



Colorado Springs Police Department

# Interoffice Memo

**To:** Internal Affairs Unit  
**From:** Deputy Chief David Edmondson, 1397  
**Subject:** Administrative Insight, Final Determination, IA#22-0197  
**Date:** July 5, 2023

I have reviewed the pertinent documentation and evidence associated with CSPD IA 22-0197 and have had discussions with Commander Velasquez regarding this investigation as well. The Administrative Insight associated with this investigation was well prepared covering the key points in determining my final findings. The application of both Colorado State Law and CSPD Policy to this incident was thoroughly laid out in the totality of the circumstances and procedural detailed. I will not re-document the work that has been completed by the chain but will address each allegation with my finding and recommendation in concurrence or non-concurrence with theirs.

With regard to Officer Colby Hickman, 7090, I concur with the findings of his prior chain of command as follows:

- For the allegation of violating General Order 500: Use of Force, for unlawfully applying or using force against the complainant during a traffic stop, I find the allegation **UNFOUNDED** and recommend no further action.

With regard to Officer Christopher Hummel, 6964, I concur with the findings of his prior chain of command as follows:

- For the allegation of violating General Order 500: Use of Force, for unlawfully applying or using force against the complainant during a traffic stop, I find the allegation **UNFOUNDED** and recommend no further action.
- For the allegation of violating General Order 120: Treatment of the Public, for telling the complainant, "You're under arrest you dumb fuck", and demeaning the arrestee, I find the allegation **SUSTAINED**.
- For the allegation of violating General Order 401.30: Police Officer Conduct, Conduct Unbecoming a Police Officer, for making inappropriate and unprofessional comments towards the complainant well after the initial use of force, demonstrated unacceptable behavior on the officers part and brought disrepute and distrust of the Colorado Springs Police Department, I find the allegation **SUSTAINED**.

Based on the finding of the two sustained allegations, Officer Hummel, 6964 will receive a **10-HOUR SUSPENSION** and be removed from his position as a Police Training Officer.

With regard to Officer Matthew Anderson, 5396, I concur with the findings of his chain of command with one exception:

- For the allegation of violating General Order 500: Use of Force, for an unlawful application of force against the complainant per Colorado State Law; 18-1-707, I find the allegation **UNFOUNDED** and recommend no further action.

However, in reviewing the force used against the complainant, I have issues regarding the 13-14 consecutive punches to the face and head and the 11-12 consecutive punches to the side and abdomen of the complainant. While the number of total strikes meet the threshold of lawfulness under the totality of the circumstances, the action is not in line with the training and expectations of the Colorado Springs Police Department. Both police recruits while attending the police academy, and incumbent officers receiving ongoing training at in-service, are trained to assess and evaluate the effectiveness of their use of force application and to change tactics upon realization of that fact. They are also trained to repeatedly give verbal commands to the suspect directing compliance. To that end;

General Order 402: Orders and Discretionary Judgement states, *“Law enforcement is a complex subject that can be very specific, in some instances, and vague or general in others. Additionally, the public has come to expect police organizations to respond to an almost unlimited variety of problems that cannot be covered by every code of law.*

*Employees are expected to use good judgment and common sense to solve problems. At the same time, as public order and safety are greatly dependent upon timely and proper police response, the employees of a police agency must function in a highly disciplined manner. Flexibility and control must be balanced, in a reasonable manner, if a police department is to achieve its objectives.*

*.20 Discretionary Judgement, states “Department personnel will exercise discretionary judgment, in a reasonable manner, and remain within the limits of their authority as defined by law, judicial interpretation, and departmental directives. Discretionary judgment must be used in a fair and impartial manner, as described in GO 1303 Fair and Impartial Policing.*

*Reasonable and appropriate police action varies with each situation. Different facts or circumstances may justify an investigation, a detention, a search, an arrest, no action at all, or other disposition.*

*In the absence of specific orders, department personnel must continually exercise discretionary judgment to ensure the safety and security of the public is properly protected.”*

Per CSPD training and expectations Officer Anderson should have utilized force in a manner consistent with application, evaluation of effectiveness, and the assessment of alternative

measures of force before continuing with the same tactic. Meaning, three or four punches, evaluating their effectiveness, assessing and alternative force due to the originals ineffectiveness, then returning to the same force (punches) if no alternatives identified. And during the use of force, giving verbal commands for compliance. This constitutes a level of reasonableness outlined within the discretionary judgement policy and consistent with department expectations and training. It may have taken fourteen punches to achieve compliance or forced to abandoned punch tactics to another force application, but fourteen consecutive punches without an evaluation or assessment is not appropriate.

- For the allegation of violating General Order 402.20: Orders and Discretionary Judgement, for failing to follow CSPD training doctrine and departmental expectations of constantly evaluating and assessing the effectiveness of use of force applications and determining if an alternative is available while issuing verbal commands for compliance, I find the allegation **SUSTAINED**.

As this does not appear to be a pattern of behavior with only one other sustained allegation in the last four years, I recommend a **SDR** and **10 HOURS** of remedial scenario training on properly evaluating the effectiveness of uses of force, assessing other options, and using verbal commands for compliance throughout the use of force.

With regard to Officer Joshua Kephart, 6808, I concur with the findings of his chain of command as follows:

- For the allegation of violating General Order 120.25: Treatment of the Public – Impartiality, for making inappropriate and unprofessional comments about the complainant, I find the allegation **SUSTAINED** and recommend an **SDR**.
- For the allegation of violating General Order 1100: Investigative Procedures, for failing to complete and accurately document the components of the investigation and properly collect evidence, I find the allegation **UNFOUNDED** and recommend no further action.

With regard to Sergeant Karim Fudge, 3171, I concur with the findings and recommendations of the chain of command as follows:

- For the allegation of violating General Order 1100: Investigative Procedures, for failing to properly coordinate the incident investigation from a supervisory position and ensure all components of the investigation were thorough and complete, I find the allegation **SUSTAINED**.
- For the allegation of violating General Order DL 150-01: Principles of Supervision, for failing to adequately take charge of the situation and incident and not actively manage the personnel and resources as required to ensure a properly completed investigation, I find the allegation **SUSTAINED**.

- For the allegation of violating General Order 504: Body Worn Camera, for failing to have his BWC on during his assessment of the incident on scene, I find the allegation **UNFOUNDED** as his role at that time was administrative in nature as the suspect had been removed from the scene prior to his arrival.

For the sustained violations of both Investigative Procedures and Principles of Supervision, I recommend a **WRITTEN REPRIMAND** for the serious nature of the violation.

In regard to Sergeant Rueben Crews, 3560, I concur with the findings and recommendations of the chain of command as follows:

- For the allegation of violating General Order DL 150-01: Principals of Supervision, for failing to inquire about any supervisory tasks he needed to do or to check on the status of the suspect in the hospital, I find the allegation **NOT SUSTAINED** as the supervisory responsibilities belonged to another sergeant on scene and recommend no further action.
- For the allegation of violating General Order 1100: Investigative Procedures, for the reasons stated above, I find the allegation **UNFOUNDED** as the responsibilities for the investigation belonged to another sergeant and recommend no further action.



Colorado Springs Police Department

# Interoffice Memo

**To: Deputy Chief David Edmondson, 1397**  
**From: Commander Hugh M. Velasquez, 1514**  
**Subject: Administrative Insight - Personnel Investigation 22-0197**  
**Date: Monday, May 22, 2023**

This memorandum contains the Administrative Insight finding regarding potential policy violations related to a traffic stop completed on the morning of October 9th, 2022. The Administrative Insight Team (AIT) is comprised of Commander Hugh Michael Velasquez, 1514, Lieutenant Clayton Blackwell, 9597, and Sergeant Rebecca Smith, 2166. The traffic stop involved [REDACTED] DOB 08/11/1993 (driver), hereinafter referred to as [REDACTED] and Mr. Carlos Alfredo Vasquez Carranza, DOB 06/08/1991 (passenger), hereinafter referred to as Carranza. The traffic stop ended in a use of force incident that included Colorado Springs Police Department (CSPD) Officers Colby Hickman, 7090, Christopher Hummel, 6964, and Matthew Anderson, 5396, hereinafter referred to as Hickman, Hummel, and Anderson.

A complaint was received from [REDACTED] and he essentially stated that Hickman, Hummel, and Anderson utilized excessive force during the traffic stop. It should be noted that CSPD originally approved the use of force used by these officers during a normal use of force reporting process. That process included Commander Brian Makofske (retired), 2419; Lieutenant Ryan Tepley, 3525; and Sergeant Karim Fudge, 3171. The AIT for this personnel investigation was chosen because no AIT members were involved in the original approval process. While other potential policy violations are addressed in this administrative insight, the primary and most significant allegation is excessive use of force, which will be addressed first. The AIT underwent an objective analysis of the force utilized by the officers during this incident. The force was analyzed under the use of force policy requirements written in General Order 500 – Use of Force (effective 08/02/2021), as this policy was in effect on the morning of the incident.

The AIT collectively reviewed all the relevant documentation associated with this personnel investigation; however, this does not mean that every piece of documentation was reviewed in this process. For example, if a personnel interview was documented in writing, then members of the AIT may not have also listened to or watched the recorded interview. For this personnel investigation, the AIT wanted a detailed perspective from [REDACTED]; however, through his attorney, he declined to be interviewed, which was well within his rights. [REDACTED] had also declined to be interviewed as part of the criminal investigation, which again was well within his rights to do so. The only statement received from [REDACTED] regarding the complaint was a phone message he left for the Internal Affairs Unit. In the message, he stated there was a lot of violence from the officers for a person who did not commit a crime. The officers wanted to do a DUI stop and did not tell him why. The officers were very violent with him, dragged him from his car, and punched him in the face multiple times.

The AIT relied heavily on the three Body Worn Cameras (BWC) worn by the officers during the incident. BWCs are generally worn at the mid-chest level on the exterior of an officer's uniform or body armor, providing a straight line of sight view from that perspective. BWC lenses are fixed and do not capture everything an officer sees, hears, or experiences during an incident. As all three officers were involved in this use of force incident, it is impossible to cleanly separate the individual use of force used by each of the officers; however, the AIT went through an extensive process reviewing the BWC as well as other Written Documentation (WD) that appeared either in the personnel investigation or the original criminal

investigation. While the AIT did not create a timeline per se, it did draft a sequence of events chart primarily comprised of observations taken from the video or audio recordings from the BWC. This sequence of events also notes written documentation from the personnel or original criminal investigation. This sequence of events chart also includes a column that addresses the numerous policy expectations regarding a CSPD officer's use of force. This chart is included in the personnel investigation as a memorandum titled, "Personnel Investigation 22-0197 Sequence of Events Chart," and has been retained for reference purposes. The chart is a summary and not a verbatim account of the incident. The AIT analyzed the officer's actions as they pertain to each of the following topics:

- De-escalation,
- Warning required,
- Legal authority,
- Whether non-violent means would be ineffective,
- Whether force is used in a way that minimizes the likelihood of injury to suspects, officers, or others,
- Seriousness of suspected offense and/or seriousness of the reason for the contact with the individual,
- Immediacy and severity of the threat to officers or others,
- Whether the person appears to be resisting, attempting to evade arrest by flight, was attacking the officer.

As the officers' use of force was intertwined in this incident, the AIT addressed all three officers' performance within each topic. Each officer, however, is individually held to the use of force policy expectation, and each officer's use of force finding will be addressed individually. Although the AIT analyzed the use of force topic by topic, by no means is the AIT attempting to say each officer independently thought about each topic, split second by split second, during a dynamic event like a protracted use of force. The AIT's analysis on each topic addresses actions directly related to the topic, and the individual topic analysis does not summarize the entire incident. A detailed reference regarding all topics related to the use of force can be found in the sequence of events chart.

## **Colorado Springs Police Department, General Order 500 – Use of Force**

### **De-escalation**

CSPD Policy states:

*"Officers should use de-escalation techniques when it is reasonable, safe, and appropriate to do so. The purpose of using de-escalation techniques is to resolve a situation without using physical force if that is possible given the circumstances, and to minimize injury if physical force is used. De-escalation will not always be appropriate and officers should not place themselves or others in danger by delaying the use of less-lethal or even deadly force when warranted."*

The AIT addressed the de-escalation techniques attempted by all officers before using force. Hickman's actions that utilized de-escalation techniques before the arrival of Hummel and Anderson included:

- He asked for cover officers (suspects are less likely to attack multiple officers),
- He took a passenger-side approach (allowed him to get a better/safer view of the interior of the vehicle),
- When threat indicators were presented (the driver's door being cracked open, furtive movements, unable to see [REDACTED] right hand), he created distance with a tactical retreat while awaiting cover officers,
- He started and continued with verbal directions (non-violent means) to [REDACTED] to gain compliance without using force,
- After he gained [REDACTED] compliance, he reapproached the vehicle, and he continued speaking calmly,
- He was transparent in his actions by telling [REDACTED] the reason for the stop,

After the arrival of Hummel and Anderson, the following actions were taken to get [REDACTED], a suspected DUI driver, to exit the vehicle without utilizing force:

- Hickman shared the knowledge of the knife in the center console with Hummel and Anderson, so they were not inadvertently surprised by the presence of a deadly weapon,
- In the presence of Hummel, Hickman continued with verbal communication and transparency to [REDACTED] when he returned to the vehicle, and he told [REDACTED] to:
  - Not reach for anything,
  - Keep his hands visible,
  - Step out of the car,
  - Informed [REDACTED] he would be detained,
  - Informed [REDACTED] he was under investigation for DUI,
- Hickman provided [REDACTED] an opportunity for voice when he told [REDACTED], "We'll talk about that," when [REDACTED] inquired about why he was being taken out of the vehicle.

### **Warning Required**

CSPD Use of Force Policy states:

*"Prior to using force, an officer shall identify himself or herself as a peace officer.*

*The officer shall give a clear verbal warning of their intent to use force. If the warning is related to deadly force, the officer will specifically warn of the impending use of firearms or other deadly physical force, if possible. A warning must be given with sufficient time for the warning to be observed.*

*The officer is not required to give this warning when doing so would unduly place officers at risk of injury and/or would create a risk of death or injury to other persons. When a warning cannot be given in a situation where force is used, the officer will document the reasons why in the case report."*

Hickman, Hummel, and Anderson were clearly identified as police officers by the fact they were in marked police cruisers, Hickman's cruiser was used to pull ██████ over by utilizing red and blue emergency lights, they were wearing standard Colorado Springs Police Department police uniforms, and ██████ never questioned the legitimacy of their position as police officers. Hummel stated he did not intend to use force (i.e., reportable use of force) when he grabbed ██████ right hand because he expected ██████ to comply with the grab (a nominal use of force). After ██████ jerked back into the car there wasn't time to give a warning to ██████ before ██████ was near the knife. Giving a warning after ██████ jerked into the car would unduly place officers at risk of grave injury (serious bodily injury (SBI) or death).

### **Legal Authority**

- 42-3-202 (1) Number plates to be attached, Traffic Infraction B,
  - ██████ vehicle was not displaying a rear license plate,
- 42-4-1103 (1) Minimum speed regulation, Traffic Infraction A,
  - ██████ drove significantly lower than the posted speed limit,
- 42-4-1301 (1)(a) DUI, Traffic Misdemeanor (suspected),
  - Before the arrival of Hummel and Anderson, Hickman established a reason to suspect ██████ to be DUI based on the following:
    - ██████ drove significantly lower than the posted speed limit,
    - The smell of burning marijuana that came from the vehicle,
    - ██████ was slow to get his driver's license (██████ having difficulty with divided attention – talking to the officer and searching for the ID),
    - ██████ had slow, slurred speech,
- 18-4-409 Motor Vehicle Theft, Misdemeanor or Felony wasn't determined (suspected),
  - A vehicle in a high crime area,
  - The vehicle moved suspiciously in the parking lot (avoided Hickman),
  - The vehicle did not have a license plate attached,
- 18-8-104 Obstructing a peace officer, a Class 2 Misdemeanor,



- [REDACTED] used physical interference when he pulled away from Hummel,
- [REDACTED] knowingly obstructed, impaired, and hindered the officers while acting under the color of their authority.
- 9.3.101(B) Interference with Public Official, a City Ordinance (the equivalent of a Class 2 Misdemeanor),
  - [REDACTED] knowingly used force and physical interference when he pulled away from Hummel and created an obstacle to obstruct and interfere with the officers in the discharge of their duty.
- 18-3-203 Assault in the Second Degree a Class 5 Felony (Attempted),
  - [REDACTED] kicked Hummel in the chest,
  - [REDACTED] kicked Hickman in the leg.

### **Whether non-violent means would be ineffective**

Before the arrival of Hummel and Anderson, Hickman took several non-violent means steps, including:

- He spoke to [REDACTED] and Carranza calmly,
- He gave [REDACTED] specific directions to show his hands (given [REDACTED] furtive movements),

During the verbal interaction between [REDACTED] and Hickman, the directions (non-violent means) Hickman gave were not initially effective. It took several commands for [REDACTED] to put his hands out of the driver's side front window; however, the directions eventually became effective when [REDACTED] complied.

When Hickman and Hummel returned to the vehicle to have [REDACTED] exit, Hickman made three non-violent means comments to [REDACTED]:

- Not to reach for anything,
- To keep his hands visible, and
- To step out of the car.

The non-violent means were partially effective as [REDACTED] did not immediately reach inside the vehicle, but he also did not exit the vehicle as instructed.

Hickman gave another order (non-violent means) and an opportunity for [REDACTED] to speak after he exited the vehicle. These non-violent means were partially effective as [REDACTED] turned and put his feet on the ground outside the doorway.

Hickman was transparent in his communication (non-violent means) when he clearly told [REDACTED] he was detained and under investigation for DUI. These comments were made in the presence of Hummel. Two more orders (non-violent means) occurred. Hickman ordered [REDACTED] to stand up and place his hands behind his back, and Hummel told [REDACTED] that he was being detained in handcuffs. These non-violent means were ineffective, as [REDACTED] responded, "No, I'm not."

█████ was again told to stand up (non-violent means) and did not do so. Hummel reached for █████ right hand (nominal use of force/non-violent means). These non-violent means were ineffective as █████ immediately pulled away from the officer's attempt at physical control. Hummel did not begin this physical contact with a strike or any other reportable use of force technique.

Once █████ began to physically resist Hummel, multiple commands were given by Hummel and Hickman. Hummel stated, "Quit fucking fighting," and this command was clearly ineffective as █████ continued resisting/fighting with officers. Anderson recognized █████ physical resistance/obstruction/interference, and he immediately pulled Carranza out of the vehicle. This movement lessened the likelihood that Carranza ("others") would become injured during the incident. It should be noted Carranza received less of a warning from Anderson than █████ did from Hummel and Hickman. When Carranza was given an order and an immediate nominal use of force was used on Carranza, he immediately complied. Very little force was used on Carranza by Anderson, and he sustained no injury. Carranza's compliance with the order and the force used by Anderson, and the outcome, was completely different than Anderson's use of force on █████, and the most relevant factor that differed in the two situations was that Carranza chose to comply with lawful orders/directions and █████ chose to resist/fight.

After Anderson placed Carranza on the ground, he entered the vehicle through the front passenger doorway. Inside the vehicle, Anderson ordered (non-violent means) █████ to "Get the fuck out of the car," while he delivered thirteen to fourteen closed fist strikes to █████ head. Given the totality of the circumstances (an ongoing fight near a knife), non-violent means alone had been ineffective in gaining the compliance of █████. This order was ineffective as █████ continued to fight/resist the three officers.

Anderson briefly exited the vehicle to check on Carranza (who remained compliant on the ground), and then Anderson re-entered the vehicle. Anderson delivered ten to eleven closed fist strikes to █████ torso as he ordered █████ to "Get the fuck out. You're under arrest". This order was ineffective as █████ continued to fight/resist the officers.

Non-violent means (orders/commands) had clearly been ineffective to this point; however, the officers continued to use orders/commands (non-violent means) to gain compliance:

- Two more verbal statements that █████ was under arrest were given,
- Two commands for █████ to put his hands behind his back were given,
- One command to quit resisting was given.

The additional non-violent means (in addition to the ongoing use of force) were ineffective in gaining compliance from █████.

Hummel used non-violent means (order/command) when he told █████ to put his hands behind his back, and █████ did not comply.

Anderson used non-violent means (order/command) when he told █████ to "flip over." He informed █████ he was under arrest (sixth time overall). While █████ verbally stated he was complying, he continued to resist physically, and therefore the non-violent means (orders/commands) and the less lethal uses of force were ineffective. Anderson and Hummel gave two more orders/commands. These commands were also ineffective as █████ continued to physically resist the officers.

Anderson, in the presence of Hummel, used non-violent means (orders/commands) when he told █████ to "Get on your back now." █████ continued to physically resist his arrest. Hummel used another order/command when he stated, "I'm going to tase you." This order, in combination with the less lethal use of force, may have begun to be effective as the officers were able to handcuff █████ left hand.

Hickman used non-violent means (order/command) when he told [REDACTED] two times to put his right hand behind his back. [REDACTED] continued to physically resist arrest even though he verbally stated he would comply.

Hickman gave a command of, "Hey, I said right hand behind your fuckin' back," and it was the continued use of force by the officers that forced [REDACTED] right hand behind his back where that hand was handcuffed, and [REDACTED] was placed into custody. The non-violent means (order/command) and the less lethal uses of force forced [REDACTED] into custody.

### **Whether force is used in a way that minimizes injury to suspects, officers, or others**

After multiple orders/directions (non-violent means) were given to [REDACTED] by both Hickman and Hummel, Hummel attempted a nominal use of force (non-violent means) when he grabbed [REDACTED] right hand. Nominal use of force is intended to gain compliance and physical control of a suspect without injury to the suspect. [REDACTED] responded by jerking back into the vehicle and near the knife.

After [REDACTED] jerked back into the car and near the knife, Hickman drew his firearm (a deadly force tool), which is a clear indication he was considering deadly force as an option. At the same time, Hickman grabbed [REDACTED] left hand (nominal use of force/non-violent means). When Hickman attempted to control [REDACTED] by grabbing his arm, that minimized the likelihood of injury to [REDACTED] if he had complied. Hickman lowered his use of force from a deadly force tool, even though the knife was still located in the center console, clearly within [REDACTED] reach, and [REDACTED] was actively resisting officers' attempts to control him. This action minimized the likelihood of grave injury to [REDACTED], Carranza (who was still seated in the front passenger seat), Hummel (who was actively struggling with [REDACTED]), and Anderson (who was on the other side of the car and in a potential line of fire).

Hummel was able to pull [REDACTED] out of the vehicle briefly. After Hummel pulled [REDACTED] out of the vehicle, [REDACTED] forced his way back into the vehicle. When Hummel pulled [REDACTED] from the vehicle, he attempted to remove [REDACTED] from the proximity of the knife. By removing [REDACTED] from the proximity of the knife, Hummel lessened the likelihood of engaging in a deadly force encounter and lessened the likelihood of [REDACTED] sustaining grave injury. Hummel also used a knee strike to [REDACTED] head. Given the totality of the circumstances (an ongoing fight near a knife), this level of force reduced the likelihood of the officers needing to return to a deadly force tool, reducing the likelihood of [REDACTED] sustaining a grave injury.

After [REDACTED] began to resist/obstruct/interfere Hummel and Hickman, and assault Hickman (kick), Anderson entered the vehicle. Numerous closed fist strikes were delivered to [REDACTED] head by Anderson. Thirteen to fourteen closed fist strikes are a high number of strikes; however, given the totality of the circumstances (an ongoing fight near a knife), this level of force reduced the likelihood of the officers needing to return to a deadly force tool, thereby reducing the likelihood of grave injury to [REDACTED]. [REDACTED] also assaulted Hummel (kicked) while Anderson delivered these strikes. Anderson's strikes also distracted [REDACTED] from potentially reaching for the knife. The strikes were proportionate to the level of resistance shown by [REDACTED]. Hickman and Hummel attempted to pull [REDACTED] from the vehicle, but that force was ineffective.

Other force options, other than deadly force, potentially available at the time included:

- Oleoresin Capsicum (OC); however, all three officers stated (WD) they chose not to use this tool as initially, when Carranza was in the vehicle, the force (OC) would likely have affected Carranza who followed the officer's directions to that point. After Carranza was removed from the vehicle, the OC would have likely affected the other officers due to the contained area of the fight.

- As noted by all three officers, they could not use a Taser because policy (Conducted Energy Weapons 500-01) states the Taser cannot be used on the driver of a running motor vehicle (the vehicle was running throughout this incident).

█████ was pulled from the vehicle (the second time █████ was pulled from the vehicle) through the driver's doorway by Hickman, where he continued to fight and resist the officers. Hickman ended up in a "bear hug" with █████. Hickman's force was an attempt to gain control/custody of █████ as █████ was being removed from the car and the area of the knife. The attempt to control █████ in this manner minimized the likelihood the incident would return to the realm of deadly force consideration. Once █████ was out of the vehicle and in the parking lot, █████ resisted Hickman's control. Then, Hummel knelt █████ again (once in the forehead), and █████ was temporarily stunned. This knee strike was only partially effective because █████ continued to physically resist. Again, this level of force, done to prevent █████ from returning to the proximity of the knife, reduced the likelihood of the officers needing to return to a deadly force tool, thereby reducing the likelihood of █████ sustaining a grave injury.

█████ fought his way back into the threshold of the vehicle, and Hickman kicked him in the ribs. This use of force is different than the force previously used by Hickman; however, █████ was fighting his way back to the area of the knife. A kick to the ribs helped limit the likelihood of the incident returning to the realm of deadly force consideration and therefore limited the likelihood of █████ sustaining a grave injury. Once █████ was out of the vehicle and in the parking lot, Hummel delivered an open-hand strike to █████ face. Although █████ continued to state he wasn't fighting, he did continue to physically resist the officers after the open-hand strike. This strike momentarily disoriented █████, which helped open an opportunity for the officers to handcuff █████.

Officer Anderson briefly handcuffed and frisked Carranza, and then he came around the vehicle and saw █████ still resisting the other officers.

Anderson used non-violent means (order/command) when he told █████ to "Flip over." He informed █████ he was under arrest (sixth time overall). While █████ verbally stated he was complying, he resisted physically, and therefore the non-violent means (orders/commands) were ineffective. Anderson and Hummel gave two more orders/commands. These commands were also ineffective as █████ continued to resist the officers physically. Anderson then delivered a kick to █████ abdomen, which was ineffective as █████ continued to fight/resist the officers.

Hummel used an order/command when he stated, "I'm going to tase you." This order, in combination with the use of force, may have begun to be effective as Hickman handcuffed █████ left hand. Hummel also pulled his Taser from his holster and displayed it. A display of the Taser is a way to gain compliance without causing further injury to █████.

During █████ physical resistance, Hummel delivered one closed fist strike near █████ head and shoulder after a handcuff was placed on his left hand. Although Hummel stated this strike was to █████ head, it appeared in the video to hit █████ head/shoulder area. At this time, Officer Anderson began to gain control of █████ feet, and Anderson also stated, "Get on your back now." This order was ineffective in gaining compliance from █████. Hummel's strike helped distract █████ as the officers attempted to complete handcuffing. Hickman was able to force █████ right hand into the second handcuff. Once handcuffed, Hummel momentarily placed his knee on the suspect's shoulder. Hummel's knee to the forehead, open hand strike, consideration and warning of the Taser use, the closed fist strike, and placing his knee on the suspect's shoulder all assisted the officers in forcing █████ into handcuffs. Once █████ was handcuffed, no other force was used against him, and therefore, he sustained no further injury.

## **Seriousness of suspected offense and /or seriousness of the reason for the contact with the individual**

Before the arrival of Hummel and Anderson, Hickman's contact with ██████ began as a minor traffic infraction (no visible license plate). The seriousness increased from only a minor traffic infraction because:

- Hickman was patrolling a high crime area at night,
- No visible license plates in high crime areas can reasonably be suspected to be a stolen vehicle,
- Stolen vehicles are commonly used to commit other crimes, including violent crimes,
- Hickman noted ██████ behavior/furtive movements, no license plates on the vehicle, and ██████ not being truthful (about the screws in the rear license plate holder) were indicative of ██████ being in a stolen vehicle.

Hickman began to suspect ██████ of being DUI (Traffic Misdemeanor). Even though this is a misdemeanor crime, the seriousness of the threat to the public is high due to the ongoing danger/threat any DUI driver poses to the public.

When ██████ knowingly pulled away from Hummel's attempt at physical control, he physically interfered with Hummel and created an obstacle to the discharge of his duty. This action fits the statutory definition of 18-8-104 Obstructing a Peace Officer and the City Code of 9.3.101 (B) Interference with Public Official. Obstruction is a Class 2 Misdemeanor, and Interference is the city ordinance equivalent.

When ██████ began to actively assault Hickman by kicking him, the seriousness of the suspected offense moved from misdemeanor-level crimes to a felony-level crime - 18-3-203 Assault in the Second Degree (Attempted) (Class 5 Felony).

## **Immediacy and severity of the threat to officers or others**

Hickman made Hummel and Anderson aware of the knife/threat in the center console before the three officers approached the vehicle together.

██████ became an imminent threat to death or serious bodily injury to Hummel and Hickman when he initially jerked back into the vehicle (pulling away from Hummel) near the center console, where a knife was located.

██████ began to actively assault Hickman by kicking him. By committing this act, the violation of law transitioned from Obstruction/Interference (Misdemeanor) to 18-3-203 Assault in the Second Degree (Attempted) (Felony).

When Hummel pulled ██████ away from the center console, the immediacy and severity of the threat to Hummel and Hickman momentarily lessened as ██████ was moving away from the knife.

██████ fought his way back to the center console area. Returning to the center console area, ██████ again heightened the severity of the threat to the realm of grave injury to the officers because he was returning to the direct proximity of the knife. When Anderson pulled Carranza out of the vehicle, he could not know if Carranza was armed. Because the knife was in the center console, officers had reason to frisk ██████, Carranza, and vehicle for more weapons. Until Carranza was secured in handcuffs, he remained an unknown threat behind Anderson during the fight with ██████. After Anderson entered the vehicle, he was in direct proximity to the knife and ██████.

While inside the car, [REDACTED] also increased the severity of the threat to the officers when he grabbed Hummel's Load Bearing Vest (LBV) near his Taser. The primary use of the Taser is to incapacitate an individual. Hummel also carries his OC on his LBV, and the primary use of OC is to incapacitate an individual.

In addition to the severity of the abovementioned threat, [REDACTED] began to actively assault Officer Hummel by kicking him. By committing this act, there is a second act of Assault in the Second Degree (Attempted) (Felony).

### **Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer**

As noted above, [REDACTED] verbally and physically resisted the officers' initial attempts to detain him. However, after [REDACTED] violated the obstruction statute and the interference ordinance, he continued to resist the officers physically, and then he physically attacked the officers when he kicked them (Hummel and Hickman). [REDACTED] also showed a progression in his resistance:

#### **Passive Resistance**

When [REDACTED] did not fully exit the vehicle as ordered by Hickman, he entered the realm of passive resistance.

#### **Active Resistance**

When ordered to exit the vehicle, [REDACTED] "No, I'm not" statement indicated he would not comply with the officer's orders. [REDACTED] transitioned from Passive Resistance to Active Resistance when he refused the order. He showed further Active Resistance when he pulled away from Hummel's attempt to control him physically (grab to [REDACTED] right hand).

#### **Active Aggression**

[REDACTED] actions transitioned from Active Resistance to Active Aggression when he kicked Hickman. His Active Aggression continued by kicking Hummel.

### **Deliberative Process Additional Considerations**

The AIT noted instances where all three officers used coarse language. Specifically, the word "fuck." The AIT noted this word was used six times, two by each officer, during the incident and in the presence of [REDACTED]. Five out of the six times the word was used as part of a command/order. The sixth time it was used, second time by Hickman, it was part of a question to [REDACTED]. While CSPD does not train officers to use this language as part of commands, the AIT determined its use in the context of an order/command and the number of times used (twice by each officer), did not rise to the level of a policy violation. The AIT recommends coaching the officers regarding more professional commands/orders/language.

COLORADO SPRINGS POLICE DEPARTMENT  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

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**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u> <small>(MM-DD-YYYY)</small>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>5101</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Colby Hickman</u>	<b>IBM</b>	<u>7090</u>
<b>Rank or Position:</b>	<u>Officer</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Sand Creek Division, Shift III</u>		

Check this box if there are additional Subject Employees

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Use of Force **Number:** G.O. 500

**Finding For Policy #1 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

The finding detailed below is a summary of the totality of the circumstances detailed in pages two-ten of the Administrative Insight Memorandum. The AIT's findings are based on an Objectively Reasonable Force standard as defined in CSPD policy:

*“Objectively Reasonable Force: This is the term created by the Courts as the standard by which officers’ actions will be evaluated in use of force situations (see Graham v. Connor). This term means the force that an objective, trained, and competent peace officer, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The determination of reasonableness must be based on the totality of the circumstances and must include a consideration that officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Some of the factors evaluated in the application of the term “objectively reasonable” include: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”*

Hickman began the traffic stop in a reasonable manner, mitigating risks to [REDACTED], Carranza, and himself by using verbal communication, tactically retreating, and getting more cover officers on the scene. In addition, he shared relevant officer safety information with fellow officers (a knife was in the vehicle) and reapproached the vehicle with a cover officer on the driver and passenger side.

Hickman’s multiple directions/orders to [REDACTED] to exit the vehicle were clear and well within his legal authority to do so and were required of him by policy once he suspected [REDACTED] of being DUI. Once [REDACTED] pulled away from Hummel, all officers were engaged in a protracted use of force as they attempted to get [REDACTED] into custody/handcuffs. Hickman made split-second decisions during this incident, including drawing his firearm (to address the deadly threat of a knife within reach of [REDACTED]), holstering his firearm (lessening the likelihood of [REDACTED], Carranza, Hummel, and Anderson sustaining grave injury), pulling [REDACTED] and placing him in a “bear hug,” and kicking [REDACTED] in the ribs (to prevent him from returning to the proximity of the knife).

Hickman also chose not to use the Taser on the driver of a running vehicle (prohibited by policy) and chose not to use OC (would have adversely affected Carranza and the other officers in the enclosed space in the passenger compartment of the vehicle). During the use of force, Hickman continued to give orders/commands (non-violent means) even as force was being used against him (by [REDACTED]) and by him and the other officers (on [REDACTED]). When he and the other officers were able to force both handcuffs on [REDACTED], ultimately placing [REDACTED] into physical custody, Hickman’s less lethal use of force immediately stopped.

At no time during the use of force did [REDACTED] physically submit to being placed into custody, and [REDACTED] continued to resist/fight/assault officers during the entire incident (managing to fight his way back into the vehicle near the knife once and attempting a second time). Hickman did not need to call for medical assistance as Hummel immediately summoned medical assistance and a supervisor via the radio once [REDACTED] was in custody. Based on a Preponderance of the Evidence, the AIT finds the allegation that Officer Hickman violated General Order 500 – Use of Force to be Unfounded.



During my meeting with Officer Hickman, he was professional and understood the reasoning for the decision regarding this allegation.

# COMMANDER'S RECOMMENDED ACTION

## RECOMMENDED ACTION FOR THE CASE

<input checked="" type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b>	
<input type="checkbox"/> Completed by Training Academy Staff	
<input type="checkbox"/> Completed by Chain of Command	
<input type="checkbox"/> Completed by Other Section/Department/Agency	
<b>Type of Training:</b>	
<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input type="checkbox"/> <b>Verbal Counseling</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<input type="checkbox"/> Entry added to NeoGov	
<input type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input type="checkbox"/> <b>Written Reprimand</b>	
<input type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

All disciplinary forms **MUST** be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

## BASIS FOR THE RECOMMENDED ACTION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input checked="" type="checkbox"/> <b>Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary</b>
<input type="checkbox"/> <b>No Previous Similar or Same Policy Violations</b>
<input type="checkbox"/> <b>Previous Relevant Evaluation Entries in NEOGOV</b>
<input type="checkbox"/> <b>Pattern of Conduct</b>
<input type="checkbox"/> <b>Serious Nature of the Violation</b>
<input type="checkbox"/> <b>Violation Involves a Criminal Act</b>
<input type="checkbox"/> <b>Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below</b>

**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

None.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		

See the Subject Employee’s Internal Affairs Extract Attached to this Case

**Commander Hugh M. Velasquez, 1514**  
\_\_\_\_\_  
Form Completed By (Name and IBM)

**Monday, May 22, 2023**  
\_\_\_\_\_  
Date

**COLORADO SPRINGS POLICE DEPARTMENT**  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

DIRECTIONS: A copy of this form will be completed and attached in BlueTeam to personnel investigations where the deliberative process was completed, whether the case was investigated by supervisors or by Internal Affairs. This does not include cases initiated and closed by Internal Affairs, cases closed at the direction of the Chief of Police, or cases closed as Unfounded or Exonerated by Body Worn Camera or Communication Center audio recordings during the preliminary inquiry.

**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u> <small>(MM-DD-YYYY)</small>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>1514</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Christopher Hummel</u>	<b>IBM</b>	<u>6964</u>
<b>Rank or Position:</b>	<u>Officer</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Sand Creek Division, Shift III</u>		

Check this box if there are additional Subject Employees

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Use of Force **Number:** G.O. 500

**Finding For Policy #1 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

The finding detailed below is a summary of the totality of the circumstances detailed in pages two-ten of the Administrative Insight Memorandum. The AIT's findings are based on an Objectively Reasonable Force standard as defined in CSPD policy:

*“Objectively Reasonable Force: This is the term created by the Courts as the standard by which officers’ actions will be evaluated in use of force situations (see Graham v. Connor). This term means the force that an objective, trained, and competent peace officer, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The determination of reasonableness must be based on the totality of the circumstances and must include a consideration that officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Some of the factors evaluated in the application of the term “objectively reasonable” include: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”*

Upon arrival, Hummel became aware of relevant officer safety information (a knife was in the vehicle) and approached the vehicle as a cover officer on the driver’s side with Hickman.

Hummel heard Hickman’s multiple directions/orders to [REDACTED] to exit the vehicle. Hummel attempted a nominal use of force to gain control of [REDACTED] when he attempted to grab [REDACTED] right hand. [REDACTED] immediately pulled away from Hummel and jerked back into the car near the knife. Once [REDACTED] pulled away from Hummel, all officers were engaged in a protracted use of force as they attempted to get [REDACTED] into custody/handcuffs. Hummel made split-second decisions during this incident, including attempting to grab [REDACTED], pulling [REDACTED] out of the vehicle, and delivering two knee strikes, one open-hand strike, and one closed-fist strike to [REDACTED].

Hummel also chose not to use the Taser on the driver of a running vehicle (prohibited by policy) and chose not to use OC (would have adversely affected Carranza and the other officers in the enclosed space in the passenger compartment of the vehicle). During the use of force, Hummel continued to give orders/commands (non-violent means) even as force was being used against him (by [REDACTED]) and by him and the other officers (on [REDACTED]). Hummel considered and warned [REDACTED] of using the Taser, which was never deployed. When he and the other officers were able to force both handcuffs on [REDACTED] to ultimately place [REDACTED] into physical custody, Hummel’s less lethal use of force immediately stopped.

During the use of force, [REDACTED] did not physically submit to being placed into custody. Instead, [REDACTED] continued to resist/fight/assault officers during the entire incident (managing to fight his way back into the vehicle near the knife once and attempting a second time). Hummel immediately summoned medical assistance and a supervisor via the radio once [REDACTED] was in custody. Based on a Preponderance of the Evidence, the AIT finds the allegation that Officer Hummel violated General Order 500 – Use of Force to be Unfounded.

During my meeting with Officer Hummel, he was professional and understood the reasoning for the decision regarding this allegation.

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #2 ALLEGATION – Most Serious if Multiple Allegations**

<b>Policy Name:</b> <u>Treatment of the Public</u>	<b>Number:</b> <u>G.O. 120</u>		
<b><u>Finding For Policy #2 (Select One):</u></b>			
<input type="checkbox"/> <b>Unfounded</b>	<input type="checkbox"/> <b>Exonerated</b>	<input type="checkbox"/> <b>Not Sustained</b>	<input checked="" type="checkbox"/> <b>Sustained</b>

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

Immediately after [REDACTED] was taken into custody, Hummel told [REDACTED], "You're under arrest, you dumb fuck." Unlike the other coarse language used as part of commands during the use of force incident, this statement is demeaning and unacceptable. Based on the Preponderance of the Evidence, the AIT finds the allegation that Officer Hummel violated General Order 120 – Treatment of the Public to be Sustained.

During my meeting with Officer Hummel, he was professional and understood the reasoning for the decision regarding this allegation. Officer Hummel displayed full accountability for his comment and understood why it was a policy violation. Furthermore, Officer Hummel stated he has made changes to his verbal communication since this incident occurred.

## **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

### **POLICY #3 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Police Officer Conduct, Conduct Unbecoming a Police Officer      **Number:** G.O. 401.30

**Finding For Policy #3 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

### **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

Shortly after the incident, and while on-scene, Officer Hummel made the following comments, all of which were recorded by BWC:

- Officer Kephart asked how Officer Hummel’s knee was feeling, and Hummel said, “Well, ask that dude’s face,”
- Officer Hummel said (referencing which punch caused Anderson’s injury to Anderson’s knuckles), “From like left field, superman punch, and I was like, oh shit,”
- Officer Hummel said, “I slapped the ever-living fuck out of this dude. Like the firefighters probably woke up,”
- Officer Hummel said, “He’s not going to be able to do a DUI investigation because he has a fucking concussion,”
- Officer Hummel said, “That’s why you don’t fight the police,” and, “end up like that,”
- Officer Hummel said he was “tagging him” with his knee,

These statements clearly violate the Police Officer Conduct, Conduct Unbecoming a Police Officer policy. This conduct was unbecoming of a police officer not only because the comments were unacceptable and unprofessional but also because they brought into question the reason for which the force was used on [REDACTED]. The previous comment of “You’re under arrest, you dumb fuck,” while demeaning and unacceptable, can be seen as an immediate moment of frustration that, had [REDACTED] complied, none of the force would have been used. The comments listed directly above, however, can certainly be seen as an officer bragging about the force used on [REDACTED]. These comments have no place in a professional police department and lead to distrust between the Colorado Springs Police Department and the people the department serves. Based on the Preponderance of the Evidence, the AIT finds the allegation that Officer Hummel violated General Order 401.30 Police Officer Conduct, Conduct Unbecoming a Police Officer to be Sustained.

During my meeting with Officer Hummel, he was professional and understood the reasoning for the decision regarding this allegation. Officer Hummel displayed full accountability for his comments and understood why it was a policy violation. Furthermore, Officer Hummel stated he has made changes to his verbal communication since this incident occurred.

# COMMANDER'S RECOMMENDED ACTION

## RECOMMENDED ACTION FOR THE CASE

<input type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b>	
<input type="checkbox"/> Completed by Training Academy Staff	
<input type="checkbox"/> Completed by Chain of Command	
<input type="checkbox"/> Completed by Other Section/Department/Agency	
<b>Type of Training:</b>	
<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input type="checkbox"/> <b>Verbal Counseling</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<input type="checkbox"/> Entry added to NeoGov	
<input type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input type="checkbox"/> <b>Written Reprimand</b>	
<input checked="" type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> <u>10</u> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

All disciplinary forms **MUST** be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

## BASIS FOR THE RECOMMENDED ACTION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input checked="" type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below



**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

While the AIT was in complete agreement regarding the policy violations (Treatment of the Public and Police Officer Conduct, Conduct Unbecoming a Police Officer), based on Hummel's IA extract, Sgt. Smith and Lt. Blackwell [REDACTED]

[REDACTED] The number of comments made, and their nature damaged the credibility of the force used by all officers during this incident and damaged the ability of the Office of the District Attorney to pursue charges against [REDACTED]. The comments also damage the trust between our community and all members of the Colorado Springs Police Department. The totality of this conduct warrants a 10-hour suspension.

It would be hard for Officer Hummel to display greater accountability during my meeting with him regarding his performance. With that being said, my recommendation of a 10-hour suspension remains for the reasons I noted above.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

IA CASE # _____	_____	DATE OF ACTION: _____
ACTION TAKEN: _____	_____	_____
IA CASE # _____	_____	DATE OF ACTION: _____
ACTION TAKEN: _____	_____	_____
IA CASE # _____	_____	DATE OF ACTION: _____
ACTION TAKEN: _____	_____	_____

See the Subject Employee’s Internal Affairs Extract Attached to this Case

Commander Hugh M. Velasquez, 1514  
Form Completed By (Name and IBM)

Monday, May 22, 2023  
Date

**COLORADO SPRINGS POLICE DEPARTMENT**  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

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**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u> <small>(MM-DD-YYYY)</small>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>1514</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Matthew Anderson</u>	<b>IBM</b>	<u>5396</u>
<b>Rank or Position:</b>	<u>Officer</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Sand Creek Division, Shift III</u>		

Check this box if there are additional Subject Employees

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Use of Force **Number:** G.O. 500

**Finding For Policy #1 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

The finding detailed below is a summary of the totality of the circumstances detailed in pages two-ten of this Administrative Insight Memorandum. The AIT's findings are based on an Objectively Reasonable Force standard as defined in CSPD policy:

*“Objectively Reasonable Force: This is the term created by the Courts as the standard by which officers’ actions will be evaluated in use of force situations (see Graham v. Connor). This term means the force that an objective, trained, and competent peace officer, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The determination of reasonableness must be based on the totality of the circumstances and must include a consideration that officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Some of the factors evaluated in the application of the term “objectively reasonable” include: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”*

Upon arrival, Anderson became aware of relevant officer safety information (a knife was in the vehicle) and approached the vehicle as a cover officer on the passenger’s side while Hickman and Hummel approached on the driver’s side.

Anderson heard [REDACTED] being told he was being detained, and [REDACTED] responding by saying he wouldn’t be detained. When Hummel went to grab [REDACTED] hand, [REDACTED] pulled away from Hummel. All officers then became engaged in a protracted use of force as they attempted to get [REDACTED] into custody/handcuffs. Anderson made split-second decisions during this incident, including delivering numerous closed fists strikes to [REDACTED] head and abdominal area, delivering one kick to [REDACTED] abdomen, and using a control hold on [REDACTED] feet.

Anderson also chose not to use the Taser on the driver of a running vehicle (prohibited by policy). Additionally, he chose not to use OC (which would have adversely affected Carranza and the other officers in the enclosed space in the passenger compartment of the vehicle). During the use of force, Anderson continued to give orders/commands (non-violent means) even as force was being used against Hickman and Hummel, and force was used by him and the other officers on [REDACTED]. During this incident, Anderson also used minimal physical force when he pulled Carranza out of the vehicle. Anderson’s use of less lethal force immediately stopped once [REDACTED] was forced into custody/handcuffs.

During the use of force, [REDACTED] did not physically submit to being placed into custody. [REDACTED] continued to resist/fight/assault officers during the entire incident (managing to fight his way back into the vehicle near the knife once and attempting a second time). Anderson did not need to summon medical assistance as Hummel immediately requested medical assistance and a supervisor once [REDACTED] was in custody. Even though this task was completed, Anderson repeated the request for medical assistance and a supervisor. Based on a Preponderance of the Evidence, the AIT finds the allegation that Officer Anderson violated General Order 500 – Use of Force to be Unfounded.

During my meeting with Officer Anderson, he was professional and understood the reasoning for the decision regarding this allegation.

## COMMANDER'S RECOMMENDED ACTION

### RECOMMENDED ACTION FOR THE CASE

<input type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b>	<input type="checkbox"/> Completed by Training Academy Staff <input type="checkbox"/> Completed by Chain of Command <input type="checkbox"/> Completed by Other Section/Department/Agency
<b>Type of Training:</b>	<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario
<input type="checkbox"/> <b>Verbal Counseling</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____ <input type="checkbox"/> Entry added to NeoGov
<input type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input type="checkbox"/> <b>Written Reprimand</b>	
<input type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

All disciplinary forms MUST be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

### BASIS FOR THE RECOMMENDED ACTION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below

**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

None.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		

**See the Subject Employee’s Internal Affairs Extract Attached to this Case**

**Commander Hugh M. Velasquez, 1514**  
\_\_\_\_\_  
Form Completed By (Name and IBM)

**Monday, May 22, 2023**  
\_\_\_\_\_  
Date

**COLORADO SPRINGS POLICE DEPARTMENT**  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

DIRECTIONS: A copy of this form will be completed and attached in BlueTeam to personnel investigations where the deliberative process was completed, whether the case was investigated by supervisors or by Internal Affairs. This does not include cases initiated and closed by Internal Affairs, cases closed at the direction of the Chief of Police, or cases closed as Unfounded or Exonerated by Body Worn Camera or Communication Center audio recordings during the preliminary inquiry.

**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u> <small>(MM-DD-YYYY)</small>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>1514</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Joshua Kephart</u>	<b>IBM</b>	<u>6808</u>
<b>Rank or Position:</b>	<u>Officer</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Sand Creek Division, Shift III</u>		

Check this box if there are additional Subject Employees

# **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Treatment of the Public - Impartiality **Number:** G.O. 120.25

**Finding For Policy #1 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

As viewed on BWC, during the investigation on the scene, Officer Kephart's actions included:

- After Hickman said he might have broken his toe, Officer Kephart stated, "He went for a soccer kick, and it didn't work out for him,"
- Said officers needed to learn how to punch—"Can you teach him how to hit people" and "You gotta learn how to hit people,"
- Regarding whether or not to tow [REDACTED] vehicle, he said, "I'd leave it there and hope it gets towed."
- When another officer stated the vehicle was unsecured, Officer Kephart said, "Sounds like it's his problem."
- Also stated, "Rock, paper, IBM," to determine who would write the probable cause affidavit.

As Officer Kephart noted in his interview, the term "soccer kick" was how another officer described the kick to him. His comments about "how to hit" people surrounded utilizing open hand strikes instead of closed fist strikes to lessen the likelihood of injury to an officer's hand. While these comments could be stated more professionally, the AIT did not feel they rose to a policy violation. The "Rock, paper, IBM" statement was not the most appropriate way to decide who would take on the duty to complete the probable cause affidavit; however, the AIT also felt the comments did not rise to a violation of policy. The comments regarding leaving the vehicle and hoping it gets towed and "Sounds like it's his problem" are policy violations as these comments did not meet the expectation of department members impartially performing their duties. Based on a Preponderance of the Evidence, the AIT finds the allegation that Officer Kephart violated General Order 120.25 – Treatment of the Public, Impartiality to be Sustained.

During my meeting with Officer Kephart, he was professional and understood the reasoning for the decision regarding this allegation.

# **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

## **POLICY #2 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Investigative Procedures **Number:** G.O. 1100

**Finding For Policy #2 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

The personnel investigation revealed numerous concerns about the preliminary investigative procedures taken during the criminal investigation of this incident. These concerns included:

- Lack of supervisory oversight (will be addressed under Supervisory Responsibilities of a supervisor on the scene),
- No photos were taken of the car or knife,
- The knife was not recovered as evidence,
- Poor documentation of the incident.

During the review, the AIT felt that numerous officers on the scene were working diligently to handle various investigative tasks (separated the involved officers, stood by with [REDACTED] while awaiting medical personnel, searched the vehicle, photographed injuries of [REDACTED] and the officers, ensured proper medical treatment for [REDACTED] and the officers, etc.). However, there was no coordinated effort by a supervisor to delineate which officer was responsible for the relevant tasks to be completed (photographing the knife, photographing the car, recovering the knife, etc.). The AIT felt this lack of direction directly led to specific investigation failures. Therefore, holding individual officers responsible for what a supervisor should have completed is improper.

The AIT noted “Investigative Procedures” was listed as an allegation against Officer Kephart. It appeared this allegation was centered on the picture that was taken of Anderson, where he appeared to be smiling. Officer Kephart was the officer who took that photograph. The photograph was taken to depict the injury to Anderson’s knuckles. As the photograph was taken, Anderson winced and said, “My fucking knuckles are fucking killing me.” Shortly after, Anderson also stated he was shaking (physically), and it was a long fight. Officer Kephart cannot be expected to anticipate when an officer may wince, smile, smirk, frown, etc., when taking a photograph. Once the photograph was taken, it became evidence, and it was properly placed into the evidence system. The BWC of Officer Kephart gave a more accurate portrayal of this moment in time.

Even though Officer Kephart was not a supervisor, he took on numerous tasks and gave directions that assisted in the investigation, including:

- He checked on the officers multiple times,
- He told the officers to do injury reports if they were injured,
- He asked Officer Jeffrey Dussan, 7086, to interview Carranza (because Carranza spoke Spanish),
- He asked if anyone had taken pictures,
- He took pictures of the suspect,
- He took pictures of the officers,

Officer Kephart took on many tasks intended to be part of a thorough investigation. Some of these tasks were also of a supervisory nature which he handled before a sergeant arrived on the scene. There was nothing improper about how Officer Kephart took the photograph of Anderson or other subjects at the scene. Based on a Preponderance of the Evidence, the AIT finds the allegation that Officer Kephart violated General Order 1100 - Investigative Procedures to be Unfounded.



During my meeting with Officer Kephart, he was professional and understood the reasoning for the decision regarding this allegation.

# COMMANDER'S RECOMMENDED ACTION

## RECOMMENDED ACTION FOR THE CASE

<input type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b>	
<input type="checkbox"/> Completed by Training Academy Staff	
<input type="checkbox"/> Completed by Chain of Command	
<input type="checkbox"/> Completed by Other Section/Department/Agency	
<b>Type of Training:</b>	
<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario	
<input type="checkbox"/> <b>Verbal Counseling</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<input type="checkbox"/> Entry added to NeoGov	
<input checked="" type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input type="checkbox"/> <b>Written Reprimand</b>	
<input type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

All disciplinary forms **MUST** be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

## BASIS FOR THE RECOMMENDED ACTION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input checked="" type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below

**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

The AIT reviewed Officer Kephart’s IA extract and there were no sustained findings in the extract. Therefore, the AIT feels a Supervisory Discussion Record is the appropriate level of discipline for the Treatment of the Public policy violation.

During my meeting with him, Officer Kephart displayed full accountability for his comments and understood why it was a policy violation. A Supervisory Discussion Record remains my recommendation.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		

**See the Subject Employee’s Internal Affairs Extract Attached to this Case**

Commander Hugh M. Velasquez, 1514  
Form Completed By (Name and IBM)

Monday, May 22, 2023  
Date

**COLORADO SPRINGS POLICE DEPARTMENT**  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

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**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>
	(MM-DD-YYYY)		

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>1514</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Karim Fudge</u>	<b>IBM</b>	<u>3171</u>
<b>Rank or Position:</b>	<u>Sergeant</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Stetson Hills Division, Shift III</u>		

Check this box if there are additional Subject Employees

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Principles of Supervision **Number:** DL 150-01

**Finding For Policy #1 (Select One):**

**Unfounded**

**Exonerated**

**Not Sustained**

**Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

When Sgt. Fudge arrived on the scene, he was briefed on several subjects, including that medical assistance was called for [REDACTED], Officer Mary Piros, 7101, rode with [REDACTED] in the ambulance to the hospital (and how her cruiser would be secured), photographs were taken, and briefed on the officer's injuries. He also told the officers to impound the vehicle if they could not secure it, advised them to seek medical attention, to send him the Blue Team (use of force reports), and assigned Officer Dussan to draft the probable cause affidavit (per Officer Dussan's statement).

Based on personnel interviews and BWC footage of other officers, the AIT noted that Sgt. Fudge did not actively manage the personnel on the scene. There was a general lack of communication with the officers about what officer was specifically responsible for specific tasks. For example, Sgt. Fudge was briefed that pictures were taken. Still, there needed to be verification of what subjects should be photographed as they related to the importance of the investigation. Two junior officers on scene felt he was in charge at the scene, but several more senior officers felt Sgt. Fudge did not take command of the scene. Of note, Sgt. Fudge:

- Did not personally assess the scene (see what type of injuries [REDACTED] sustained) as [REDACTED] was on scene for over four minutes before he was transported to the hospital. Since [REDACTED] was available to be seen by Sgt. Fudge, this was an important step in a supervisor's assessment of the severity of a use of force incident.
- Responded to the Sand Creek substation and did not go to the hospital to provide further supervision and make further assessment of the incident, including the severity of the injury to [REDACTED],
- Did not assess relevant evidence to be photographed and collected at the scene (i.e., the knife),
- Noted in his personnel investigation that he thought the incident was a DUI, which shows his lack of understanding of the basic facts of the investigation (the highest crime being an attempted assault on an officer),
- Did not get a detailed account of what information Carranza provided before the officers finished their interaction with Carranza. Carranza may not have been an independent, disinterested witness, but he was the only non-police witness to the incident, and his interview was a critical part of the investigation.
- Told the officers to "rock, paper, scissors" who would complete the probable cause affidavit instead of assessing the most appropriate officer to complete the task. This task fell to one of the most junior officers on the scene. This officer was also one of the last officers to arrive and was an officer with limited knowledge of the incident,
- While at the Sand Creek substation, did not take any substantive supervisory steps, such as assisting Officer Dussan with the probable cause affidavit (this was handled by Sgt. Nicholas Bayne, 3168),
- While at Sand Creek, did not coordinate with another sergeant to respond to the hospital (Sgt. Crews, after finishing another CFS & over an hour later, chose to go to the hospital to check on the officers),
- Did not initiate contact with Sgt. Crews to brief him on the facts of the case (after Sgt. Crews' unsolicited arrival at the hospital),
- Was not present to assist with a dispute between officers at the hospital. While at the hospital, patrol officers and a DUI officer differed on their assessment of probable cause to charge [REDACTED] with a DUI. Sgt. Crews coached Hickman regarding facts that may relate to probable cause to charge the DUI. He did so not from a

position of being fully briefed at the scene or technically assigned as the supervisor on the CFS. This dispute led to officers contradicting each other in their reports.

As noted above, numerous critical supervisory functions were missed during this investigation (i.e., a photograph of the knife, collection of the knife, response to the hospital, and the assessment of the severity of injury to [REDACTED]). As the assigned supervisor, Sgt. Fudge was responsible for ensuring these tasks were properly assigned and/or completed. Based on a Preponderance of the Evidence, the AIT finds the allegation that Sgt. Fudge violated DL SOP 150-01 – Principles of Supervision to be Sustained.

During my meeting with Sgt. Fudge, he was professional but was somewhat confused about how I came to the decision of a sustained policy violation. I further explained it was his responsibility to coordinate the investigation and that he was not being held accountable for specific decisions or actions taken by the officers during the investigation but rather for the lack of oversight to ensure the proper investigative steps were taken. Sgt. Fudge and I followed up with a second meeting where he reached a better understanding of the recommendation.

## **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

### **POLICY #2 ALLEGATION – Most Serious if Multiple Allegations**

<b>Policy Name:</b> <u>Investigative Procedures</u>	<b>Number:</b> <u>G.O. 1100</u>		
<b><u>Finding For Policy #2 (Select One):</u></b>			
<input type="checkbox"/> <b>Unfounded</b>	<input type="checkbox"/> <b>Exonerated</b>	<input type="checkbox"/> <b>Not Sustained</b>	<input checked="" type="checkbox"/> <b>Sustained</b>

### **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

Based on a Preponderance of the Evidence, the AIT finds the allegation that Sgt. Fudge violated General Order 1100, Investigative Procedures to be Sustained. The AIT's reasoning for the finding goes together with the reasoning for the sustained Principles of Supervision finding. Key investigative steps were not taken in this investigation, and Sgt. Fudge was responsible for the coordination of the investigation.

During my meeting with Sgt. Fudge, he was professional but was somewhat confused about how I came to the decision of a sustained policy violation. I further explained it was his responsibility to coordinate the investigation and that he was not being held accountable for specific decisions or actions taken by the officers during the investigation but rather for the lack of oversight to ensure the proper investigative steps were taken. Sgt. Fudge and I followed up with a second meeting where he reached a better understanding of the recommendation.

## **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

### **POLICY #3 ALLEGATION – Most Serious if Multiple Allegations**

<b>Policy Name:</b> <u>Body Worn Camera</u>	<b>Number:</b> <u>G.O. 504</u>		
<b><u>Finding For Policy #3 (Select One):</u></b>			
<input checked="" type="checkbox"/> <b>Unfounded</b>	<input type="checkbox"/> <b>Exonerated</b>	<input type="checkbox"/> <b>Not Sustained</b>	<input type="checkbox"/> <b>Sustained</b>

### **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

Sergeant Fudge's BWC was not activated during his time at the scene. Sergeant Fudge expected his BWC to activate when he started Code 3 to the scene (dispatched approximately 30 seconds before the Code 1 was cleared). It was reasonable for Sergeant Fudge to expect the automatic trigger to start his BWC. The actions Sgt. Fudge took on scene were administrative, as no other BWC footage showed him in direct contact with [REDACTED] or Carranza. Therefore, he was not required to have his BWC activated. Based on a Preponderance of the Evidence, the AIT finds the allegation that Sgt. Fudge violated General Order 504, Body Worn Camera to be Unfounded.

During my meeting with Sgt. Fudge, he was professional and understood the reasoning for the decision regarding this allegation.



# COMMANDER'S RECOMMENDED ACTION

## RECOMMENDED ACTION FOR THE CASE

<input type="checkbox"/> <b>None - No Further Action Necessary</b>	
<input type="checkbox"/> <b>Training</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____
<b>Brief Description of Training:</b>	
<b>Training Provided By:</b>	<input type="checkbox"/> Completed by Training Academy Staff <input type="checkbox"/> Completed by Chain of Command <input type="checkbox"/> Completed by Other Section/Department/Agency
<b>Type of Training:</b>	<input type="checkbox"/> Verbal Discussion <input type="checkbox"/> Policy/Handout Review <input type="checkbox"/> Scenario
<input type="checkbox"/> <b>Verbal Counseling</b>	<input type="checkbox"/> Completed OR <input type="checkbox"/> Est. Date of Completion _____ <input type="checkbox"/> Entry added to NeoGov
<input type="checkbox"/> <b>Supervisor Discussion Record (SDR)</b>	
<input checked="" type="checkbox"/> <b>Written Reprimand</b>	
<input type="checkbox"/> <b>Suspension</b>	<b>Hours:</b> _____
<input type="checkbox"/> <b>Demotion</b>	<b>From Rank of:</b> _____ <b>To Rank of:</b> _____
<input type="checkbox"/> <b>Termination</b>	

All disciplinary forms MUST be completed and attached to the investigation in BlueTeam with a copy sent to the Human Resources Manager.

## BASIS FOR THE RECOMMENDED ACTION

DIRECTIONS: Check ALL relevant boxes, include additional considerations from all of the present deliberative process members, and complete the Pattern of Conduct section if applicable.

<input type="checkbox"/> Basis Not Needed - Policy Unfounded or Exonerated – No Action Necessary
<input type="checkbox"/> No Previous Similar or Same Policy Violations
<input type="checkbox"/> Previous Relevant Evaluation Entries in NEOGOV
<input type="checkbox"/> Pattern of Conduct
<input checked="" type="checkbox"/> Serious Nature of the Violation
<input type="checkbox"/> Violation Involves a Criminal Act
<input type="checkbox"/> Progressive Discipline – Similar/Same Documented Policy Violations – Complete Section Below

**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

Sgt. Fudge had no sustained findings in his IA extract related to his performance in this investigation. The severity of the damage to the investigation led directly to the Office of the District Attorney being presented with a case with numerous prosecutable challenges. The damage to the investigation also led to a potential public perception that many of the charges against [REDACTED] were not warranted. The AIT also recognized Sgt. Fudge lacked supervision training to a level needed for this type of incident. The organization also recognized a need for more training in this area. As a result, the organization conducted training related to these types of incidents for the entire sworn supervision staff in 2023. Given the totality of these circumstances, the AIT felt that a Written Reprimand was the appropriate level of discipline.

After my meetings with Sgt. Fudge, I believe he came to a greater understanding of his responsibilities as a patrol sergeant on the scene of this type of investigation. My recommendation remains a Written Reprimand.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

IA CASE # _____	ACTION TAKEN: _____	DATE OF ACTION: _____
IA CASE # _____	ACTION TAKEN: _____	DATE OF ACTION: _____
IA CASE # _____	ACTION TAKEN: _____	DATE OF ACTION: _____

See the Subject Employee’s Internal Affairs Extract Attached to this Case

**Commander Hugh M. Velasquez, 1514**  
 \_\_\_\_\_  
 Form Completed By (Name and IBM)

**Monday, May 22, 2023**  
 \_\_\_\_\_  
 Date

COLORADO SPRINGS POLICE DEPARTMENT  
**ADMINISTRATIVE INSIGHT FORM (LEVEL 2)**

DIRECTIONS: A copy of this form will be completed and attached in BlueTeam to personnel investigations where the deliberative process was completed, whether the case was investigated by supervisors or by Internal Affairs. This does not include cases initiated and closed by Internal Affairs, cases closed at the direction of the Chief of Police, or cases closed as Unfounded or Exonerated by Body Worn Camera or Communication Center audio recordings during the preliminary inquiry.

**CASE INFORMATION**

<b>Internal Affairs Case #:</b> <u>22-0197</u>	<b>Date Investigation Completed:</b> <u>03/22/2023</u>
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Level 2 (Form completed by Commander)	

**CHAIN OF COMMAND MEMBERS PRESENT AT INSIGHT MEETING**

<b>Sergeant Name:</b>	<u>Rebecca Smith</u>	<b>IBM</b>	<u>2176</u>
<b>Lieutenant Name:</b>	<u>Clayton Blackwell</u>	<b>IBM</b>	<u>9597</u>
<b>Commander Name:</b>	<u>Hugh M. Velasquez</u>	<b>IBM</b>	<u>1514</u>
<b>Date of Meeting:</b>	<u>04/28/2023</u> <small>(MM-DD-YYYY)</small>	<b>Location of Meeting:</b>	<u>Microsoft Teams</u>

**LEVEL 2 PRESENTER OF FACTS**

<b>Supervisor Name:</b> <u>Sgt. James Thurman</u>	<b>IBM</b> <u>1514</u>
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**SUBJECT EMPLOYEE INFORMATION (One Form Per Subject Employee)**

<b>Employee Name:</b>	<u>Reuben Crews</u>	<b>IBM</b>	<u>3560</u>
<b>Rank or Position:</b>	<u>Sergeant</u>	<input checked="" type="checkbox"/> Sworn	<input type="checkbox"/> Civilian
<b>Assignment:</b>	<u>Patrol Bureau, Sand Creek Division, Shift III</u>		

Check this box if there are additional Subject Employees

# **POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS**

## **POLICY #1 ALLEGATION – Most Serious if Multiple Allegations**

**Policy Name:** Principles of Supervision **Number:** DL 150-01

**Finding For Policy #1 (Select One):**

**Unfounded**       **Exonerated**       **Not Sustained**       **Sustained**

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

After Sgt. Crews handled an unrelated call for service (while the use of force incident occurred and during the initial steps in the investigation), Sgt. Crews self-dispatched to the hospital (over two hours after the incident started). The primary reason for Sgt. Crews' response to the hospital was to check on the welfare of the officers injured during the incident. While at the hospital, Sgt. Crews coached Hickman regarding facts that may relate to probable cause to charge the DUI. Sgt. Crews did not contact Sgt. Fudge to inquire about any supervisory tasks he could assist with at the hospital. Sgt. Crews did not check on the status of the suspect while at the hospital. Sgt. Crews felt it was not his responsibility to oversee the investigation.

While the AIT was concerned with the approach Sgt. Crews took regarding the investigation; the AIT determined the supervisor responsibility for this investigation belonged to Sgt. Fudge. The AIT could not get to an Unfounded finding because there is an expectation for Sgt. Crews to coordinate with other supervisors, even if the technical responsibility for the supervision of the investigation belongs to another. Simply put, the AIT felt Sgt. Crews could have been a better teammate to Sgt. Fudge during this incident and could have shown better initiative. Based on a Preponderance of the Evidence, the AIT finds the allegation that Sgt. Crews violated DL SOP 150-01 – Principles of Supervision to be Not Sustained.

During my meeting with Sgt. Crews, he was professional and understood the reasoning for the decision regarding this allegation.

# POLICY ALLEGATION(S) AND RECOMMENDED FINDINGS

## **POLICY #2 ALLEGATION – Most Serious if Multiple Allegations**

<b>Policy Name:</b> <u>Investigative Procedures</u>	<b>Number:</b> <u>G.O. 1100</u>		
<b><u>Finding For Policy #2 (Select One):</u></b>			
<input checked="" type="checkbox"/> <b>Unfounded</b>	<input type="checkbox"/> <b>Exonerated</b>	<input type="checkbox"/> <b>Not Sustained</b>	<input checked="" type="checkbox"/> <b>Sustained</b>

## **PREPONDERANCE OF THE EVIDENCE FOR POLICY #1 RECOMMENDED FINDING**

As stated in policy allegation #1, Sgt. Crews was not responsible for overseeing the investigation. That responsibility belonged to Sgt. Fudge. Based on a Preponderance of the Evidence, the AIT finds the allegation that Sgt. Crews violated General Order 1100, Investigative Procedures to be Unfounded.

During my meeting with Sgt. Crews, he was professional and understood the reasoning for the decision regarding this allegation.

**DELIBERATIVE PROCESS MEMBERS ADDITIONAL CONSIDERATIONS**

None.

**PATTERN OF CONDUCT – PREVIOUS SIMILAR OR SAME POLICY VIOLATIONS**

<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		
<b>IA CASE #</b>	_____	<b>DATE OF ACTION:</b>	_____
<b>ACTION TAKEN:</b>	_____		

**See the Subject Employee’s Internal Affairs Extract Attached to this Case**

**Commander Hugh M. Velasquez, 1514**  
\_\_\_\_\_  
Form Completed By (Name and IBM)

**Monday, May 22, 2023**  
\_\_\_\_\_  
Date