mueller: How can the law take my baby?

Officer Snyder: That's what that paper explains there. (referring to the claim form from Detective Rogers)  
You have a hearing tomorrow.

Mrs. Mueller: I see that.

Officer Snyder: Okay. I understand that you didn't want certain things to happen. Okay. And you seem like a pretty reasonable person.

Mrs. Mueller: Yes, I am reasonable.

Officer Snyder: Okay...but unfortunately, the care that the baby needs according to the doctor, you were being unreasonable in that.

Mrs. Mueller: I wasn't. Her...she didn't have a temperature when I said no to antibiotics.

Officer Snyder: They told me she had a 101.7 temperature when you brought her in here. (Her temperature was never higher than 101.3 according to the medical chart.)

Mrs. Mueller: When I brought her in, and then after they gave her fluids, it went down to 98.9. That is not considered a temperature, that's not considered a fever.

Officer Snyder: Okay.

Mrs. Mueller: 98.9 is not considered a fever.

Officer Snyder: Well...

Male voice: Can I ask you a few questions?

Mrs. Mueller: Sure.

Male voice: Umm...have you ever given your baby any supplements? Or has it just been breastfeeding.

Mrs. Mueller: Just breastfeeding.

Male voice: So, \_\_\_\_\_ never \_\_\_\_\_ Enfamil or anything like that.

Mrs. Mueller: No. And my children, well the first one, he...she...he couldn't eat formula. He...cow...the cow protein he's allergic to.

Male voice: Allergic reactions. Okay. I understand that.

Mrs. Mueller: So they can't have formula.

Male voice: Okay

Mrs. Mueller: Soy...she can't eat soy either, 'cause when I eat soy she gets really gaseous.

Male voice: okay

Mrs. Mueller: So, I believe she's allergic to soy also.

Male voice: So, have you tried any of the rice formulas or anything?

Mrs. Mueller: No, I do not want my baby taking formula.

Male voice: I understand.

Mrs. Mueller: I'll express my milk.

Male voice: Okay. Okay, I just have to ask these questions.

Mrs. Mueller: I do not want her given formula. Do I have any say so about anything?

Officer Snyder: At this point you can ask the doctors and see what they're willing to work with. Okay? Maybe they'll let you express the milk for that.

Male voice: We have all those things here. Do you need to use one of those now?

Mrs. Mueller: No

Male voice: Okay. Thanks

Officer Snyder: Is your husband gonna come down here?

Mrs. Mueller: I don't know.

Officer Snyder: Okay. Is he working right now? Is that where he's at...out at Micron?

Mrs. Mueller: No, he's at home with our other...our 17 month old boy.

Officer Snyder: Okay, did you drive down here by yourself?

Mrs. Mueller: Yes, I did.

Officer Snyder: So, are you planning on sticking around in here then? You're not going anywhere?

Mrs. Mueller: No, I'm not going to leave my baby.

Officer Snyder: Okay. All right. But you're gonna be calm for me, right?

Mrs. Mueller: Yes.

Officer Snyder: Okay

Mrs. Mueller: I just can't believe you guys could do that...okay? I was shocked. I didn't think you could...and when the guy talked to me he didn't say he'd escort me out.

Officer Snyder: Okay. They're not...they're not...If you're going to act...I understand you're upset, but if you act out in being upset, being loud and being boisterous, they can't allow you back there because they have other sick patients as well. Okay?

Mrs. Mueller: Can I watch my baby if I go back there and behave?

Officer Snyder: I don't know. I don't know. Okay?

Mrs. Mueller: I just didn't think you had the right to do that.

Officer Snyder: There is a...there is an imminent danger issue. I understand that there is a small risk, but...

Mrs. Mueller: (Can't understand what was said)

Officer Snyder: I'm sorry...

Mrs. Mueller: I thought you were being unlawful.

Officer Snyder: No, we're not being unlawful. And that is what that paper basically says. Okay. We have the right to do this until such time as a judge says that we can or cannot.

Mrs. Mueller: That's too late.

Officer Snyder: Well, in a certain matter of speaking, but the reason we did this was so that it wouldn't be too late for your baby.

Mrs. Mueller: Nobody knows that.

Officer Snyder: You're right. We don't, but we don't know that it won't happen either. Okay. You gamble at jackpot and you gamble at Las Vegas...

Mrs. Mueller: I'm not gambling.

Officer Snyder: You don't gamble with a child.

Mrs. Mueller: I am not gambling with my child. There is a risk at everything.

Officer Snyder: You're right, there is. Are you willing to take a five percent risk that your child could have meningitis and die within the next few hours?

Mrs. Mueller: There's a risk that she's gonna die from an infection from the Spinal Tap.

Officer Snyder: How slight are those risks compared to the risk that she could die from whatever she has?

Mrs. Mueller: See, statistic's really don't matter ...percentages really don't matter when you find out that there was nothing wrong with her and that now she is permanently paralyzed because they overshot the spinal tap. Do you think statistics matter at that time?

Officer Snyder: I would be very much willing to take that risk myself.

Mrs. Mueller: You might, but you haven't seen what I have seen. You have not experienced what I have...

Officer Snyder: Ma'am, I have been doing this job for 7 years. I have been in and out of hospitals for 7 years. I've seen risks. Okay. We have five percenters out on the street and I have to play the odds as if everyone is a five percenter so that I don't get myself killed. And that's what they're doing here. They're playing the risks of the five percenters so that your baby doesn't risk dying tonight. I understand...you know...I could sit here and explain it and I know it's not going to make you feel any more at ease. Okay. And I know that you probably believe with all your heart that you are doing exactly what is right for your baby.

Mrs. Mueller: (Can't hear what is said.)

Officer Snyder: I don't know. Let the nurse come out here and talk to you. Okay. Do you have any questions for me before I go?

Mrs. Mueller: No, I understand you guys are just doing your job.

Officer Snyder: I know it's not easy on you, it's not easy on me.

Mrs. Mueller: He really wasn't truthful with me.

Officer Snyder: Which one? The Detective or the Doctor?

Mrs. Mueller: The Detective. He really wasn't just.

Officer Snyder: Well, like I said, we go off of information the same as you do, what the doctor gave us. Okay. Let me go back and talk to the nurses and detective and let them know that you would like to see your child and see what they say okay? Just...

Mrs. Mueller: Thank you.

Officer Snyder: I know it's hard, but if you can just try to stay calm for us that would be the best for everybody.

Mrs. Mueller: I was calm.

Officer Snyder: Okay. All right.

**Officer Snyder's tape stops and then starts up again. Mrs. Mueller is standing outside of the exam room with her baby in sight. She has not entered the room, nor made any attempt to do so. She is talking to the detective and officers.**

Mrs. Mueller: ...choose my physician. But have you already done the spinal tap? Has the spinal tap and antibiotics been done? Because if it's not been done then it's not too late, 'cause otherwise you will be sued. Because I just found out that I do have the right to choose my physician, and I asked to call my physician.

Officer Snyder: Who told you that?

Mrs. Mueller: My physician...that is what she told me.

Officer Snyder: Okay, well is he an attorney?

Mrs. Mueller: No, she is not an attorney.

Officer Snyder: Okay, the same thing , the same rules apply, as we told you earlier.

Mrs. Mueller: But I have the right to choose my physician.

Officer Snyder: At this point you don't until the judge says that you do. That's what this paper means that you're holding in your hand. (He is referring to the claim form written by Detective Rogers)

Mrs. Mueller: You took...you took that right away from me before you gave this to me.

Officer Snyder: You're right, we did. Legally we took that right away from you.

Mrs. Mueller: No, before you gave this to me I had the right to choose my physician.

Detective Rogers: Okay. We're not going to argue about this at all.

Officer Snyder: Come on, let's escort you...let's escort you back out front to the lobby.

Mrs. Mueller: Why, I'd like to...

Officer Snyder: Because you can't be back here arguing about this, 'cause the argument's over.

Mrs. Mueller: I won't, I won't argue anymore.

Officer Snyder: You're arguing right now. Let's go.

Mrs. Mueller: Can I have my purse? (Mrs. Mueller had been separated from her purse since the officers physically detained her, and was forced to leave it once again.)

Detective Rogers: No, we'll get the purse.

Mrs. Mueller: Will you get my purse? Will you....

Officer Snyder: Begin to walk or I'll put handcuffs on you.

Mrs. Mueller: I can't believe this. I want to know your names.

Officer Snyder: I'm Officer Snyder.

Mrs. Mueller: I know you're probably just doing your jobs, but...

Officer Snyder: You're right, you're right. I am.

Mrs. Mueller: I...I...I have the right to choose my physician.

Officer Snyder: You know what? Listen...I completely understand how upset you are, but it is completely out of both of our hands right now. Okay.

Mrs. Mueller: But you guys...It's unfair what you've done to me.

Officer Snyder: No, it's not.

Mrs. Mueller: It is. I have the right to choose my physician.

Officer Snyder: Okay.

Mrs. Mueller: I have the right.

Officer Snyder: Let's go down to this other end where it's quieter. We don't want to argue in front of these folds. Okay.

Mrs. Mueller: I won't argue anymore, just know that you will be sued if you...

Detective Rogers: Well, bring it on!

Officer Snyder: All right. You can't go back there anymore right now.

Mrs. Mueller: okay

Officer Snyder: Are you gonna stay here, or are you planning on going home, or what are you, what are we doing?

Mrs. Mueller: I'm not going home. I'd like to know when I can go back there.

Officer Snyder: Okay

**Mrs. Mueller now calls her Naturopathic physician, Dr. Karen Erickson, on the phone.**

Mrs. Mueller: Karen, I went back ther, and I talked to the detective, and he just shook his head.

Mrs. Mueller to Officer Snyder: What is his name? Do you know?

Officer Snyder: Detective Rogers.

Mrs. Mueller resuming phone conversation: Detective D.W. Rogers, and he...he...I told him that I have the right to choose my physician and he just shook his head, and when I told him that I'd sue him he said "Bring it on". I have two cops here that can witness that. The Dr. Macdonald, he brought in this detective. ...Yes, because I didn't want to give her antibiotics. Well, it was 98.9 this was before. And then we took her temperature again and it was 101, and at that time they didn't let me...they didn't let me do anything. I said, "okay, I would like to talk, call my doctor now." You know, because this changes things. And they wouldn't let me call and he gave me the paper. He already had papers written up and he basically. It's totally wrong what they've done.

(Mrs. Mueller is explaining what the claim is for but I can't really understand or hear the words.)

Mrs. Mueller: I can't believe this is happening. I can't even go back there, you know. I wanted to stay back there and watch her, but because I was arguing with them, they brought me out here again. They won't even let me be with her. They threatened that they were going to handcuff me again. I'm being treated like a criminal. What can we do? I don't know what can we do? Karen, I don't know if you know this, but they are not going to release her to me. I can't bring her home. They're going to keep her here for three days. I don't know what to do. I have no right now. Now that I have been served I have no rights what so ever. I can't... I can't even see her. I can't even nurse her...I can't do anything because...

Mrs. Mueller speaks to Officer Snyder: Does my husband have rights?

Officer Snyder: You...you guys both have rights, you just cannot go back there and interfere with the medical treatment of your child right now.

Mrs. Mueller: I wasn't interfering with the medical treatment when I was just back there.

Officer Snyder: Now, you're arguing again.

Mrs. Mueller returns to phone conversation: I'm talking to...there's two officers here that are supervising me.

Mrs. Mueller to Officer Snyder: Will you talk to her doctor?

Officer Snyder as he takes phone: Sure. This is Officer Snyder. I'm right next to the mom. Okay. Well, right now the basic thing is that the baby's been placed on imminent danger. She has a court hearing tomorrow at 1:30 and she has the paper there that explains all of that to her. Unfortunately, it's out of both of our hands and there's not a whole lot we can do. Okay...So, if you would...Unfit? I'm not sure of all the implications myself. I'm just here to facilitate what the Detective wants, what the doctors want and right now she's been placed on imminent danger. Okay, well, you can talk to the physician in charge, Dr. Macdonald and see what he'd like to do. Uhh...and see if, if there's anything you guys can work out, but that's as far as I can...That's about all I can recommend. So...He's at the...in the ER. So, I can just pass along whatever message, to get a hold of you or whatever, and see what they want to do. I don't know. I don't speak for them so I can't tell you that. This is the first time I've ever been involved in this, so...Well, that's where we're at. So, I can pass you back to...to Corissa if that's what you'd like and you can talk to her and I can...Okay, like I said, I can't answer those questions for you. So,...but I can give the phone back to her and you can talk to her if you'd like to that. No, she doesn't. Like I say, you can try to talk to the doctors here and see, or I can try to have the Health and Welfare person talk to you but I can't...I can't answer those questions for you. Okay. But they'll be willing to talk to Corissa and if Corissa wants, then she can direct them to you. Okay. I can...I'm not going to answer the questions for you because I don't know the answers and I don't want to give you bad advice. Okay? Okay. Here's Corissa for you.

Mrs. Mueller resumes phone conversation: Basically, I can't. I think as long as....

**The tape recording ends on Officer Snyder's tape.**