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PERSONNEL INVESTIGATION CASE # 22-0197

CASE SUMMARY

CASE INTAKE INFORMATION

On 10/14/2022, [REDACTED] **DOB: 08/11/1993**, made a complaint with the Colorado Springs Police Internal Affairs section in reference to a traffic stop in which force was used against him. A complaint was generated and was sent to the Sand Creek chain of command to review on 10/18/2022.

Between October 2022 and January 2023, the department received numerous complaints regarding this incident which had received national media attention. The uses of force by the involved officers were previously reviewed through the normal chain of command review process and all were found to be within policy, however, it appeared that there may have been investigative failings that were identified in the case.

In late December 2022 it was determined that the case would be assigned to Internal Affairs to conduct an in-depth analysis of the incident. A memo was drafted by Lieutenant Tepley who reviewed the incident between October and December 2022. On 01/03/23, I, Internal Affairs Sergeant James Thurman, was assigned this investigation by Internal Affairs Lieutenant Stankey.

Involved Employees:

Officer Matthew Anderson 5396
Officer Christopher Hummel 6964
Officer Colby Hickman 7090
Officer Joshua Kephart 6808
Sergeant Karim Fudge 3171
Sergeant Reuben Crews 3560

CSPD Witness Employees:

Officer Jeffrey Dussan 7086
Officer Rachel Eggert 5702
Officer Jared Huston 6804
Officer Ryan Kinsman 7095
Officer Sarah Mecimore 6408
Officer Ryan Paine 6376
Officer Mary Piros 7101
Officer Connor Wallick 5669

RELEVANT POLICYS

- 500 Use of Force
- 120 Treatment of the Public
- 1100 Investigative Procedures
- DL-150-01 Principles of Supervision
- 504 Body Worn Camera

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SYNOPSIS OF INDIVIDUAL OFFICER ACTIONS DURING CFS 22408635

[See individual officer supplements for full details]

Clarifying comments are placed in brackets throughout this summary

Officer Colby Hickman – Ofc. Hickman was the primary unit on this call for service [CFS]. He was operating as 3V09 and was assigned to work proactive patrol in the Sand Creek Division. During this patrol he observed a Gray Sedan exhibiting abnormal driving behavior in the parking lot of 296 South Academy Blvd. Ofc. Hickman pulled behind the vehicle and observed that no license plate and no temporary tag were visible. The vehicle then went southbound on Academy Blvd and was traveling at approximately 15mph in a 45mph zone on S. Academy and then 5mph on Airport Rd. These speeds were estimated by Ofc. Hickman as he conducted the stop.

Ofc. Hickman activated his emergency lights, and a traffic stop was initiated. The suspect vehicle stopped immediately east of the intersection of Majorie Lee Dr. and Airport Rd. in a parking space of the parking lot. As Ofc. Hickman made a passenger side approach to the vehicle he said he saw the driver [REDACTED] making furtive movements. Ofc. Hickman described these movements as moving his hips to face the door as if he was going to run and looking over his shoulder to locate Ofc. Hickman during his approach. Ofc. Hickman believed [REDACTED] might have a weapon and was preparing to ambush him.

Ofc. Hickman initially did not see a knife in center console of the vehicle and believed [REDACTED] possibly had a weapon in his right hand. Ofc. Hickman withdrew to approximately 15ft away and gave commands to [REDACTED] to stay in the vehicle and show his hands. When Ofc. Hickman told [REDACTED] to show his hands, he observed [REDACTED] right hand go towards the center console cup holder two times. Ofc. Hickman felt that [REDACTED] was purposely hiding his right hand behind his left arm during these movements.

Ofc. Hickman then made a second approach on the passenger side of [REDACTED] vehicle and noted a knife in the center cup holder. Ofc. Hickman described the knife as approximately 4 inches long, silver and orange in color, and said the orange finish had been worn down to bare metal over time. Ofc. Hickman noticed the knife had a small round metal tab on the upper right corner and due to his training and experience, he knew the tab to be a quick deploy switch that when pressed, quickly flips the knife out. Ofc. Hickman said this feature allows the knife to be deployed with one hand. Ofc. Hickman said the knife was oriented so that [REDACTED] right hand could quickly grab it and deploy it without having to re-orient the weapon.

As Ofc. Hickman conversed with [REDACTED] he noted [REDACTED] had thick-tongued slurred speech and said that he was slow to react. An example of this was when Ofc. Hickman was at the passenger window and [REDACTED] stated, "How you doin?" During the initial interaction, [REDACTED] told Ofc. Hickman that he, "needs screws to fix his back part." Ofc. Hickman noted that there were four screws protruding from the license plate slot on the back of [REDACTED] vehicle.

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Because of [REDACTED] actions and driving behavior, Ofc. Hickman also believed the vehicle might be stolen.

Ofc. Hickman then asked [REDACTED] and the passenger, later identified as **Carlos Alfredo Vazquez Carranza DOB: 06/08/1991**, for identification and noted [REDACTED] looked through the driver's side door, center console, and then took approximately 30 seconds to look through the glove box to find his driver's license. Ofc. Hummel and Ofc. Anderson arrived shortly after Ofc. Hickman returned to his vehicle to run the identifications. As Ofc. Hummel approached he tells Ofc. Hickman he can smell burnt marijuana and asks if the smell is coming from [REDACTED] vehicle, which was approximately 30 feet away. Ofc. Hickman confirmed that the smell was coming from [REDACTED] vehicle and alerts Ofc. Hummel and Ofc. Anderson about the furtive movements he had observed and the knife in the center console.

Ofc. Hickman and Ofc. Hummel eventually walk up to the vehicle and tell [REDACTED] he will be detained in handcuffs under suspicion of DUI to which [REDACTED] responds, "No, I'm not!" [REDACTED] then begins resisting. Ofc. Hickman and Ofc. Hummel attempt to remove [REDACTED] from the driver's seat and [REDACTED] turns away, tries to remain in the vehicle, and begins reaching around the area where Ofc. Hickman had observed the knife. During the struggle [REDACTED] begins actively fighting with Ofc. Hickman and Ofc. Hummel. Ofc. Hickman stated that he heard Ofc. Hummel giving [REDACTED] multiple commands to include, "Stop assaulting me", "You're under arrest", "Quit fighting" and, "Put your hands behind your back." After the struggle concluded Ofc. Hickman drove himself to Memorial Central Hospital to be evaluated for an injury to his toe that he sustained during the fight with [REDACTED].

Officer Matthew Anderson – After arriving on scene, Ofc. Anderson was briefed by Ofc. Hickman on the presence of the knife in the center console. Ofc. Anderson approached on the passenger side of [REDACTED] vehicle and contacted the passenger, Carlos Carranza, while Ofc. Hickman and Ofc. Hummel contacted [REDACTED]. Ofc. Anderson heard Ofc. Hickman and Ofc. Hummel tell [REDACTED] he was being detained for DUI and heard [REDACTED] respond that he was not. Ofc. Anderson then observed [REDACTED] kicking, fighting, and resisting Ofc. Hickman and Ofc. Hummel in the driver's door.

Ofc. Anderson quickly removed Mr. Carranza from the vehicle, tells him to lay face down on the ground and not move, and then entered the passenger compartment from the passenger side of the vehicle. Ofc. Anderson punched [REDACTED] multiple times in the face and head in an attempt to gain compliance while [REDACTED] continued to fight with Ofc. Hickman and Ofc. Hummel. Ofc. Anderson stated in his report that [REDACTED] was reaching around in the vehicle while fighting with the other officers.

Ofc. Anderson noted that after every strike, [REDACTED] attention was split between himself, Ofc. Hickman, and Ofc. Hummel. During the fight, Ofc. Anderson told [REDACTED] that he was under arrest. Ofc. Hickman and Ofc. Hummel eventually remove [REDACTED] from the vehicle and continue trying to control him on the ground near the driver's side of the vehicle. Ofc. Anderson quickly hand-cuffed and conducted high risk search of Mr. Carranza before going to driver's side and finding [REDACTED] continuing to fight with Ofc. Hickman and Ofc. Hummel. Ofc. Anderson continued giving [REDACTED] commands and delivered a front kick to [REDACTED] abdomen

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which allowed Ofc. Hickman and Ofc. Hummel to get [REDACTED] under control and secured in handcuffs.

After the fight had concluded, Ofc. Anderson went to Memorial Central Hospital to get medical attention for injuries to his hand.

Officer Christopher Hummel – After arriving at approximately the same time as Ofc. Anderson, Ofc. Hummel contacted Ofc. Hickman and was briefed regarding the knife in the center console. Ofc. Hummel noted an overwhelming smell of burnt marijuana, and asked Ofc. Hickman if the smell was coming from [REDACTED] vehicle. Ofc. Hickman confirmed the smell was coming from [REDACTED] vehicle. Ofc. Hickman then tells Ofc. Hummel that he intends to detain [REDACTED] for suspicion of driving under the influence of marijuana.

Ofc. Hummel noted that [REDACTED] vehicle still appeared to be running (the interior lights were on, headlights were on, etc.). Ofc. Hummel moved with Ofc. Hickman to the driver's side of the vehicle to contact and detain [REDACTED]. During this contact Ofc. Hummel told [REDACTED] he will be placed in handcuffs to which [REDACTED] responds, "No, I'm not!"

Ofc. Hummel then tried to grab [REDACTED] right arm, but [REDACTED] immediately pulled away and began trying to get further into the passenger compartment of his vehicle. Ofc. Hummel identified "numerous factors" to support his belief that [REDACTED] was a threat, to include being physically and verbally resistant, knowledge that the knife in center console was easily within arm's reach, the fact that the vehicle had not been searched and could contain other weapons, and that the vehicle was running and could be put into gear to drag officers, run officers over, or hit patrol cars.

During the struggle in the driver's door, Ofc. Hummel delivered a knee strike to [REDACTED] forehead, and [REDACTED] fell backwards into the passenger compartment towards the center console. At this point [REDACTED] became assaultive and kicked Ofc. Hummel in his chest several times. Ofc. Anderson then entered the passenger side of the vehicle and began delivering closed fist strikes to [REDACTED] head and face. Ofc. Hummel noted in his report that every time Ofc. Anderson hit [REDACTED]; he stopped reaching around in the vehicle.

Ofc. Hummel is eventually kicked by [REDACTED] out of the threshold of the driver door and Ofc. Hickman takes his place. Ofc. Hickman was able to remove [REDACTED] from the vehicle and was on his back, on the ground, trying to get him under control. Ofc. Hummel stated [REDACTED] refused to put his hands behind his back and exclaimed that he needed or wanted to stand up. At this point, [REDACTED] was on his knees and was trying to get back to his feet. [REDACTED] was able to make progress standing up even with Ofc. Hickman on his back.

At that time, Ofc. Hickman did not have control of [REDACTED] hands, and Ofc. Hummel delivered a knee strike to [REDACTED] face. Ofc. Hummel noted that the strike was effective, and [REDACTED] was dazed and crumpled back to the ground. [REDACTED] was then able to get back to his feet with Ofc. Hickman and Ofc. Hummel both attempting to pin him on the ground. [REDACTED] again tried to get back into the driver's side of the vehicle, continued to refuse to place his hands behind his back, and kept trying to get to his feet. Ofc. Hummel delivered a closed fist

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strike to [REDACTED] face and said at that point he stopped trying to stand up but was still uncooperative.

Ofc. Hummel then activated his taser and pointed it at [REDACTED] and warned him he was going to tase him. At that point, Ofc. Hickman was able to secure [REDACTED] left hand in a handcuff. [REDACTED] still would not allow Ofc. Hickman to secure his right hand, so Ofc. Hummel struck him with a closed fist strike to his face. Ofc. Hummel said this strike allowed Ofc. Hickman and Ofc. Anderson to secure [REDACTED] right hand in the handcuffs.

Ofc. Hummel noted that all three officers gave [REDACTED] multiple commands to stop fighting, stop resisting, that he was under arrest, and for him to place his hands behind his back. Ofc. Hummel also said that [REDACTED] repeatedly told officers he was not resisting or fighting, but that this was not true.

After [REDACTED] was secured in handcuffs Ofc. Hummel states to [REDACTED], "You're under arrest...you dumb fuck." Medical personnel and a supervisor were immediately requested by the three involved officers. Ofc. Wallick arrived on scene moments later and relieved Ofc. Hummel and Ofc. Hickman from any additional contact with [REDACTED]. Ofc. Hummel noted in his report that Sgt. Fudge eventually responded to the scene and was briefed.

Sergeant Karim Fudge – Sgt. Fudge was assigned as the responding supervisor and was sent from the Stetson Hills Division as no Sand Creek Division supervisors were available. Sgt. Fudge failed to activate his Body Worn Camera but stated in his supplement that BWC video existed. I was unable to find any BWC video for Sgt. Fudge. Additionally, he was the only supervisor to respond to the scene at any point during the CFS.

In his supplement, Sgt. Fudge stated that multiple officers and the suspect sustained injuries. Sgt. Fudge reported that he instructed the officers who used force to send their BlueTeam [Use of Force] reports to him for review. Sgt. Fudge did not detail any involvement with scene management or decision making he handled while on the call. Sgt. Fudge was later informed that an officer (Ofc. Piros) would be riding with the suspect to the hospital.

Sgt. Fudge did not report that he checked on the involved officers or the suspect at the hospital. During a review of BWC from officers on scene, I noted that Sgt. Fudge did not delegate who would be taking a report and told the officers at the scene they would be, "doing rock, paper, scissors to determine who was primary." I also noted that it did not appear Sgt. Fudge ever approached [REDACTED] vehicle or [REDACTED] himself while he was being treated by medical personnel.

Sgt. Fudge was later told by Ofc. Huston that he could not secure [REDACTED] vehicle. Sgt. Fudge instructed officers on scene to call an impound tow for [REDACTED] vehicle because it could not be secured. During a review of Ofc. Huston's BWC it was determined that he was able to secure the vehicle.

During a review of BWC video for the officers on scene, I noted that multiple officers are seen standing around during the majority of the time Sgt. Fudge is at the scene. I also noted that on Ofc. Huston and Ofc. Kephart's BWC video they seem to be in command and complete several

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functions that would be typical for a sergeant to oversee, such as delegating tasks and ensuring officers injuries are photographed.

In his supplement, Sgt. Fudge stated that he cleared from the Sand Creek substation; however, it is unclear based on his report what he did at the Sand Creek substation or any notifications he might have made.

Officer Jeffrey Dussan – Ofc. Dussan completed the initial case report and prepared the arrest packet including the PC affidavit. During a review of the criminal investigation, Det. Lambert noted that the PC affidavit stated that [REDACTED] was “kicking, scratching, and punching officers.” No written or photographic documentation was located related to [REDACTED] scratching or punching during the altercation.

Ofc. Dussan arrived on scene after [REDACTED] had been detained and saw Ofc. Piros monitoring him while he was being treated by AMR. Ofc. Dussan also documented that he saw Ofc. Huston speaking with Mr. Carranza. Ofc. Dussan is a fluent Spanish speaker and later interviewed Mr. Carranza at Ofc. Huston’s request.

Ofc. Dussan was told by Mr. Carranza that he [Carranza] had recently been pulled over for expired tags and no license and was instructed not to drive. Mr. Carranza said he began walking home and ran in to [REDACTED] at which time he offered [REDACTED] \$10 to drive him home from the area of 296 S Academy Blvd, AC Expo [an adult gaming center]. Ofc. Dussan said Mr. Carranza believed [REDACTED] was pulled over because his vehicle did not have license plates.

Ofc. Dussan was later assigned to complete the initial investigation and returned to the Sand Creek substation to prepare arrest paperwork. Ofc. Dussan said that he was assisted with the paperwork by Ofc. Anderson. While preparing the arrest paperwork, Ofc. Dussan was informed by Ofc. Piros that [REDACTED] would also be charged with DUI.

Officer Mary Piros – Upon arrival at the scene, Ofc. Piros went to the area where [REDACTED] was laying on the ground. Ofc. Piros conducted a frisk of [REDACTED] when she arrived and stood by with him until medical personnel arrived. On Ofc. Piros BWC, [REDACTED] can be seen arguing that he did not assault any officers. Ofc. Piros documented that she observed [REDACTED] injuries and stated he complained of pain in his left ribs, the left side of his face, and his knees.

After [REDACTED] was treated at the scene and it was determined he would go to the hospital, Ofc. Piros searched him before he was placed on a gurney. [REDACTED] was moved into an ambulance and can be heard making statements on Ofc. Piros BWC asking, “How did we get in this situation?”, and “You all can take everything of mine too, except for my body and my soul.” [REDACTED] appears to be rambling and making statements without being addressed by anyone at the scene. Ofc. Piros then rode with [REDACTED] in ambulance to the hospital.

While at the hospital, Ofc. Piros overheard [REDACTED] answering medical questions posed by a treating physician. During this conversation, [REDACTED] denied having any alcohol, but said, “possibly marijuana” when asked if he would have other drugs in his system.

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Ofc. Piros did not observe any other indicators that [REDACTED] was under the influence but said she could not observe his eyes due to his injuries or see him walk because he was transferred from the gurney directly to the hospital bed. Ofc. Piros documented that she smelled blood and sweat emanating from [REDACTED] but did not smell marijuana. Ofc. Piros was in contact with [REDACTED] for approximately 3 hours and on multiple occasions photographed [REDACTED] injuries. Ofc. Piros would eventually explain Colorado Express Consent to [REDACTED] and told him that officers believed he was under the influence of marijuana. [REDACTED] refused a test of his blood and Ofc. Piros served him with a Notice of Revocation due to his refusal.

Officer Joshua Kephart – Ofc. Kephart responded to assist when Ofc. Hickman radioed “one fighting.” In his report, Ofc. Kephart documented that he observed a silver in color folding knife in the center console of [REDACTED] vehicle. Ofc. Kephart later took photographs of [REDACTED] and Officers Hummel, Anderson, and Hickman. Although he was involved with searching [REDACTED] vehicle, he did not document his involvement with the search.

At the scene, AMR personnel made a request to Ofc. Kephart for an officer to ride in the ambulance with [REDACTED] to the hospital.

While taking photographs of Ofc. Anderson at approximately 13:25 on BWC footage, the photo taken by Ofc. Kephart captures Ofc. Anderson smiling; however, Ofc. Anderson only did this for a split second while he was speaking to another officer nearby. In Ofc. Kephart’s BWC footage, Ofc. Anderson does not appear to be intentionally smiling for the camera.

When Sgt. Fudge arrives at the scene, Ofc. Kephart contacts him and explains the preliminary information, tells him that the officers and [REDACTED] are injured, and informs him that Ofc. Piros will be riding with [REDACTED] in the ambulance.

Ofc. Kephart made several statements which were captured on BWC to include describing Ofc. Hickman’s kick as a soccer kick, telling Ofc. Hummel and Ofc. Anderson that they, “need to learn how to hit people”, and stating that officers on scene should, “Rock, Paper, IBM” to determine who would be primary on the call.

Ofc. Kephart later discussed [REDACTED] vehicle with Ofc. Huston and stated during that interaction that he would leave the vehicle where it was because it was parked legally and belonged to [REDACTED]. When he was informed by Ofc. Huston that the vehicle could not be secured, Ofc. Kephart said, “sounds like it’s his problem.”

I did note that Ofc. Kephart handled some scene management functions while at the scene.

Officer Jared Huston – Ofc. Huston arrived on scene after the use of force had taken place and [REDACTED] was in custody. Ofc. Huston noticed that Ofc. Hummel was walking back to his vehicle, but Ofc. Anderson and Ofc. Hickman were still in contact with [REDACTED] and Mr. Carranza. Ofc. Huston approached the vehicle and removed Ofc. Hickman and Ofc. Anderson from having further contact with [REDACTED] and Mr. Carranza.

Ofc. Huston, with translation assistance from Ofc. Dussan, conducted a brief interview with Mr. Carranza who said he gave [REDACTED] \$10 for a ride from the area of N Academy Blvd and Galley

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Rd [This was a different area than Ofc. Dussan reported and may have been due to a translation issue, as this location is believed to be where Mr. Carranza was stopped earlier in the evening].

Ofc. Huston conducted a search of Mr. Carranza and found a glass pipe with white residue, commonly used for smoking narcotics, in Mr. Carranza's right boot. Mr. Carranza stated in the interview that [REDACTED] told him to put the pipe in his boot when the traffic stop was initiated. This pipe was later placed on or near the trunk of [REDACTED] vehicle and broke when the trunk was later opened when officers searched the vehicle. After he was interviewed, Mr. Carranza was allowed to leave the scene.

Ofc. Huston appeared to take command of the scene and began checking on the involved officers and determining what needed to occur next. He then checked on Ofc. Piros and Ofc. Mecimore who were standing by with [REDACTED] waiting for medical personnel to arrive. Ofc. Huston asked Ofc. Piros if she had taken photos already and she told him that she had. Ofc. Huston was briefed by several officers at the scene on their actions and what investigative steps they had taken.

Ofc. Huston later collected [REDACTED] wallet and cell phone from the vehicle while [REDACTED] was being treated by medical personnel. Ofc. Huston told [REDACTED] that his vehicle will be impounded and later discusses with Ofc. Kephart as to what should be done with the vehicle because the windows cannot be rolled up. Ofc. Kephart states during this interaction that he would leave the vehicle there and said, "sounds like it's his problem" when notified by Ofc. Huston that it cannot be secured. Ofc. Huston then informed Sgt. Fudge the vehicle could not be secured, and Sgt. Fudge told Ofc. Huston to call an impound tow. Ofc. Huston then walked back to [REDACTED] vehicle and was eventually able to roll the windows up and secure the vehicle.

Ofc. Huston later followed Ofc. Hickman and Ofc. Anderson to Memorial Central Hospital and collected medical release forms for the involved officers. Ofc. Huston noted Ofc. Hickman had a complaint of injury to his big toe and Ofc. Anderson had a complaint of injury to his hand.

I noted that Ofc. Huston handled [along with Ofc. Kephart] some scene management functions while at the scene.

Officer Sarah Mecimore – After her arrival on scene, Ofc. Mecimore assisted Ofc. Piros with monitoring [REDACTED] after he was in custody. She later responded to Memorial Central Hospital and documented that officers tried to talk to [REDACTED], but he stated he would only speak about the incident with a lawyer present. While waiting in the hospital room, she stated [REDACTED] asked her, "what she would do in his shoes and got beat up for no reason." Ofc. Mecimore documented that she observed statements made by [REDACTED] to medical staff to include, "I had gotten jumped by a group of people in uniform."

Ofc. Mecimore also documented that [REDACTED] told medical staff that marijuana may show up in his system. Ofc. Mecimore said [REDACTED] was read the Colorado Express Consent and refused to submit to a chemical test of his blood. She noted that [REDACTED] was confused as to why he couldn't give a urine sample instead of a blood draw. Ofc. Mecimore's report also documented multiple statements made by [REDACTED] to include:

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“Where are my natural rights as a human being to drive? I just read a law that said I do not need a driver’s license to drive.”

“I deserve a right to live peacefully, I feel like I have been wronged because, I am a spirit of god, and I am at peace, I don’t know what to do, because my rights are being taken away from me, so I don’t know what to do, other than speak to my lawyer, I don’t want my license to be taken away from me.”

“I feel endangered, I know I’m endangered.”

Due to her limited involvement in this incident, I did not conduct a recorded interview with Ofc. Mecimore.

Officer Ryan Paine – Ofc. Paine was the DUI officer dispatched to the scene after Ofc. Hickman made the request at the initial portion of the traffic stop. He arrived after the use of force and after [REDACTED] was in custody.

While on scene Ofc. Paine observed the inside of the vehicle and reported that he saw a pocketknife in the center cup holder between the driver and passenger seats. Ofc. Paine then conducted a pat down of the vehicle due to the proximity of [REDACTED] and Mr. Carranza to the vehicle.

Ofc. Paine stated another officer, whom he could not remember [Ofc. Kinsman], advised him that drug paraphernalia [meth pipe] was found on the passenger, Mr. Carranza. Ofc. Paine then conducted a search of [REDACTED] vehicle and did not locate any other weapons or illegal items. Ofc. Paine was told by Ofc. Hickman that he saw [REDACTED] reaching around after the traffic stop and could smell a strong odor of marijuana emanating from the vehicle. Ofc. Paine was later told by Ofc. Hummel that [REDACTED] would likely have a concussion and wouldn’t be able to do any type of Standardized Field Sobriety Test’s [SFST].

Ofc. Paine then left the scene and followed AMR and [REDACTED] to the hospital. Ofc. Paine said that he observed [REDACTED] speech to be slow and thick tongued and noted that his eyes were red and bloodshot. Ofc. Paine documented that he did not smell an odor of marijuana during his contact with [REDACTED]. Ofc. Paine then asked Ofc. Piros if she had smelled any odors while [REDACTED] was being transported and she said she did not. As he was collecting information, Ofc. Paine was told by Ofc. Huston that Mr. Carranza had a meth pipe in his boot, but that he did not ask if Mr. Carranza and [REDACTED] had used any drugs before he released Mr. Carranza. Ofc. Paine then spoke to Ofc. Hickman, who told him [REDACTED] was slow to find his driver’s license and said his speech was slowed and slurred. Ofc. Hickman told Ofc. Paine that he did not see [REDACTED] eyes to tell if they had any indicators of drug or alcohol use.

After collecting the available information, Ofc. Paine did not feel as though there was sufficient probable cause to charge [REDACTED] with driving under the influence. As he was talking with Ofc. Hickman and Sgt. Crews, Ofc. Paine witnessed Ofc. Piros tell Sgt. Crews that [REDACTED] stated “possibly marijuana” to a doctor when asked if any drugs would be in his blood. She also told Sgt. Crews that [REDACTED] denied drinking any alcohol. Ofc. Paine stated that Sgt. Crews and Ofc.

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Hickman decided there was probable cause for DUI, but he was not further involved. Colorado Express Consent was later explained to [REDACTED] by Ofc. Piros.

Sergeant Reuben Crews – In his report, Sgt. Crews stated that he responded to Memorial Hospital to check on officers who had been injured. He determined that Ofc. Anderson and Ofc. Hickman did not require protracted medical treatment. Sgt. Crews did not document any additional involvement at the hospital, to include deciding that there was PC to charge [REDACTED] with DUI. Sgt. Crews would later complete an ETACS related to this incident. (See file “4 – ETACS # 30602”)

Officer Conner Wallick – Ofc. Wallick was fueling his vehicle when he heard officers air over the radio that they had one person fighting. Ofc. Wallick responded to the scene and arrived as Ofc. Hickman and Ofc. Hummel got [REDACTED] in handcuffs. Ofc. Wallick said he observed Ofc. Hummel walking away from [REDACTED] breathing heavily. He also observed Ofc. Hickman continuing to control [REDACTED] and said Ofc. Hickman was also breathing heavily while continuing to yell at [REDACTED].

Believing that Ofc. Hickman and Ofc. Hummel had used force on [REDACTED], Ofc. Wallick told them to walk away, and he would assume control of [REDACTED]. Ofc. Wallick documented the initial injuries he saw on [REDACTED] to include bleeding from the head, an injury to the back of his arms, and noted that his shirt was ripped. Ofc. Wallick then rolled [REDACTED] into the recovery position. While waiting for additional officers and medical personnel, [REDACTED] asked Ofc. Wallick if he was the one who hit him and Ofc. Wallick said that he was not.

Shortly afterwards, Ofc. Wallick was relieved by Ofc. Piros and Ofc. Mecimore. Ofc. Wallick explained that he did not have his BWC activated because he had turned it off to go off shift when he heard the officer’s radio for assistance and that did not have an opportunity to turn it back on before arriving at the scene. Prior to leaving, Ofc. Wallick asked Ofc. Kephart to photograph [REDACTED]. Ofc. Wallick then checked on the involved officers and ensured they did not have further interaction with [REDACTED]. Ofc. Wallick confirmed the medical needs at the scene with dispatch and was soon after relieved from the scene when additional midnight shift officers arrived.

Due to his limited involvement in this incident, I did not conduct a recorded interview with Ofc. Wallick.

Officer Christian Kinsman – Ofc. Kinsman was dispatched as backup to the scene. After his arrival, he assisted with searching [REDACTED] vehicle, however, this involvement was not documented. Ofc. Kinsman was later instructed to transport cruiser #2190 to UC Health Memorial Central Hospital for Ofc. Piros since she was riding with [REDACTED] in the ambulance.

Officer Rachel Eggert – Ofc. Eggert, a dayshift officer, assisted midnight shift officers with the transport of [REDACTED] from Memorial Central Hospital to the El Paso County Criminal Justice Center [CJC]. After leaving Memorial Central Hospital with [REDACTED], she transported him to the Sand Creek substation to pick up booking and arrest paperwork, and then transported and booked [REDACTED] into CJC.

During the transport, Ofc. Eggert said [REDACTED] did not make any statements. During the booking process at CJC, Ofc. Eggert noted that [REDACTED] was slow to react to her instructions,

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specifically when getting his intake photo taken. Ofc. Eggert said she instructed [REDACTED] to turn his whole body to the right and said [REDACTED] stood still for approximately 4 seconds before turning his body to the left. After this, Ofc. Eggert corrected [REDACTED] and turned his body the correct direction. Ofc. Eggert noted that [REDACTED] movements were, “slow and methodical.”

Due to her limited involvement in this incident, I did not conduct a recorded interview with Ofc. Eggert.

MAJOR CRIMES REVIEW OF CRIMINAL CASE

[see files “20 – Case Supplement_Lee_[Criminal Case Review by Major Crimes” , “22 – Case Supplement_Lambert” and “23 – Case Supplement_Lambert #2”]

LIEUTENANT TEPLEY LEVEL 1 INVESTIGATION MEMO

[see file “11 – Lt. Tepley IA 22-0197 Level 1 – Memo”]

Lt. Tepley’s memo focuses on the use of force by Ofc. Anderson, Ofc. Hummel, and Ofc. Hickman and whether it falls within CSPD policy. In his memo, Lt. Tepley reviewed the initial complaints, relevant polices, call for service, body worn camera footage, case reports, factors considered in use of force, and other observations.

Lt. Tepley closed his memo with the following statement:

Officers had legal authority for the traffic stop and the detention of [REDACTED] on suspicion of DUI. Officers attempted to use nonviolent means by giving verbal commands that [REDACTED] was being detained. Officers attempted to minimize injury by initially trying to take hold of [REDACTED] and remove him from the vehicle, however, Officers’ use of force escalated due to the actions of [REDACTED] and his unwillingness to comply with commands as well as his use of physical resistance with the officers and his close proximity to a deadly weapon inside of the vehicle. While the use of force, i.e. face strikes and other hand strikes and kicks, may appear violent; the use of force was used at that level so that officers did not have to escalate their use of force to deadly force if [REDACTED] had retrieved the deadly weapon.

MEDICAL RECORDS

[see file “21 – Case Supplement_Lee #2”]

On 12/19/2022, Detective Lee contacted Investigator M. Urbina with the El Paso County Sheriff’s Office to inquire about any information concerning injuries suffered by [REDACTED]. Investigator Urbina confirmed that there are no records of injuries on file at the Criminal Justice Center regarding [REDACTED].

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INTERVIEW OF OFFICER MATTHEW ANDERSON

[see file "1 – Subject Officer Interview_Matthew Anderson (transcription)"]

On 2/10/2023, I conducted a recorded interview with Ofc. Anderson and his attorney, Mr. John Newsome. Ofc. Anderson has been a police officer with CSPD for approximately 8 years and was assigned to the Sand Creek midnight shift when this incident occurred. Ofc. Anderson is up to date on his use of force related training provided through the department. He had watched portions of his own and other involved officers body worn camera footage prior to this interview based on what was put out by the media.

On the night of this incident, Ofc. Anderson was wearing a standard police uniform and was driving a fully marked patrol vehicle. Ofc. Anderson said he arrived and felt it was an ordinary traffic stop where he, Ofc. Hickman, and Ofc. Hummel were all in police uniforms and driving marked police vehicles. Ofc. Anderson said he was informed by Ofc. Hickman that there was a knife in the center console and that he intended to remove the driver under suspicion of operating the vehicle under the influence. Ofc. Anderson said the stop was being conducted in a high crime area.

Ofc. Anderson told me he has experience dealing with individuals under the influence of drugs and alcohol and indicated that they can be more emotional, angry, aggressive, violent, and unpredictable which cause his tactics to change. I asked if Ofc. Anderson had any concerns regarding [REDACTED] and where he was sitting and Ofc. Anderson told me he did. Ofc. Anderson explained that traffic stops are one of the deadliest situations patrol officers can find themselves in and reiterated that the traffic stop was being conducted in a known high crime area, the vehicle was occupied by two individuals, and he knew the vehicle did not have a license plate. Ofc. Anderson also told me he had been made aware that there was a knife in the center console and felt that the entirety of the passenger compartment would be in reach to both the driver and passenger because it was a small vehicle.

Ofc. Anderson did not initially have contact with [REDACTED] when he arrived and instead focused his attention on the passenger, Mr. Carranza. He told me that he had parked his cruiser and approached on the passenger side because he knew Ofc. Hickman and Ofc. Hummel would be approaching on the driver's side and his responsibility was to watch the passenger.

Ofc. Anderson said that he did not influence Ofc. Hickman's decision to detain [REDACTED] and did not ask any questions before being told that was Ofc. Hickman's plan. When Ofc. Hickman and Ofc. Hummel contacted [REDACTED], Ofc. Anderson was close enough to hear [REDACTED] say he was not going to exit the vehicle. Ofc. Anderson then decided to remove Mr. Carranza from the passenger side of the vehicle and stated he was unsure what Mr. Carranza's intentions would be, what his relationship to [REDACTED] was, and was concerned about possible additional weapons that could be in the vehicle.

Ofc. Anderson then said that he crawled into the passenger compartment and could see [REDACTED] "leaned back, kicking, punching, and resisting officers." Ofc. Anderson noted that [REDACTED] had already been told at this time that he was going to be detained. Ofc. Anderson said that he did not observe the knife at the time because he was more focused on the fight in front

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of him. Ofc. Anderson said that he had not seen the knife moved and assumed it was still in the center console. I asked if it would have been possible for Ofc. Anderson to grab the knife and remove it and he said he did not find it reasonable for him to try to find the knife when [REDACTED] was actively fighting.

Ofc. Anderson said that [REDACTED] was under arrest and was assaulting police officers, resisting, and interfering when he decided to use force. He felt that [REDACTED] could clearly see that the officers on scene were police officers and felt that he gave multiple commands telling [REDACTED] he was under arrest, to get out of the vehicle, and to stop resisting. Ofc. Anderson did not feel that further warnings or time to comply with his commands would have been effective, because [REDACTED] had already refused to comply, said he was not going to be handcuffed, and was engaged in a physical altercation with Ofc. Hickman and Ofc. Hummel.

Ofc. Anderson said that the situation reached this level very rapidly and [REDACTED] was not complying with any commands he was being given, but felt he had a reasonable amount of time to comply before any force was used on him. Ofc. Anderson said that he heard Ofc. Hickman and Ofc. Hummel attempt to use non-violent means to get [REDACTED] to comply, but that was ineffective, and [REDACTED] refused. Ofc. Anderson said that he gave [REDACTED] multiple commands and had [REDACTED] complied, the force would have stopped. Ofc. Anderson illustrated that Mr. Carranza was a perfect example of what to do. By following directions and being compliant, no force was used on Mr. Carranza, and he was allowed to walk away after the investigation was completed.

When asked about other tools he considered, Ofc. Anderson felt that it would be against policy to use his taser on the driver of a running motor vehicle and felt that due to the close quarters of the vehicle, OC spray would contaminate everyone nearby. Ofc. Anderson believed his only other available options were using hand or foot strikes, or his handgun. Ofc. Anderson said that [REDACTED] was demonstrating active resistance and active aggression by his actions and was a threat to officers up to and including serious bodily injury or death because of his proximity to the knife. Ofc. Anderson also noted that [REDACTED] control of the vehicle posed additional threats to himself, Mr. Carranza, and the officers involved. Ofc. Anderson felt that a reasonably prudent officer would have used the same level of force given the circumstances and said the force stopped once they were able to get [REDACTED] handcuffed, at which point medical attention was immediately summoned.

Ofc. Anderson said that AMR medical personnel responded and treated [REDACTED] at the scene, but said he was also aware that additional officers immediately attended to [REDACTED] and moved him to a seated position following the incident. Ofc. Anderson said that he and the other involved officers were removed from contact as soon as it was safe to do so.

I then went back and asked some additional questions regarding Ofc. Anderson's use of force. I asked if Ofc. Anderson was in fear that [REDACTED] would use a weapon on himself or the other officers when he was resisting, and he said that he was in fear. Ofc. Anderson said that he operates under the "plus one rule" and said knowing there was a knife in the vehicle he assumed there could be additional weapons and stated [REDACTED] was a threat until he was handcuffed.

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I then asked if Ofc. Anderson felt his strikes were effective and if he evaluated that effectiveness after each one was delivered. Ofc. Anderson said he did evaluate the effectiveness of his strikes and felt that they helped divert ██████ attention from Ofc. Hickman and Ofc. Hummel as well as allow them opportunity to pull ██████ from the vehicle. Ofc. Anderson said he continued to strike ██████ because he was continuing to fight, resist, and not comply with Ofc. Hickman and Ofc. Hummel.

Ofc. Anderson said once ██████ had been removed from the vehicle, he changed his tactics and delivered a strike to ██████ abdomen, rather than his face, which finally allowed the officers to handcuff ██████. Ofc. Anderson said this fight was one of the longest of his career and ██████ was, "superhuman strong." Ofc. Anderson did not feel that disengaging to try to get a correct taser probe spread was a good idea or that he had the ability to do so.

Ofc. Anderson continued and again stated this incident was one of the longest fights of his career. Ofc. Anderson pointed out that both Ofc. Hummel and Ofc. Hickman are bigger than him. He then said it was, "mind numbing to think that it was so scary it took three of us that long to accomplish what we were seeking as a goal." I then asked if Ofc. Anderson felt the force he used was reasonable and necessary and eventually helped get ██████ under control and Ofc. Anderson agreed that it was and said it helped get ██████ in custody.

Ofc. Anderson told me he has experience detaining individuals for suspicion of DUI and did not feel that ██████ reaction was typical or reasonable. Ofc. Anderson said when the other officers were able to remove ██████ from the vehicle, he turned his attention back to Mr. Carranza, handcuffed him, completed a quick high-risk search, and then told him to stay there because he was being compliant. Ofc. Anderson said this process took a few seconds and then he went around the car to continue assisting Ofc. Hickman and Ofc. Hummel. When he did this Ofc. Anderson said, "Still?" and was surprised that ██████ was continuing to fight with Ofc. Hickman and Ofc. Hummel. Ofc. Anderson said during that time ██████ was still refusing to comply with commands and stop fighting and said that ██████ was still a threat. This was when Ofc. Anderson decided to kick ██████ in the abdomen. Immediately after this strike, ██████ stopped fighting and was handcuffed.

I asked Ofc. Anderson if he was scared during this incident, and he said that he was. Ofc. Anderson described wanting himself and the other officers to go home at the end of the night and not be hurt by ██████ who continued to be a threat during the struggle. After the struggle ended Ofc. Anderson said he was exhausted and had sustained an injury to his right hand. Ofc. Anderson said that medical attention was requested for ██████, before he sought it for himself, and he eventually drove himself to the hospital to be evaluated. Ofc. Anderson again said he felt his use of force was objectively reasonable and was within policy and said he acted legally and within state statute.

I then discussed photos taken of Ofc. Anderson by Ofc. Kephart. I asked Ofc. Anderson if he intentionally smiled for these photos and he said he did not and was not aware he was doing so when Ofc. Kephart took the photos of him. Ofc. Anderson said, had he seen the photo, he would have requested Ofc. Kephart retake the picture. Ofc. Anderson said he was not happy following the incident.

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Ofc. Anderson then told me that Sgt. Fudge eventually responded to the scene and took command. I asked if any officers were acting as command prior to Sgt. Fudge's arrival and he described Ofc. Huston and Ofc. Kephart as being some of the first officers on scene and said they separated people and determined what needed to happen next. Ofc. Anderson said he was mentally and physically exhausted following the incident and could not say for certain who was doing what. Ofc. Anderson described the scene as chaotic and said everyone arriving was trying to assist.

Ofc. Anderson said he believed he gave Sgt. Fudge a brief synopsis and said Ofc. Hickman may have given Sgt. Fudge a more detailed briefing. Ofc. Anderson said Sgt. Fudge instructed him to seek medical attention and send him the BlueTeam use of force report. Ofc. Anderson could not remember if Sgt. Fudge checked on him after the incident but said Sgt. Crews did. Ofc. Anderson was unable to remember if Sgt. Fudge was around when he responded back to the Sand Creek substation and started assisting Ofc. Dussan with the arrest paperwork.

I asked if Ofc. Anderson had anything else he wanted to say regarding the incident, and he said that he was aware that doctors documented no serious bodily injury to [REDACTED] and wanted that to be reflected in the investigation. Mr. Newsome then asked several clarifying questions regarding the information that Ofc. Anderson was provided by Ofc. Hickman before the use of force happened. Ofc. Anderson stated that he relied on that information and did not need to independently confirm if there was a knife in the vehicle or that [REDACTED] may be under the influence. Mr. Newsome further pointed out that Mr. Carranza followed commands and no force was used against him.

Ofc. Anderson had no further information.

INTERVIEW OF OFFICER CHRISTOPHER HUMMEL

[see file "2 – Subject Officer Interview_Christopher Hummel (transcription)"]

On 2/10/2023, I conducted a recorded interview with Ofc. Hummel and his attorney, Mr. John Newsome. Ofc. Hummel has been a police officer with CSPD for approximately 3 years, has 6 years of prior law enforcement experience, and was assigned to the Sand Creek midnight shift when this incident occurred. Ofc. Hummel is up to date on his use of force related training provided through the department. He had reviewed portions of his own and other involved officers body worn camera footage prior to this interview.

On the night of this incident, Ofc. Hummel was wearing a standard police uniform and was driving a fully marked patrol vehicle. When Ofc. Hummel arrived at the scene of Ofc. Hickman's traffic stop he was informed by Ofc. Hickman that he intended to detain the driver, [REDACTED], for suspicion of DUI. Ofc. Hummel was also informed that Ofc. Hickman had observed a knife in the center console of the vehicle. I asked Ofc. Hummel if he had any independent observations that would lead him to believe [REDACTED] may have been under the influence and he indicated that when he exited his patrol vehicle, he noticed a very strong odor of burnt marijuana. Ofc. Hummel said that he believed that odor to be emanating from [REDACTED] vehicle.

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Ofc. Hummel told me he has experience dealing with individuals under the influence of drugs and alcohol and indicated that they can be more unpredictable which causes his tactics to change. I asked if Ofc. Hummel had any concerns regarding [REDACTED] and where he was sitting and Ofc. Hummel told me he did. Ofc. Hummel explained that [REDACTED] had the driver's door open, both feet out of the vehicle, was not facing the steering wheel, was hunched over, and was smoking a cigarette. He also told me he had been made aware that there was a knife in the center console even though he had not personally observed it at that time.

Ofc. Hummel then approached [REDACTED] vehicle with Ofc. Hickman and was involved in the initial verbal contact with [REDACTED] to inform him he was being detained. Ofc. Hummel felt that Ofc. Hickman's verbal commands to [REDACTED] were clear and loud enough for him to easily hear them. I asked how [REDACTED] responded to those instructions and Ofc. Hummel said [REDACTED] was argumentative and responded, "No I'm not!" when he was told to exit the vehicle and going to be placed in handcuffs. Ofc. Hummel told me that he did not influence Ofc. Hickman's decision to detain [REDACTED] and said Ofc. Hickman had made that determination prior to his arrival.

I asked Ofc. Hummel what caused him to attempt to physically control [REDACTED] and he said that it occurred when [REDACTED] responded, "No I'm not!" when he was told he would be put in handcuffs. Ofc. Hummel said that in his mind [REDACTED] had decided that he was not going to cooperate. Ofc. Hummel said that [REDACTED] made that definitive statement after he was asked and then told to exit the vehicle and said [REDACTED] made no attempts to ask what SFST's were or ask for further clarification. Because of [REDACTED] statement, Ofc. Hummel felt that they had tried non-violent means to get compliance and [REDACTED] had decided he was not going to cooperate. At that time Ofc. Hummel said that he tried to grab [REDACTED] arm.

I asked what Ofc. Hummel believed [REDACTED] was attempting to do and he said that [REDACTED] retreated into the vehicle, and he was near the center console. Ofc. Hummel was unsure what [REDACTED] intentions were but was aware he was now leaning back in the area of a weapon. Ofc. Hummel also said based on his observations the vehicle was still running and he was concerned [REDACTED] may try to flee in the vehicle. Ofc. Hummel said that when he grabbed [REDACTED], he was trying to remove him from the vehicle so he could be detained in handcuffs and had hoped that the physical action of grabbing him would send the message that he was serious.

Ofc. Hummel described [REDACTED] resistance as retreating into the interior of the vehicle, kicking him several times, and continuing to be verbally argumentative by telling the officers to stop fighting him and get off him. Ofc. Hummel confirmed that [REDACTED] had been told that he was being detained and believed that he had legal authority to do so prior to any force being used. As the incident unfolded, Ofc. Hummel said that he and the other officers involved developed charges for obstruction and 2nd degree assault on a peace officer and told [REDACTED] he was under arrest.

Ofc. Hummel said that he was lawfully present at the traffic stop and was clearly identified as a police officer. He said that [REDACTED] actions confirmed he knew that Ofc. Hummel and the other officers were police officers. Ofc. Hummel said that he did not have an opportunity to provide [REDACTED] a warning prior to using force because the situation escalated too quickly, and he believed [REDACTED] was attempting to retrieve a weapon or use the vehicle as a weapon.

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Ofc. Hummel confirmed that he and the other officers were giving [REDACTED] commands and [REDACTED] was continuing to actively resist and assault him.

Ofc. Hummel felt that [REDACTED] had a reasonable amount of time to comply with the orders he had been given and said, "literally, all he had to do was stand up. He didn't even have to open the driver door or take his seatbelt off. Um, he appears to be very casually smoking a cigarette. Um, Officer Hickman, again, asked him to get out of the car, explained the reason he needed to get out of the car, told him to get out of the car. I then told him to get out of the car. Um, he had more than enough time to - to get out of the car under his own free will." Ofc. Hummel said that non-violent means were attempted and were not effective in this incident.

Ofc. Hummel said that aside from verbal commands and attempted physical control, his tools were limited in this situation, referring to his taser and OC spray. Ofc. Hummel felt the force he used was only the amount needed to control [REDACTED] and said that he was trying to end the fight as soon as possible. Ofc. Hummel reiterated that he felt [REDACTED] was an imminent threat, was actively assaulting him, and he was trying to prevent Ofc. Hummel from controlling him.

Ofc. Hummel also noted that [REDACTED] was also a potential threat to himself because he was stopped for suspicion of DUI and was still in relative control of the vehicle. Ofc. Hummel felt that [REDACTED] would additionally be a threat to the passenger in the vehicle as well as other pedestrians and vehicles in the area. Ofc. Hummel felt that a reasonably prudent officer would use the same level of force given the circumstances and said he stopped using force when [REDACTED] was controlled and secured in handcuffs. Ofc. Hummel also said that he immediately requested medical attention for [REDACTED], as well as a supervisor.

I then asked about Ofc. Hummel's contacts with DUI drivers in the past and asked if [REDACTED] response was typical of that type of traffic stop. Ofc. Hummel said [REDACTED] response was not typical or reasonable and that most drivers stopped in a DUI investigation are compliant.

I asked Ofc. Hummel what emotions and thoughts he experienced during and after the struggle and he said that he was scared [REDACTED] would attempt to use a weapon on him. Ofc. Hummel also said he was frustrated with [REDACTED] actions because the worst outcome, had he complied, would have likely been a traffic ticket.

I then asked about the force Ofc. Hummel used on [REDACTED] and if he evaluated its effectiveness after each strike was delivered. Ofc. Hummel said that he felt his strikes were effective and he did evaluate after each was delivered. He continued by saying that he felt [REDACTED] was still a threat after he had been removed from the vehicle. Ofc. Hummel said he considered alternative tactics and tools to include his taser and at one point unholstered his taser.

Ofc. Hummel said he chose not to deploy the taser because officers were starting to gain control and had one handcuff on [REDACTED] at that time. Ofc. Hummel also said his proximity to [REDACTED] would have resulted in a close probe spread which would have caused pain, but not the desired effect of locking him up [achieving NMI]. Ofc. Hummel also felt that Ofc. Hickman was still fighting with [REDACTED] and would have potentially been in the strike zone for the taser probes. Ofc. Hummel said he did not consider using his OC spray at that time.

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Ofc. Hummel was asked if he had considered using his taser or OC spray earlier in the incident and he said he had. Ofc. Hummel explained that his understanding of the taser policy prohibits officers from tasing the driver of a vehicle. Ofc. Hummel said he observed the vehicle's lights to be on and believed the vehicle to be operable, so he did not feel the taser was an option. Ofc. Hummel said he did not consider using his OC spray because it would have potentially exposed the cooperative front seat passenger as well as himself, Ofc. Hickman, and Ofc. Anderson.

Ofc. Hummel then clarified his statements regarding the effectiveness of his strikes and said that they were effective but did not achieve his goal of fully detaining [REDACTED]. He felt that his strikes caused a temporary change in behavior, but that it did not last long enough for officers to get [REDACTED] into handcuffs. Ofc. Hummel said he did not consider disengaging from [REDACTED] to create distance because [REDACTED] would then be able to regain control of his vehicle.

I asked if Ofc. Hummel was tired after the incident, and he told me he was exhausted. When I asked how he was feeling after the incident he said he was upset because he didn't feel the situation had to go that way. I asked if Ofc. Hummel was upset following the incident and he said that he was. I then asked why Ofc. Hummel said, "You're under arrest you dumb fuck" after [REDACTED] was in handcuffs. Ofc. Hummel said that he was upset in the moment because of what had taken place and said this in the heat of the moment. Ofc. Hummel did feel that this comment would be a violation of GO 120 – Treatment of the public.

I also asked Ofc. Hummel about a comment observed on body worn camera footage in which Ofc. Hummel says he, "slapped the ever-living fuck out of this dude. Like the firefighters probably woke up." Ofc. Hummel felt this comment was also inappropriate.

I then asked Ofc. Hummel if he believed the force he used and how he applied it was reasonable, within policy, and legal in state statute, and he said that it was. Ofc. Hummel also said that he was not happy about the incident that had occurred.

I concluded my interview by asking about the supervisory response at the scene and following the incident. Ofc. Hummel told me that Sgt. Fudge responded, and Ofc. Hummel believed he briefed him on what had occurred to include potential injuries to the suspect and other officers. Ofc. Hummel said he was not instructed to do anything else by Sgt. Fudge and could not remember if Sgt. Fudge checked on him following the incident.

After the incident, Ofc. Hummel said he returned to the Sand Creek substation, worked on his report, and provided a statement to Ofc. Dussan who was writing the probable cause affidavit. When asked if Ofc. Hummel felt that he had enough direction following the incident he said that a use of force and traffic stop are not uncommon. He also said that on Sand Creek midnight shift they operate under minimum direction and did not feel that any supervisors told him to do anything specific.

Ofc. Hummel was given an opportunity to add anything to the investigation and he brought up the language he used towards [REDACTED]. Ofc. Hummel said, "Obviously language. I said it. I'll be the first to tell you I said it. Everybody knows I said it. Shouldn't have said it. Um, I can't change it. I can work on it goin' forward. Um, that part it just - it is what it is. I can't take it back. I regret it obviously, um, but yeah. I did it. I said it."

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Ofc. Hummel had no further information.

INTERVIEW OF OFFICER COLBY HICKMAN

[see file "3 – Subject Officer Interview_Colby Hickman (transcription)"]

On 2/10/2023, I conducted a recorded interview with Ofc. Hickman and his attorney, Mr. John Newsome. Ofc. Hickman has been a police officer with CSPD for approximately 2 years and was assigned to the Sand Creek midnight shift when this incident occurred. Ofc. Hickman is up to date on his use of force related training provided through the department and has some training in Jiu Jitsu. He had reviewed portions of his own and other involved officers body worn camera footage prior to this interview.

On the night of this incident, Ofc. Hickman was wearing a standard police uniform and was driving a fully marked patrol vehicle. Ofc. Hickman was conducting crime prevention in a high crime area and was parked next to a building when he observed [REDACTED] vehicle driving slowly through the parking lot. Ofc. Hickman observed the driver of the vehicle spot him, abruptly stop, look at him for a second, then put the car in reverse and back away. Ofc. Hickman felt that this driving behavior was suspicious, checked for available backup units, noticed there were two units clear [Hummel and Anderson], and then got behind [REDACTED] vehicle. While behind the vehicle, Ofc. Hickman observed that the vehicle had no license plate and no visible temporary tag. Ofc. Hickman then began to catch up to [REDACTED] vehicle and called out a traffic stop.

Ofc. Hickman explained that [REDACTED] vehicle was going approximately 15mph on S Academy Blvd in a 45mph zone. Ofc. Hickman believed this to be an indicator of a driver possibly under the influence of alcohol or drugs. Ofc. Hickman also said that vehicles without license plates can be indicative of stolen vehicles. I asked Ofc. Hickman why he checked for available units prior to initiating a stop and he explained that based on his observations of the driving behavior, lack of license plate, and location in a high crime area, he was concerned about the level of danger and did not want to make a traffic stop by himself. When he initiated the traffic stop, Ofc. Hickman requested an additional unit on the radio and both Ofc. Anderson and Ofc. Hummel were dispatched to his location.

Ofc. Hickman then told me that he observed additional suspicious behavior when he was making his initial approach to [REDACTED] vehicle. Ofc. Hickman said that he approached on the passenger side of [REDACTED] vehicle. I asked Ofc. Hickman if that is a tactic that police officers use when there is a potential concern about the driver of a vehicle and Ofc. Hickman confirmed it was. Ofc. Hickman then said he was able to observe the driver's door to be cracked open, saw [REDACTED] looking over his left shoulder, and said that [REDACTED] right hand was down out of view. Ofc. Hickman believed [REDACTED] was concealing a weapon and he then told [REDACTED] he wanted to see his hands. When he did this, Ofc. Hickman said [REDACTED] moved his hand low and out of view and felt this was an additional movement to conceal what was in his hand.

I asked if it was common for drivers to crack their door or conceal their hands when they are stopped by police and Ofc. Hickman said it was not. Ofc. Hickman then told me that he believed

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█ might have a gun and intended to ambush him. Ofc. Hickman eventually contacted █ through the passenger window and noted that he smelled an overwhelming smell of burnt marijuana coming from █ vehicle during this contact. Ofc. Hickman said that █ was slow to realize where he was at and had slow and slurred speech, all indicative of an impaired driver.

I asked Ofc. Hickman if he has experience contacting people under the influence of drugs and alcohol and he said that he does. I asked if that changes his tactics and he said that it does. He then explained that people under the influence of drugs or alcohol can be more volatile and said that was a reason he didn't immediately ask █ to step out of the vehicle. Ofc. Hickman said that he was waiting for his backup officers to arrive. I asked if Ofc. Hickman had concerns about where █ was sitting, and he said that he was concerned about a knife he observed in the center console. Ofc. Hickman said he observed the knife when he was near the trunk of █ vehicle during his initial approach. Ofc. Hickman clarified that he believed █ may have an additional weapon in addition to the knife he observed based on his movements in the vehicle.

I asked Ofc. Hickman to describe █ emotional and mental state prior to the use of force and Ofc. Hickman said that █ appeared to be trying to prevent him from accessing the vehicle. Ofc. Hickman went on to say that █ tried getting out of the vehicle to talk to him and then later when Ofc. Hickman told █ to step out of the vehicle he did not want to. Ofc. Hickman felt this indicated █ was trying to prevent him from access to the vehicle.

I asked if █ was being rude or raising his voice and he said that he was not, but said that he was slow to respond, pausing often and speaking slowly in his responses. I then asked if Ofc. Hickman felt his initial interaction with █ was courteous and he said that it was.

Ofc. Hickman then returned to his vehicle to run █ and the passenger's identification. Ofc. Hummel and Anderson arrived on scene shortly after and Ofc. Hickman briefed them on his intent to detain █ as well as the presence of the knife in the center console.

I then asked Ofc. Hickman to describe the factors he considered which helped him reach reasonable suspicion that █ may have been DUI. Ofc. Hickman said that █ driving behavior, to include going a third of the speed limit on S Academy Blvd was his first indication. After making the traffic stop, he said █ slowed and slurred speech, slow reactions, confusion in retrieving his driver's license, overwhelming smell of marijuana, and the poor decision making related to █ trying to get out of his vehicle, all led him to believe █ was impaired. Ofc. Hickman also said that he asked █ about his missing license plate and █ responded something about screws. Ofc. Hickman had noted there were license plate screws protruding from the vehicle's trunk.

Ofc. Hickman then described approaching █ vehicle with Ofc. Hummel and telling █ to step out because he was being detained. Ofc. Hickman described █ delayed responses and felt that he was stalling while figuring out what to do next. Ofc. Hickman felt that he adequately explained what was occurring to █ and did not feel that he could have given him extra time explaining the process because it appeared that █ was reaching

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towards the center console and was already being non-compliant by saying he was not going to exit the vehicle.

I asked Ofc. Hickman what his legal authority was when he went to detain [REDACTED] and force had to be used. Ofc. Hickman said he was detaining [REDACTED] for suspicion of DUI and was concerned that if he let him access the vehicle he could drive off and potentially kill his passenger or someone else. Ofc. Hickman said he had legal authority to frisk the vehicle for weapons and knew that [REDACTED] had access to at least one weapon. He also believed the vehicle may have been stolen. When the incident turned into a use of force, Ofc. Hickman said that both he and Ofc. Hummel were kicked by [REDACTED], Ofc. Hickman in his left thigh and Ofc. Hummel in the chest. Ofc. Hickman said that he had explained to [REDACTED] that he was being detained and that when force was used [REDACTED] had been told he was under arrest. Ofc. Hickman believed he had charges related to traffic offenses, felony level assault, obstruction and resisting arrest.

I then asked Ofc. Hickman if he had an opportunity to provide [REDACTED] a warning regarding force being used and he said he did not. Ofc. Hickman explained that as they grabbed [REDACTED], [REDACTED] retreated into the vehicle and reached for a deadly weapon [the knife]. Ofc. Hickman believed that to have given a warning would have placed himself, the other officers, and the passenger at risk of death or injury. Ofc. Hickman did say that commands were being given to [REDACTED] during the application of force and felt that he had a reasonable amount of time to comply. Ofc. Hickman said that when he used force [REDACTED] was actively fighting him and appeared to be trying to reach for the knife.

Ofc. Hickman believed that non-violent means were attempted and were ineffective because [REDACTED] failed to follow their commands prior to using force. He then said that he felt he and the other officers used force consistent with the minimization of injury and said that Ofc. Hummel and Ofc. Anderson's strikes were effective in occupying [REDACTED] hands. Ofc. Hickman said that he was not trying to, "beat him up more" and specified that he was trying to control [REDACTED] and get his hands behind his back. Ofc. Hickman said that he minimized [REDACTED] injuries by adding no unnecessary strikes and said his goal was to get [REDACTED] under control.

Ofc. Hickman described [REDACTED] as an imminent threat because of his access to at least one weapon and the vehicle at the time force was being used. Ofc. Hickman believed a reasonably prudent officer would use the same level of force and said that he stopped using force once [REDACTED] was controlled and handcuffed. Ofc. Hickman did not request medical, because he heard Ofc. Hummel make the request immediately following the incident.

I then asked about Ofc. Hickman's contacts with DUI drivers in the past and asked if [REDACTED] response was typical of that type of traffic stop. Ofc. Hickman said [REDACTED] response was not typical or reasonable and that most drivers stopped in a DUI investigation exit the vehicle when asked and are secured in a patrol car, many times not even in handcuffs.

I asked Ofc. Hickman what emotions and thoughts he experienced during and after the struggle and he said that he was, "worked up." Ofc. Hickman said when [REDACTED] reached for the knife, he drew his firearm and was coming down from that because he was concerned he would have to take potentially lethal action. Ofc. Hickman said he was scared for his safety during the incident.

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I asked Ofc. Hickman about the strike he delivered to [REDACTED] [a kick to the abdomen/ribs] and if he felt that it was effective. Ofc. Hickman felt the strike was effective momentarily but said [REDACTED] resumed fighting and resisting soon after. Ofc. Hickman stated his desired result was to get [REDACTED] to stop fighting and resisting him. He then clarified that the strike was effective in that it caused [REDACTED] to be denied from accessing his vehicle for the third time. Ofc. Hickman felt that [REDACTED] was still a threat after he was removed from the vehicle due to the unknown nature of what he might have on his person and his proximity to the known weapon.

I asked if Ofc. Hickman considered any alternative tactics or equipment and he said he did, but they would not have worked in this situation. Ofc. Hickman said he considered his taser, but knew it was against policy to tase someone behind the wheel of a car. He felt this option could also endanger his passenger if the car went out of control. Ofc. Hickman considered using OC spray, but said this would have affected himself, Ofc. Hummel, and the passenger had he used it. Ofc. Hickman said that he considered disengaging from [REDACTED] and creating distance but felt that he would have been leaving other officers in close proximity and would have allowed [REDACTED] an easier time in regaining control of the vehicle.

Ofc. Hickman felt his use of force and the use of force used by other officers was reasonable, effective, and necessary. Ofc. Hickman said he was tired following the incident and was injured which required him to seek medical attention for himself. Ofc. Hickman described his injury as a potentially broken toe, which was later diagnosed as a strain to his toe and foot. Ofc. Hickman said that the incident could have quickly escalated into a deadly force situation, and he was not happy that it had occurred. Ofc. Hickman felt his use of force was objectively reasonable, was within policy, and that he acted legally and within state statute.

I then asked if a supervisor showed up on scene and Ofc. Hickman identified Sgt. Fudge as the responding supervisor. Ofc. Hickman said he briefed Sgt. Fudge and explained that both [REDACTED] as well as himself had injuries. Ofc. Hickman said Sgt. Fudge did not check on him at the hospital but said that Ofc. Huston and Sgt. Crews did. Ofc. Hickman did not feel that he had sufficient direction following the incident and said that he was trying to direct actions at the scene while being treated by doctors at the hospital. Ofc. Hickman said he was trying to relay information, tell officers to check the vehicles VIN number, collect the knife, and other tasks and said that no direction was given to him by anyone.

I next asked Ofc. Hickman about the decision to charge [REDACTED] with DUI. Ofc. Hickman explained that Ofc. Paine told him he could not do an evaluation because Ofc. Paine was not sure what was impairment versus injury to [REDACTED]. Ofc. Hickman said Ofc. Paine told him he wasn't saying there was no probable cause but said if Ofc. Hickman felt there was, they would need to establish it without a DUI evaluation. Ofc. Hickman then told me that he discussed with Ofc. Piro the signs of impairment he had observed by reviewing his body worn camera footage but said when he was doing this he was still very worked up and injured. I asked Ofc. Hickman if Sgt. Crews completed any supervisory tasks or provided direction when he came to the hospital and Ofc. Hickman said that he did not recall what Sgt. Crews did other than talking him through the incident.

When Ofc. Hickman left the hospital he returned to the Sand Creek substation and assisted Ofc. Dussan with details for the probable cause affidavit. Internal Affairs Sgt. Duncan, who was also a

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participant in this interview, then asked some clarification questions related to Ofc. Hickman's traffic stop and interactions with [REDACTED] prior to the use of force. Please see the interview transcript for additional information.

INTERVIEW OF OFFICER CHRISTIAN KINSMAN

[See file "1 – Witness Officer Interview_Christian Kinsman (transcription)"]

On 02/27/2023, I conducted a recorded interview with Ofc. Kinsman. Ofc. Kinsman has been a police officer with CSPD for approximately 1 ½ years and was assigned to the Sand Creek midnight shift when this incident occurred.

Ofc. Kinsman described the scene as, "chaotic, however controlled" when he arrived and said [REDACTED] was detained and the involved officers had been separated at that point. Ofc. Kinsman was one of the last officers to arrive at the scene and said he believed Sgt. Fudge was arriving around the same time he was.

Ofc. Kinsman said when he arrived, he checked on Ofc. Piro, who was with [REDACTED], and she directed him to check on the other individual that had been detained, Mr. Carranza. Ofc. Kinsman then spoke to Ofc. Dussan and was told to walk the scene and see if anyone else needed help. I asked Ofc. Kinsman if he observed [REDACTED] lying on the ground when he contacted Ofc. Piro and he said that he did. I then asked if, based on his observations, [REDACTED] was in the recovery position and Ofc. Kinsman said that he was.

I asked Ofc. Kinsman if he documented his involvement at the scene completely and he felt that he had. I noted that BWC footage showed Ofc. Kinsman searched the passenger side of [REDACTED] vehicle, but this is not documented in his report. I asked Ofc. Kinsman if he observed a knife in the center console of the vehicle and he agreed that he had. I asked if he considered collecting the knife as evidence and he said that he did not, "because other officers were conducting the investigation." Ofc. Kinsman felt that the knife would be considered evidence in this case.

During his search of [REDACTED] vehicle, Ofc. Kinsman also located a scale and a license plate for [REDACTED] vehicle; however, he did not remember this during the interview. Ofc. Kinsman said he thought he asked if photographs of the scene were needed, but said several other officers were taking photographs so he did not take any himself. When asked why he did not document his role in searching the vehicle he said that he forgot he had done that. I would note that Ofc. Kinsman's supplement was not completed until December 18th, 2022, at the request of Det. Lambert during the major crimes review.

Ofc. Kinsman told me that Sgt. Fudge was the supervisor who responded to the scene and said he may have told Ofc. Kinsman to drive Ofc. Piro's vehicle to the hospital, but he was unsure. Ofc. Kinsman felt that Sgt. Fudge took adequate command of the scene and felt that most officers at the scene were contributing to the investigation. Ofc. Kinsman also said he felt as though he had sufficient direction on what to do following the incident. At the conclusion of the interview Ofc. Kinsman said that he felt the officers on scene were respectful and everyone was being taken care of to include [REDACTED].

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Ofc. Kinsman had no additional information.

INTERVIEW OF OFFICER JEFFREY DUSSAN

[See file "2 – Witness Officer Interview_Jeffrey Dussan (transcription)"]

On 02/27/2023, I conducted a recorded interview with Ofc. Dussan. Ofc. Dussan has been a police officer with CSPD for approximately 1 ½ years and was assigned to Sand Creek midnight shift when this incident occurred.

Ofc. Dussan said that he was one of the last officers to arrive at the scene and observed [REDACTED] in handcuffs and the involved officers separated from the scene. Ofc. Dussan said that he believed a sergeant arrived shortly after him and was assigning tasks but did not initially remember which sergeant this was. I asked Ofc. Dussan what he did when he arrived, and he told me that Ofc. Huston asked him to interview the passenger, Mr. Carranza, because Ofc. Dussan is a fluent Spanish speaker. I asked who Ofc. Dussan believed was in command of the scene when he arrived, and he identified Ofc. Huston and Ofc. Wallick as being the senior officers. I then asked Ofc. Dussan where he fell in seniority at the scene, and he believed he was the lowest.

Ofc. Dussan then told me that he spent the majority of his time speaking to Mr. Carranza and identifying him. Ofc. Dussan got basic information from Mr. Carranza and determined he had just paid for a ride home from [REDACTED], and they were otherwise unacquainted. Ofc. Dussan did not feel that he had a good understanding of what had occurred, who was involved, the status of the scene, the crimes that would need to be documented, or other information relevant to the case, based on his limited time at the scene. I asked if Ofc. Dussan took any investigative steps at the scene aside from interviewing Mr. Carranza and he said he did not. Ofc. Dussan also said he was unaware of who was doing what investigative tasks at the scene.

Ofc. Dussan said that he was later chosen to be primary on the call and assigned to complete the charging documents. Ofc. Dussan said that Sgt. Fudge assigned him this task. I asked if Ofc. Dussan felt that he was the best suited officer to complete that task and he said he was not. When asked if he felt other officers at the scene had a greater role in and understanding of the call and would be better suited to be the primary officer, Ofc. Dussan responded, "Obvious."

I asked if Ofc. Dussan was assigned any other tasks by Sgt. Fudge, and he said he was not. Ofc. Dussan also said that he did not brief Sgt. Fudge on what he had and was not provided any information from Sgt. Fudge but felt that Sgt. Fudge took adequate command of the scene overall. When asked if he felt he had sufficient direction on what was expected of him following the incident he said that he did not. Ofc. Dussan then said that he was unaware of the situation as a whole and said [REDACTED] and two of the three involved officers had already left. Ofc. Dussan felt that other officers could have interviewed the involved parties and helped provide him with a clearer picture of what happened. Ofc. Dussan pointed out that because he arrived late, everything had already happened, and everyone was already separated. Ofc. Dussan said he was glad to help with the probable cause affidavit but felt unprepared due to a lack of information.

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Ofc. Dussan said he was able to speak to Ofc. Hummel and Ofc. Anderson later to obtain information for the probable cause affidavit. Ofc. Dussan said that Sgt. Fudge did return to the Sand Creek substation when he left the scene but did not help him with the charging documents or have any further contact with him. I asked if Ofc. Dussan had experience being the primary investigating officer for cases where other officers have used force or are the victim of crimes and he said that he had not.

I then asked Ofc. Dussan how he knew what crimes to charge, and he said that he received some direction from Sgt. Bayne, who was the supervisor working the duty desk at the time. Ofc. Dussan said he initially was going to charge three counts of assault on a peace officer, but then found out Ofc. Anderson had not been assaulted so only two counts were listed. Ofc. Dussan was later called by Ofc. Piros and told that "they" wanted to add charges related to driving under the influence.

Ofc. Dussan said he spoke to a DUI officer [Ofc. Paine] and was informed that [REDACTED] had refused an evaluation. Ofc. Dussan felt that Ofc. Piros made the decision to charge [REDACTED] with DUI. Ofc. Dussan elaborated and said he felt that there was some miscommunication and that Ofc. Paine may not have agreed with charging [REDACTED], but he was unsure what "they" had and wanted him to do.

At the conclusion of his interview, Ofc. Dussan said that he was unaware of the whole situation and being told to write the probable cause affidavit was stressful for him at the time.

Ofc. Dussan had no further information.

INTERVIEW OF OFFICER JARED HUSTON

[See file "3 – Witness Officer Interview_Jared Huston (transcription)"]

On 02/28/2023, I conducted a recorded phone interview with Ofc. Huston. Ofc. Huston is currently on extended workers comp leave and would not have been available for an in-person interview within this investigations review window.

Ofc. Huston has been a police officer with CSPD for approximately 4 years and was assigned to the Sand Creek midnight shift when this incident occurred. Ofc. Huston also has 6 ½ years of prior experience with the Federal Bureau of Prisons prior to joining CSPD. He stated during his interview that he has not reviewed his report or watched BWC from this incident.

Ofc. Huston said when he arrived at the scene, he saw Ofc. Anderson frisking Mr. Carranza and knew that he was one of the involved officers who had likely used force. Ofc. Huston asked Ofc. Anderson to step away so he would be removed from further contact with the possible suspects and then took control of Mr. Carranza before escorting him to his vehicle and asking Ofc. Dussan to interview him. I asked if Ofc. Huston took any other steps when he arrived on scene, and he said that he checked on the involved officers. When asked if he felt that he took on a command role, he said he did not, and told me he was more in a supportive or backup officer role.

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I asked Ofc. Huston if he got a brief explanation of what had occurred from the involved officers, and he agreed that he did. Ofc. Huston then confirmed that he checked on [REDACTED] as well as the officers who were guarding him and then checked on the injuries to the involved officers.

Ofc. Huston was later briefed by Ofc. Kephart regarding who would be riding with [REDACTED] to the hospital as well as how car movement would be accomplished. Ofc. Dussan also briefed Ofc. Huston on the information he obtained from his Spanish language interview of Mr. Carranza. Despite this information, Ofc. Huston did not feel as though he was the most informed officer at the scene.

Ofc. Dussan was later assigned to be the primary officer on this case. I asked Ofc. Huston if he felt that Ofc. Dussan was the best option to take on that role or if he felt that a supervisor should have made that decision. Ofc. Huston said he felt a supervisor should have been involved in that decision. I asked Ofc. Huston if, considering all the actions he took at the scene, he felt that he had taken on a command role, and he again said he did not think he had.

I asked Ofc. Huston if he felt there were a lot of officers standing around following the incident and he said that there were, but since he was not in charge, he was not sure what each person was doing. Ofc. Huston then told me that Sgt. Fudge eventually showed up on scene. I asked Ofc. Huston if he felt that Sgt. Fudge adequately took command of the scene and he responded, "No" almost immediately. When asked to elaborate on why he felt that way, Ofc. Huston said he did not feel like Sgt. Fudge had a command presence or asserted himself as a leader. Ofc. Huston said Sgt. Fudge just heard what the officers on scene had to say and either agreed or disagreed with them.

Ofc. Huston told me he did brief Sgt. Fudge on the information he had before he left the scene to go to the hospital. Ofc. Huston did not think that Sgt. Fudge asked him any further questions or instructed him to do anything else after that information was provided. I asked if Ofc. Huston felt that Sgt. Fudge effectively took over as the person in charge at the scene and he again said, "No." Ofc. Huston also told me he did not feel as though he had sufficient direction on what was expected of him following the incident. I asked Ofc. Huston if he felt that a supervisor should have gone to the hospital, and he agreed that one should have.

Ofc. Huston said that Sgt. Crews eventually showed up to the hospital and he felt that he took more of a role in the investigation than Sgt. Fudge had. I asked Ofc. Huston if he believed there were tasks and investigative steps that Sgt. Fudge should have been assigning as a supervisor at the scene and Ofc. Huston said that there were. Ofc. Huston said that assigning an officer as primary, having them complete the arrest documentation, assigning someone to take scene photos, and assigning someone to collect evidence were some of those tasks.

Ofc. Huston had no further information.

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INTERVIEW OF OFFICER MARY PIROS

[See file "4 – Witness Officer Interview_Mary Piros (transcription)"]

On 03/01/2023, I conducted a recorded interview with Ofc. Piros. Ofc. Piros has been a police officer with CSPD for 2 years and was assigned to Sand Creek midnight shift when this incident occurred. Ofc. Piros stated she had reviewed her report prior to the interview but had not watched her body worn camera footage.

Upon her arrival Ofc. Piros said she observed Ofc. Hickman, Hummel, and Anderson had been separated from [REDACTED] who was laying on the ground next to the driver's side of his vehicle. Ofc. Piros said Ofc. Wallick was with [REDACTED] at that time. I asked if anyone was in control of the scene and assigning tasks and Ofc. Piros said that she knew a sergeant had shown up but said she did not speak to him at any point during the incident. Ofc. Piros said, "I don't know his name. I don't know his role. I don't know what he contributed to the scene." She then told me that she and the other officers who responded took jobs as they knew how to do.

I asked Ofc. Piros if any officers took a command role prior to the sergeant's arrival, and she said that she thought Ofc. Hickman had asked Ofc. Wallick and Ofc. Kephart to handle [REDACTED] vehicle while she was tasked with guarding [REDACTED] while he received medical treatment. Ofc. Piros did not feel as though any individual officer took command at the scene.

I asked Ofc. Piros what investigative actions she took at the scene, and she told me she assisted Ofc. Wallick with [REDACTED]. Ofc. Piros described [REDACTED] as laying on the ground handcuffed and said she could see he was bleeding from his face. Ofc. Piros then said she checked [REDACTED] for any additional weapons before sitting him up on a curb until medical personnel arrived on scene.

I asked if Ofc. Piros observed any behaviors that would lead her to believe [REDACTED] was under the influence of drugs or alcohol and she described him as erratic. Ofc. Piros said [REDACTED] speech was, "not linear" and that he was not clearly communicating. Ofc. Piros then said that [REDACTED] made, "strange statements" such as, "I don't feel peaceful on this earth."

I asked Ofc. Piros if [REDACTED] was in the recovery position when she searched him, and she said she believed he was. Ofc. Piros said she rolled him slightly to finish her search, but then moved him to a seated position on the curb. I asked Ofc. Piros why she asked Ofc. Kephart to take pictures of [REDACTED] while he was still laying on the ground and she said, "with the chaos it might have gotten lost in translation" before stating that she knew pictures would be important. I asked if Ofc. Piros specifically left [REDACTED] laying on the ground so pictures could be taken, and she said she did not. Ofc. Piros said when the pictures were being taken, she was still trying to figure out what was going on and stated she did not believe [REDACTED] was expressing any discomfort with his positioning at that time.

I then asked Ofc. Piros if a supervisor arrived on scene, and she said that one had, but reiterated that she did not know who it was or what their role was. Ofc. Piros said that the supervisor at the scene did not check in with her. On her body worn camera footage, Ofc. Piros told [REDACTED] that a sergeant was going to come talk to him. I asked if Ofc. Piros wanted a sergeant to see the

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extent of [REDACTED] injuries and she said she felt that it would happen at some point and would be standard procedure. Ofc. Piros felt as though a sergeant should have checked on [REDACTED] considering his injuries.

I told Ofc. Piros that it was Sgt. Fudge who was at the scene. I then asked if she felt Sgt. Fudge knew what she was doing at the scene and she said she did not feel as though he did. I then asked if Ofc. Piros felt that Sgt. Fudge took adequate command of the scene and she said that she did not. I then asked if Ofc. Piros felt as though she had sufficient direction on what was expected of her following the incident and she again said that she did not.

I next asked Ofc. Piros about the information she overheard [REDACTED] provide to medical personnel at the hospital, specifically that he might have marijuana in his system. I asked who Ofc. Piros provided that information to and she said she had provided it to Ofc. Hickman. When asked if anyone else was in the room she identified Sgt. Crews and Ofc. Paine as also being present.

I told Ofc. Piros that Ofc. Paine attempted to speak to [REDACTED] regarding the DUI and he refused to say anything further. I then told her that a decision was eventually made to charge [REDACTED] with a DUI. I then asked Ofc. Piros who made the decision to charge [REDACTED] with DUI and she said that she and Ofc. Hickman had made that determination. I asked if Ofc. Paine was involved in that decision, and she said that to her understanding, he was not involved. I then asked if Sgt. Crews provided any decision making and Ofc. Piros said she did not remember what input he gave.

I then asked Ofc. Piros if Ofc. Paine had a difference of opinion regarding the probable cause for the DUI charge and she told me that Ofc. Paine said he would not be involved with the process. Ofc. Piros then said that she went to Ofc. Paine to ask for assistance with the Colorado Express Consent form and he responded that he was not going to get involved further. Ofc. Piros said it was her understanding that Ofc. Paine did not agree with the decision to charge [REDACTED] with DUI. I clarified that Ofc. Paine had conducted what evaluation he could and did not agree with what was determined regarding the probable cause, so he did not want to associate himself any further, and Ofc. Piros said that was correct.

I then asked if Sgt. Crews was present when that interaction occurred between herself and Ofc. Paine, and she said that he was not. Ofc. Piros then told me that after she and Ofc. Hickman had determined that [REDACTED] would be charged with DUI, she knew Colorado Express Consent would have to be completed. Ofc. Piros told Sgt. Crews that she was not comfortable with that process and Sgt. Crews told her he believed Ofc. Paine was in the breakroom at the hospital so she should ask him for his assistance. When Ofc. Piros spoke to Ofc. Paine, she told him that they were going to charge [REDACTED] with DUI, and she had questions regarding the Express Consent form. Ofc. Piros said Ofc. Paine responded by chuckling and saying, "Read the paper, I'm not getting involved" and then said, "Good luck."

I asked if Ofc. Piros felt comfortable explaining that process and form to [REDACTED] and she said that she did not. I asked if Ofc. Piros regularly explains that process and form to people arrested for DUI, and she again said she does not. I then asked if Ofc. Piros felt she would have benefitted from the assistance of a DUI officer in explaining that process and she said, "absolutely."

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I asked Ofc. Piros if she provided any statements or information to any other officers regarding the charges, and she said she spoke to Ofc. Dussan about adding charges for DUI.

Internal Affairs Sgt. Duncan then asked several clarifying questions to Ofc. Piros. She first asked Ofc. Piros if she was present when [REDACTED] refused to answer Ofc. Paine's questions and Ofc. Piros said that she did not recall if she was in the room when that happened. Sgt. Duncan then asked if Ofc. Piros did in fact end up explaining Colorado Express Consent to [REDACTED] and she said that she did. Ofc. Piros then said that the Colorado Express Consent for is regularly done with DUI suspects, but that she does not have a lot of experience with it and typically relies on a DUI officer to complete that process.

Ofc. Piros closed out the interview by providing a statement that she felt this incident was a good example of what happens when there is a very young shift and newer supervisors. Ofc. Piros felt that shifts like these would benefit from having more experience officers assigned to them.

Ofc. Piros had no further information.

INTERVIEW OF SERGEANT KARIM FUDGE

[See file "4 – Subject Officer Interview_Karim Fudge (transcription)"]

On 03/01/2023, I conducted a recorded interview with Sgt. Fudge and his attorney, Mr. John Newsome. Sgt. Fudge has worked for CSPD for approximately 17 years and has been a sergeant since March 2021. At the time of this incident, he was assigned as a patrol sergeant on the Stetson Hills midnight shift.

I asked Sgt. Fudge what information he received that led him to be dispatched to this call. He told me that he was informed officers in the Sand Creek division were requesting a supervisor due to a use of force incident and no Sand Creek supervisors were available. I then asked Sgt. Fudge to describe his understanding of the responsibilities for a supervisor on this type of incident.

Sgt. Fudge said that he believed a supervisor was supposed to assess the scene and see if any officers needed guidance. Sgt. Fudge said he spoke to the officers at the scene about what had taken place and then told the officers that were injured to go get medical attention. Sgt. Fudge also said he ensured [REDACTED] was receiving proper medical attention, told officers to complete administrative duties, and made sure officers, "got photographs of whoever needed to be photographed."

I then asked Sgt. Fudge if his BWC was activated during this incident. Sgt. Fudge said that he was aware he wrote in his report that his BWC was activated, because he is accustomed to writing that, but said when he reviewed the incident, he found that his BWC was not activated. Sgt. Fudge assumed his BWC was activated because he had responded code 3 [lights and siren] from the Banning Lewis area of Colorado Springs and typically that would cause the BWC to start recording. Sgt. Fudge said he did not intentionally fail to activate his BWC and said he would typically have it on until he was no longer interacting with citizens. I asked Sgt. Fudge if he had reviewed BWC from other officers at the scene and he told me that he had as part of the review process for the BlueTeam use of force reports.

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I next asked Sgt. Fudge to describe the scene when he arrived. Sgt. Fudge said that the scene had calmed down and said that things were no longer escalated. Sgt. Fudge said that the incident had already taken place and officers were processing [the scene], getting information, and taking photographs. I asked Sgt. Fudge if there were a lot of officers at the scene and he said that there was. I then clarified and asked if there were more officers on the scene than is typical for a call for service and he said that there was. I then asked Sgt. Fudge if he felt that he took operational control of the scene and he told me that he did to the best of his ability based on the information he had.

Sgt. Fudge then said that he directed officers where they needed to be and said he remembered having one officer follow the ambulance to the hospital. Sgt. Fudge said he stayed at the scene until another supervisor was available who could go to the hospital [Sgt. Crews] and then he went to the Sand Creek substation and consulted with another supervisor there [Sgt. Bayne]. Sgt. Fudge said, "there wasn't clarity on if we actually needed to contact you guys [Internal Affairs] in regards to the incident." I asked if Sgt. Fudge felt he had established a command presence at the scene and he said that he did. I asked if the officers at the scene would be aware that he was in charge and he responded, "I would hope so. Yeah."

I next asked if anyone had relayed information to Sgt. Fudge when he arrived on scene. Sgt. Fudge said that when he arrived, he spoke with the officers, and they passed along information regarding the reason for the stop and what had taken place. Sgt. Fudge could not remember which officers provided him information but said it was the three who were involved. I asked if Sgt. Fudge had conversations with other officers at the scene who were assisting, and he said that he was sure he did at some point. Sgt. Fudge then said he remembered having a conversation with a female officer briefly trying to figure out who was going to do what.

I asked Sgt. Fudge again to explain what he did at the scene, and he told me that he spoke with the officers about their injuries and if they needed to go to the hospital. Sgt. Fudge said he made sure medical attention was being provided to [REDACTED] and that was pretty much it. Sgt. Fudge then said when he spoke to officers at the scene, "it appeared that everybody was doing what was required of them."

I asked Sgt. Fudge if he delegated any tasks at the scene and he said that he did not but asked questions about what had been done. I then asked if Sgt. Fudge was aware of what each officer was doing at the scene or what assistance they might need, and he said he was not. I asked if Sgt. Fudge ever walked over to [REDACTED] vehicle or where he was being treated by medical and Sgt. Fudge said he remembered seeing [REDACTED] seated on a curb awaiting medical attention. I asked Sgt. Fudge if he looked in [REDACTED] vehicle and he said he remembered walking to the vehicle and looking inside. I would note I was unable to find any BWC which showed Sgt. Fudge ever approach the vehicle or [REDACTED]. I asked Sgt. Fudge if he felt like he adequately assessed the scene and he said that he thought he had.

I then asked Sgt. Fudge if he was more concerned about the status of the involved officers and [REDACTED] after Ofc. Kephart informed him that the incident had led to a "pretty significant fight." Sgt. Fudge responded that it did, which was why he told officers to get the medical attention necessary, because he felt like they were downplaying their injuries.

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We next talked about the officers seen on BWC standing around and joking following the incident, including when Sgt. Fudge was standing nearby. I asked Sgt. Fudge if he took any actions to clear unneeded personnel or direct resources to tasks that needed to be completed. Sgt. Fudge said that he did not take any actions to clear personnel and felt as though he directed resources where they were needed, but then said he did not understand my question. I clarified and asked him if he felt there were more officers on scene than were necessary and he said, "I would say no to that."

I then told Sgt. Fudge that he told a group of officers they would need to, "rock, paper, scissors" to determine who would be primary on the call and assigned to complete the probable cause affidavit. I asked if, given the situation, he felt that was appropriate, and he said, "Uh, probably not, given the situation were in now." I asked if Sgt. Fudge considered delegating that task to a more experience officer and he said he did not. Sgt. Fudge eventually said that he did not know most of the officers at the scene and was unaware of who had more experience or what role they had in the incident. I clarified with Sgt. Fudge that the officers on this call were not officers he regularly has contact with, because he is assigned to a different division, and he said that was correct.

I then asked if Sgt. Fudge was aware that the officers involved in the use of force believed [REDACTED] was going for a knife in the center console of the vehicle and he said that he was. I asked if Sgt. Fudge asked anyone to photograph the scene or the knife and he said he did not specifically remember asking someone to do that and was under the impression that someone was doing that as well as taking photos of the officers who needed to be photographed. I specifically asked if Sgt. Fudge assumed the officers at the scene were doing those tasks and he said that was correct.

I then asked if Sgt. Fudge if he evaluated the involved officers need for medical attention and he said he had. I asked if Sgt. Fudge ensured that photographs were taken of those officers, and he said he had. I then asked if he reviewed any of those photographs and he said he did not.

I then told Sgt. Fudge that Ofc. Kephart eventually took a photo of Ofc. Anderson while he was smiling. I asked if Sgt. Fudge felt that he should have taken the photos of the involved officers to ensure they were appropriate and completely documented the injuries to the involved officers and he said he did not think he should have taken the photos. Sgt. Fudge then told me that he was unaware that specific photo had been taken until he saw it in the media later. I asked if he felt it was a supervisor's responsibility to ensure photos are taken of officers who are injured, and he said he did but did not feel it was the supervisor's responsibility to take the photos. Sgt. Fudge said that task is typically delegated and repeated that he was unaware that any inappropriate photos had been taken. I asked if Sgt. Fudge delegated an officer to take photographs and he said that he did not but said when he asked about photos, it was his understanding that someone was doing that.

I next asked if Sgt. Fudge checked on [REDACTED] injuries. Sgt. Fudge said that he did not and saw that [REDACTED] was seated on a curb and was aware that medical had been requested for him. I clarified and asked if Sgt. Fudge evaluated [REDACTED] injuries and he said that he, "took a look at him." When asked what he did he said he walked over to him and observed his face was

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bloody. He said [REDACTED] was not asking for medical and was not saying much. Sgt. Fudge repeated that it was his understanding that medical was coming, however, BWC shows medical on scene prior to Sgt. Fudge's arrival. I noted no BWC which showed Sgt. Fudge walking over towards [REDACTED] to observe his injuries.

I next asked Sgt. Fudge if he ensured photographs were taken of the suspect and he said he was made aware that someone was taking care of that. When asked if he directed any officers to collect evidence or take specific photographs, he said he did not. I asked if he felt he should have directed those tasks and he said he should have looking back on the situation. Sgt. Fudge continued and said, "I've grown accustomed to when you show up on scene, officers are doing certain things. And when you ask them if they're doing it and they say they're doing it...that's pretty much it."

I then told Sgt. Fudge that an officer was assigned to ride with [REDACTED] in the ambulance. I asked Sgt. Fudge if this fact raised any concerns, he had with how injured [REDACTED] may have been or what behavior he was exhibiting that required an officer to ride in the ambulance. Sgt. Fudge responded that it did not raise his concerns. I asked Sgt. Fudge if it was common for an officer to ride in an ambulance with a suspect who has had forced used on them and he said that it was not common. When asked why Sgt. Fudge didn't go to the hospital, he said he was made aware another supervisor was available and they would be responding to the hospital [Sgt. Crews]. When asked if he thought he should have gone to the hospital to remain informed about [REDACTED] and the involved officers he said that he did not and felt that Sgt. Crews was relaying the information back to he and Sgt. Bayne, who were at the Sand Creek Duty desk at that time.

I asked if Sgt. Fudge considered that [REDACTED] may have sustained serious bodily injury requiring a notification to Major Crimes as well as Internal Affairs and he again said he was waiting to get that information from Sgt. Crews. I asked if Sgt. Fudge had any direct conversations with Sgt. Crews and he said he did not. Sgt. Fudge said he did speak with Sgt. Bayne who was the assigned duty desk supervisor that evening. I asked if Sgt. Fudge provided any direction or assistance to the officers who went to the hospital, and he said he did not. Sgt. Fudge was also unaware of how many officers went to the hospital following the incident [6 officers total].

I asked if Sgt. Fudge felt as though the officers at the hospital could have benefitted from his oversight, considering he was the responding supervisor and had knowledge of the scene and what had occurred. Sgt. Fudge was initially confused and said he could not force people to get medical attention. I then clarified and asked if they would have benefited from him ensuring they were being taken care of, knew what needed to happen next, making sure [REDACTED] was adequately being cared for, and providing direction with additional information learned at the hospital. Sgt. Fudge said that he knew it was initially a DUI stop and did not realize it had risen to the level it did until afterward. Sgt. Fudge then repeated that he told the involved officers to get medical attention but said he could not force them to do so. I repeated my question and said with the knowledge Sgt. Fudge had of the situation did he think the officers that went to the hospital could have benefitted from having a supervisor present and he responded, "Well, they did. Yes. It wasn't me. It was another supervisor."

I next spoke with Sgt. Fudge about his actions following the incident where he responded to the Sand Creek substation. Sgt. Fudge said he met with Sgt. Bayne, and they discussed the incident

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and were waiting to hear back on injuries that might require additional notifications. Sgt. Fudge said at some point Sgt. Bayne told him he and Sgt. Crews had it from there and Sgt. Fudge said he cleared from the call. Sgt. Fudge said his only other involvement was telling Sgt. Bayne to make sure the involved officers sent him their BlueTeam reports and later reviewing those reports administratively.

Internal Affairs Sgt. Jacobsen asked Sgt. Fudge why he went back to the Sand Creek substation rather than going back into service in the Stetson Hills Division and Sgt. Fudge said he felt as though he needed to relay and gather more information, but it was his understanding Sgt. Crews was gathering the information on [REDACTED] to determine if additional notifications needed to occur. Sgt. Jacobsen then asked if Sgt. Fudge was concerned about potential serious bodily injury based on how [REDACTED] appeared. Sgt. Fudge said he could not tell how injured [REDACTED] was and described him as having blood on his face and sitting upright. Sgt. Fudge said he did not realize the injuries to [REDACTED] may have been significant and later said that because [REDACTED] had blood on his face medical attention was requested. Sgt. Fudge said he was then told one of the involved officers might have a busted knuckle. He said at that point it dawned on him that the officer may have serious bodily injury and he told him to have it checked out.

I asked if Sgt. Fudge spoke with Sgt. Crews later about the incident and he was unable to remember if he had or not. I asked if, had there been any serious bodily injury notifications, those would have been made by Sgt. Crews or Sgt. Bayne, and Sgt. Fudge said it was his understanding they would coordinate that. I asked if, because Sgt. Fudge was the supervisor at the scene and Sgt. Crews was the supervisor at the hospital, he felt as though he and Sgt. Crews should have had a conversation about the incident and required steps to be taken. Sgt. Fudge responded and said looking back he should have talked to Sgt. Crews and discussed who would be doing what tasks.

I asked if Sgt. Fudge assisted in the preparation of any of the charging documents and he said he did not but thought someone responded to the substation to work on the probable cause affidavit. I asked Sgt. Fudge if he was aware that the officer preparing the charging documents was one of the newest officers at the scene, one of the last officers to arrive, and was primarily responsible for interviewing the passenger, and Sgt. Fudge responded that he had no idea who was who, who was the newest, and felt all the involved officers looked new. I asked if he felt the officer assigned to complete those documents could have benefitted from increased supervision and direction and he said, "Looking back on it, yeah, but I didn't know who the officer was. I didn't know much about the officer."

Sgt. Fudge was unable to remember if he notified the duty lieutenant of the incident and only recalled speaking to Sgt. Bayne who he said he consulted with. I asked if Sgt. Fudge has received any training on how to supervise incidents in which officers have used force and he said he went through a supervisor's class when he was promoted, and some internal affairs training related to the completion and review of BlueTeam reports. When asked what he did to direct administrative tasks during this incident, Sgt. Fudge said he spoke to officers on scene and made sure they were doing certain tasks. He did not specify what those tasks were. When asked what he did to direct the criminal investigation he replied, "I didn't do much to direct that." When asked if he felt he would benefit from specific training related to management of scenes where officers have used force, he said he would.

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I told Sgt. Fudge his supplemental report was completed in December 2022 and asked why it was not completed closer to the date of the incident. Sgt. Fudge said he did not realize the severity of the case and thought it was just a DUI. When asked if he felt his supplement would have been more detailed had it been completed sooner, he said he did not think it would and felt that his supplement contained his role and information. When asked if he felt there were additional supervisory tasks, responsibilities, and oversight that he could have completed or managed in this incident he said that there were.

At the conclusion of the interview, Sgt. Fudge said that he did the best he could based on the knowledge and resources he had. Sgt. Fudge said he was concerned about the involved officers as well as [REDACTED] and felt he was there to make sure everyone was taken care of. Sgt. Fudge referenced telling the officers to rock, paper, scissors and said he did not do this because he took the incident lightly, but rather because he thought the officers could figure that out amongst themselves. Sgt. Fudge said looking back he should have delegated assignments.

This concluded the interview with Sgt. Fudge.

INTERVIEW OF OFFICER JOSHUA KEPHART

[See file "5 – Subject Officer Interview_Joshua Kephart (transcription)"]

On 03/01/2023, I conducted a recorded interview with Ofc. Kephart and his attorney, Mr. John Newsome. Ofc. Kephart has been an officer with CSPD for approximately three years and was assigned to the Sand Creek midnight shift when this incident occurred. Ofc. Kephart said he did review his report and BWC prior to this interview.

Ofc. Kephart described the scene as chaotic when he arrived and believed that Ofc. Wallick and Ofc. Mecimore were with [REDACTED] when he arrived. Ofc. Kephart said the involved officers, Anderson, Hickman, and Hummel, were backed away from the scene. Ofc. Kephart did not feel as though anyone was in control of the scene and said most officers were trying to figure out what to do at that point. Ofc. Kephart did not feel as though he took on a command role.

Ofc. Kephart said he was asked by Ofc. Wallick to check on [REDACTED] because Ofc. Wallick knew Ofc. Kephart was a former US Army Medic. After Ofc. Kephart assessed [REDACTED] injuries he was requested to take photographs of [REDACTED] which he did. Ofc. Kephart said since he had taken photos of [REDACTED], he also took photos of the involved officers. I asked if Ofc. Kephart felt as though he determined who would ride with [REDACTED] to the hospital, how cars would be moved, which officers needed to go to the hospital, and what statements might need to be collected and he said he assisted with those tasks but did not feel as though he decided anything.

I asked if Ofc. Kephart felt he adequately documented his involvement at the scene, and he said after reviewing his BWC he should have added more details about his involvement. I asked if Ofc. Kephart searched [REDACTED] vehicle and he said he thought he searched the driver's side, but noted he saw other officers searching the vehicle. Ofc. Kephart thought he conducted a thorough search, but said he forgot to document that he had searched the vehicle. I asked Ofc. Kephart if he photographed the scene and he said that he only photographed the involved individuals. I asked why Ofc. Kephart did not photograph the knife that he was aware was in the center console

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and he responded that he would normally photograph a vehicle before searching it, but after seeing other officers searching the vehicle, he assumed that those photos had been taken. Ofc. Kephart said, in hindsight, he should have asked and completed that task if it had not been done. When asked why he did not collect the knife as evidence he said he was unaware it was involved when he searched and only learned it was involved later. Ofc. Kephart then said he should have gone back and collected the knife afterwards but did not. Ofc. Kephart did believe that the knife would be evidence in this incident. To his knowledge, Ofc. Kephart said he did not believe anyone else searched the driver's side of [REDACTED] vehicle.

I asked if Ofc. Kephart considered photographing the area surrounding [REDACTED] vehicle and he again said he would typically do that before searching a vehicle but assumed it had already been completed. When asked, Ofc. Kephart was unable to remember if he smelled any odors while searching [REDACTED] vehicle.

I next asked why Ofc. Kephart decided to photograph [REDACTED] while he was still laying on the ground. Ofc. Kephart said that officers were searching him at this time and knew that he was injured so they did not want to move him around excessively. Ofc. Kephart also said that he was asked by Ofc. Wallick to take photos and said that he later asked Ofc. Piros and Ofc. Mecimore to take additional photos of [REDACTED] because he was aware they were going to the hospital with him. Ofc. Kephart felt as though [REDACTED] was in the recovery position when he took photos.

We then discussed Ofc. Kephart's photographs of Officers Anderson, Hickman, and Hummel. I asked if Ofc. Kephart reviewed any of those photos before he uploaded them to DIMS and he said he did not. When asked if he typically reviews photos he has taken before they are submitted to DIMS he said he does not but does check the photo in the brief preview window after a photo is taken. When I asked if he intentionally took a photo of Ofc. Anderson where he is seen smiling, Ofc. Kephart said he didn't realize Ofc. Anderson had smiled until he saw the photo in the news. Ofc. Kephart said that is how Ofc. Anderson typically is, so he did not think anything of it. Ofc. Kephart said, had he noticed Ofc. Anderson's expression, he would have told him to, "knock it off."

I informed Ofc. Kephart that the photo of Ofc. Anderson was taken in a brief moment of time when Ofc. Anderson was smiling while he was speaking to another officer out of camera view. I then asked Ofc. Kephart if he realized that was the moment he took Ofc. Anderson's picture and Ofc. Kephart said that he had not realized it and was just trying to capture photos of the involved officers. Ofc. Kephart said he would have retaken the photo if he noticed Ofc. Anderson's expression and did not feel it was an accurate representation of Ofc. Anderson's mood at the time. Ofc. Kephart understood that the photo could reflect negatively on the department. Ofc. Kephart also said he was not instructed by anyone to take photos but did so because he had already taken photos of [REDACTED].

We then talked about some of Ofc. Kephart's comments while on scene which were captured on BWC. I first asked about Ofc. Kephart describing Ofc. Hickman's kick, in which Ofc. Hickman's toe was injured, as a "soccer kick." Ofc. Kephart said he used this description because that was how it was described to him and said he wished he had gotten more details on what Ofc. Hickman meant. I then asked about Ofc. Kephart's comments to both Officers Anderson and Hummel that they, "need to learn how to hit people." Ofc. Kephart said that his choice of words was not correct

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and explained he does not like hitting people because it is dangerous for both the officer involved and the suspect. Ofc. Kephart further explained that it is better technique to use a palm strike when hitting a hard part of the body and said this is what he meant by that statement. He reiterated that his word choice was poor.

We then discussed Ofc. Kephart's comment that officers should, "Rock, Paper, IBM" to determine who would be completing the report and charging documentation. Ofc. Kephart said this comment was meant to be a joke and it was not appropriate.

I told Ofc. Kephart that Ofc. Dussan was eventually the officer who completed the charging documentation and report. I asked Ofc. Kephart if Ofc. Dussan was assigned this role because he is a newer officer. Ofc. Kephart did not believe that Ofc. Dussan was one of the newest officers and felt that he was somewhere in the middle based on seniority. Ofc. Kephart said Ofc. Dussan took that role because other officers on scene had taken on tasks and Ofc. Kephart did not believe that Ofc. Dussan had done anything at the scene. Ofc. Kephart then said he was unaware of what role Ofc. Dussan had or what tasks he had taken.

When asked if Ofc. Dussan was the best option to complete the charging documentation based on his limited time at the scene and information, Ofc. Kephart said, "Hindsight being 20/20, no." Ofc. Kephart said he did not believe he had the "whole puzzle" either when asked if he would have been more suited to being primary on the call. Ofc. Kephart did admit that he briefed Sgt. Fudge, checked on the involved officers, searched [REDACTED] vehicle, and took photographs as part of his role at the scene. He said he also later assisted Ofc. Dussan with the charging documents.

I next asked Ofc. Kephart about the involved officer's moods following the use of force and specifically if they appeared happy about what had occurred. Ofc. Kephart said they were not happy and described them as stressed out from just being in a fight and being possibly injured.

I then asked Ofc. Kephart about his comment to Ofc. Huston that he would leave [REDACTED] car where it was and hope it gets towed, even after being informed by Ofc. Huston that the vehicle could not be secured. Ofc. Kephart said this comment was made out of anger and was inappropriate. Ofc. Kephart did feel that [REDACTED] should have been offered options on what happened with his vehicle and said he agreed that leaving [REDACTED] vehicle unsecured could lead to another crime taking place, such as a theft of the vehicle or its contents.

At this point in the interview, I again asked if Ofc. Kephart took a command role at the scene. Ofc. Kephart said, "Looking back at the body cam, it looks that way, yeah." I asked if Ofc. Kephart felt the comments at the scene could bring the department into disrepute, discredit him as an officer of the department, or could impair the efficiency of the department itself, and Ofc. Kephart said he could see how it could be looked at in that way.

When asked if Ofc. Kephart felt he completed a reasonable preliminary investigation based on his role and documented it appropriately, Ofc. Kephart said he wished he had done more and got more details, because he did not feel it was appropriately done.

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I then asked about Sgt. Fudge's role at the scene. Ofc. Kephart said that he briefed Sgt. Fudge on what he had but could not remember if Sgt. Fudge asked him any questions or assigned him any tasks. When asked what Sgt. Fudge did at the scene, Ofc. Kephart said, "I don't know." I asked Ofc. Kephart if Sgt. Fudge was effectively supervising the scene and Ofc. Kephart said, "I'll put it this way. When I've been involved in similar situations in the past when sergeants come on the scene, they start directing people whereas I don't feel that happened in this case." Ofc. Kephart did believe that most officers at the scene were contributing. When asked if Ofc. Kephart felt he had enough direction at the scene and following the incident he said he did not and felt as though the officers were putting it together as they were going. Ofc. Kephart said he would have benefitted from additional supervisory oversight.

We closed the interview with Ofc. Kephart stating, "...hindsight's always 20/20. Looking back on it, I should have kept my mouth shut and not let my emotions come into play."

INTERVIEW OF OFFICER RYAN PAINE

[See file "5 – Witness Officer Interview_Ryan Paine (transcription)"]

On 03/08/2023, I conducted a recorded interview with Ofc. Paine. Ofc. Paine has been an officer with CSPD for approximately 5 years and has several years of prior law enforcement experience. He was assigned to the DUI unit when this incident occurred and estimated that he has completed over 700 DUI investigations since being assigned to the DUI unit in 2019.

Ofc. Paine told me that he was requested to go to the scene by Ofc. Hickman prior to the use of force, due to Ofc. Hickman's concern that [REDACTED] may be DUI. When he arrived Ofc. Paine said he did not believe anyone was in a command role and stated he was there to help conduct the DUI portion of the investigation.

Ofc. Paine explained that he was aware the officers were concerned about a knife in the vehicle and said he did notice the knife in the center console. Due to the relative proximity of both occupants of [REDACTED] vehicle, Ofc. Paine decided to conduct a pat down of the driver's side, center console, and back driver's side seat. Ofc. Paine noted that another officer told him they had found drug paraphernalia in the vehicle and based on the circumstances, Ofc. Paine was concerned there might be another weapon in the vehicle. Ofc. Paine told me he did assist with a search of a portion of [REDACTED] vehicle. When asked if he considered photographing the knife in the center console or collecting it as evidence, he said that he did not and thought that the other officers on scene would handle that task. Ofc. Paine noted that he did not realize the knife was as significant to the incident as it was. Ofc. Paine said he then transitioned into the DUI portion of the investigation.

I next asked if Ofc. Paine noticed any odors while searching [REDACTED] vehicle, specifically the odor of burnt marijuana. Ofc. Paine said he did not notice any odors. I then asked if Ofc. Paine noted any behaviors or statements that would lead him to believe [REDACTED] may have been under the influence. Ofc. Paine said he was waiting for [REDACTED] to receive medical treatment before evaluating him but did state his speech was slow and slightly thick tongued. Ofc. Paine explained that his time with [REDACTED], prior to later contacting him at the hospital, was limited and he did not feel he could adequately assess his impairment at that time. Ofc. Paine did not feel

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that he would have been better able to assess [REDACTED] had he not assisted with tasks such as searching the vehicle.

Ofc. Paine said that Sgt. Fudge arrived on scene, and he may have told him that he would go to the hospital but said he did not have much further contact with Sgt. Fudge. Ofc. Paine was unable to say if Sgt. Fudge took command of the scene because he said he did not interact with him significantly and left for the hospital soon after his arrival. Ofc. Paine said he knew that his role was to evaluate [REDACTED] for DUI so he continued in that role after going to the hospital.

[REDACTED] eventually told Ofc. Paine that he wanted to speak to a lawyer and Ofc. Paine ceased his contact with [REDACTED]. Ofc. Paine said he was later informed by Ofc. Piros that [REDACTED] made a statement that he might have marijuana in his system. Ofc. Paine said that he told both Ofc. Hickman as well as Sgt. Bayne, who was working the Sand Creek duty desk, that he was not going to arrest [REDACTED] for DUI based on the factors he was able to evaluate.

I asked Ofc. Paine to describe the factors which led him to believe there was insufficient probable cause to charge [REDACTED] with DUI. Ofc. Paine explained that Ofc. Hickman told him he made the stop for a missing license plate and some abnormal driving behavior. Ofc. Paine continued and said Ofc. Hickman described [REDACTED] driving behavior as driving slowly but said Ofc. Hickman had just followed [REDACTED] out of the parking lot so it would not be abnormal for someone to drive slowly after leaving a parking lot. Ofc. Paine said he also considered that Ofc. Hickman informed him of an odor of marijuana he believed came from [REDACTED] vehicle but said when Ofc. Piros rode in the ambulance with him and when he contacted him later at the hospital, he noticed no odors. Ofc. Paine said that although [REDACTED] eyes were red and bloodshot, he had just been hit in the face and his face was swollen which also explained some of his speech pattern. Ofc. Paine said he also considered that Ofc. Hummel said [REDACTED] may have a concussion and possible head injury which would further limit his evaluation. Ofc. Paine ended by describing that the odor smelled by Ofc. Hickman only indicated possible consumption and said that consumption alone does not raise to the level of impairment.

Ofc. Paine also explained that [REDACTED] statement regarding having marijuana in his system was not necessarily a contributing factor for impairment because marijuana use leaves a metabolite which is not psychoactive that can be in someone's system for up to a month. Ofc. Paine said this statement only indicated that [REDACTED] may have previously consumed marijuana but did not add to his impairment.

Ofc. Paine said that after he made this determination Sgt. Crews arrived and spoke to Ofc. Hickman about his stop and what had occurred. During the interaction between Sgt. Crews and Ofc. Hickman, Ofc. Paine said that Sgt. Crews walked Ofc. Hickman through his stop and observations to determine if he had probable cause for impairment. This interaction ultimately led to Ofc. Hickman determining that he had probable cause for impairment, which Ofc. Paine disagreed with upon consideration of the other factors Ofc. Paine had listed. I asked Ofc. Paine if he told Sgt. Crews that he disagreed with the determination that there was probable cause and he said that he did, but later specified that that discussion happened after the call had concluded.

Ofc. Paine said that during this conversation he told Sgt. Crews that Ofc. Hickman was watching his BWC recording on his device to try to find impairment indicators and that that information

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was not fresh in his mind when he had spoken to Ofc. Hickman before. Ofc. Paine said that he did not feel it was appropriate to base probable cause on the review of body worn camera footage hours later from when the signs may or may not have been observed. Ofc. Paine said that Sgt. Crews told him that we [CSPD] needed to arrest [REDACTED] based on the reason he was being removed from the vehicle. Ofc. Paine said that [REDACTED] was being removed from the vehicle to be detained for a DUI evaluation. Ofc. Paine said that Sgt. Crews told him that they needed to make that arrest due to liability to the department, and Ofc. Paine again said he disagreed and felt that arresting someone for a crime when there isn't probable cause created more liability to the department. Ofc. Paine said, "we don't arrest on liability. We arrest on probable cause" and felt that [REDACTED] should not have been charged for this because he was potentially injured. I specifically asked if Sgt. Crews knew at the hospital that Ofc. Paine disagreed with the probable cause determination, and Ofc. Paine said that he did.

Ofc. Paine then told me that he was uncomfortable with the case and spoke to Ofc. Hood, another DUI officer and Drug Recognition Expert, and he also agreed with Ofc. Paine. Ofc. Paine said that he then removed himself from the investigation because he did not agree that [REDACTED] should be charged and said this was why he did not help with a later blood draw or Express Consent form. Ofc. Paine said that he believed Ofc. Hood told Sgt. Crews that he was putting Ofc. Paine in a position where he would have to testify against Ofc. Hickman, but said that Sgt. Crews did not respond to this information. Ofc. Paine said he believed Sgt. Crews was aware that he was not comfortable with arresting [REDACTED], which was why he believed he was walking Ofc. Hickman through his stop to establish probable cause.

I asked Ofc. Paine if the quote from his report, "It was determined by them [Sgt. Crews & Ofc. Hickman] that there was probable cause for driving under the influence" was intentionally put in the report because he disagreed with the decision that was being made. Ofc. Paine affirmed that he did intentionally put this line in his report for that purpose and felt that this incident would likely lead to more than a DUI case, so he wanted to thoroughly document his feelings.

I asked why Ofc. Piro ended up explaining the Colorado Express Consent to [REDACTED] and Ofc. Paine again stated that he had determined there was not probable cause, so he did not want to be involved with [REDACTED] arrest any further. Ofc. Paine clarified that an officer must have probable cause to invoke express consent and because he did not have it, he did not feel it was appropriate.

Ofc. Paine said after he left the hospital he spoke to Sgt. Bayne and expressed again that he disagreed with the probable cause. Ofc. Paine said he had previously explained his reasoning for not making the arrest to Sgt. Bayne and wanted to discuss why the arrest was still being made even though he had determined that there was not probable cause. Ofc. Paine said that Sgt. Bayne listened to his concerns, but ultimately said he was not at the hospital to hear the conversation between Sgt. Crews and Ofc. Hickman and was not comfortable overruling another sergeant.

Ofc. Paine concluded the interview by stating again that he was made uncomfortable by this situation and the determination of probable cause. Ofc. Paine did state that the reasons for the initial traffic stop made sense, but when he arrived the only information regarding DUI he received was a suspected odor coming from the vehicle. Ofc. Paine explained that an odor alone is usually

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not enough to even detain a driver outside of their vehicle and said he would not have detained someone for odor alone.

Ofc. Paine had no further information.

INTERVIEW OF SERGEANT REUBEN CREWS

[See file "6 – Subject Officer Interview_Reuben Crews (transcription)"]

On 03/15/2023, I conducted a recorded interview with Sgt. Crews and his attorney, Mr. John Newsome. Sgt. Crews has been an employee of CSPD for 15 years and has been a patrol sergeant for approximately 1 year. At the time of this incident, he had been a patrol sergeant for approximately 5 months and was assigned to the Sand Creek midnight shift.

I first asked Sgt. Crews what led him to be dispatched to this call for service. Sgt. Crews explained that he was on an unrelated death of undetermined origin call near Memorial Central Hospital when he heard Ofc. Hickman radio that he was making a traffic stop. Sgt. Crews listened as the radio traffic indicated a physical altercation had taken place and became aware that several members of his shift were going to the hospital to be evaluated. Sgt. Crews said, when he cleared the DOUO call for service, he drove to Memorial Central Hospital to check on the involved officers. Sgt. Crews estimated this was an hour and a half after the incident occurred.

Sgt. Crews said he was aware that Sgt. Fudge had been called down from the Stetson Hills Division and believed he was handling the scene and investigation. Sgt. Crews could not remember if he spoke to Sgt. Fudge about the status of the investigation and stated that he just went to the hospital to check on the members of his shift.

I asked Sgt. Crews if he believed he had sufficient information regarding what had happened, who was involved, and the status of the investigation and he said he did not. Sgt. Crews repeated that he was trying to be a good sergeant and check on his involved people but said he did not ask questions about the incident because he was not actively supervising it. Sgt. Crews said it was his understanding Sgt. Fudge was handling the call and related investigation.

Sgt. Crews explained that he believed his responsibilities lay in checking the welfare of his officers, determining if injury reports need completed, determining if workers comp may need to be involved, wellness considerations, and just being supportive of our employees. Sgt. Crews also said he believed his responsibility would be to notify the chain of command of relevant information regarding their employee's status, such as if someone was seriously injured. Sgt. Crews said he was not on this call to lend anything to the investigation. Sgt. Crews also said if pieces of the investigation were continuing at the hospital it was his expectation that Sgt. Fudge would be handling that component.

I asked if Sgt. Crews utilized his BWC during this call and he stated he did not. Sgt. Crews explained that he was having administrative conversations with various officers in the hospital and did not feel that it was appropriate to have his BWC on during that time. Sgt. Crews said he did not feel as though he took operation control of the situation when he arrived, and again stated that he was there to check on his people and was under the impression Sgt. Fudge was in operational

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control. Sgt. Crews did not feel as though he took any steps to direct the criminal investigation or administrative tasks related to this incident.

I asked if, during his time at the hospital, he received any information regarding what had occurred. Sgt. Crews stated that he was checking on Ofc. Hickman and said during that time Ofc. Paine was also in the room. During his conversation with Ofc. Hickman regarding his observations, Sgt. Crews said that Ofc. Paine informed him he did not have probable cause to charge [REDACTED] for DUI. Sgt. Crews said he is aware that Ofc. Paine is a DUI officer who has advanced training and more familiarity with DUI investigations and had no issue with him not developing probable cause for the charge. Sgt. Crews then said that he spoke with Ofc. Hickman and told him that if he believed he had probable cause for the DUI he would have to articulate it better than what he had shared regarding the stop such as, "saw a car, stopped the car, smelled marijuana, and now we're here." Sgt. Crews said he felt it was his role as a coach at that time to walk Ofc. Hickman through the stop to help him connect his observations to how they needed to be articulated to arrive at probable cause. Sgt. Crews then demonstrated the conversation he had with Ofc. Hickman to help him add more details which could help him reach probable cause but said he did not specifically say they had probable cause. Sgt. Crews was unsure of the conversation that Ofc. Hickman and Ofc. Paine had before his arrival.

I then went back and asked Sgt. Crews if he was aware of what tasks each officer at the hospital was completing and what they might need assistance with. Sgt. Crews said he was unaware of who was doing what and said that no information had been relayed from Sgt. Fudge or anyone else on potential tasks he needed to assist with. I asked if Sgt. Crews ever checked on [REDACTED] injuries and he said he did not. Sgt. Crews said he believed Ofc. Piro and/or Ofc. Mecimore were with [REDACTED] and could collect SBI forms if there were any. Sgt. Crews said he did not feel it was his responsibility to check on [REDACTED] status because he was again there only to check on his involved officers. Sgt. Crews reiterated that had there been pieces of the investigation still needing completed or notifications made, it would be Sgt. Fudge who would be handling those tasks. When asked about [REDACTED] injuries, Sgt. Crews said [REDACTED] was at the scene prior to being transported to the hospital so he would assume Sgt. Fudge would have evaluated a need to be involved further if he appeared seriously injured.

I then asked Sgt. Crews about Ofc. Paine's statement that he and Ofc. Hickman established probable cause to charge [REDACTED] with DUI. Sgt. Crews said he never determined there was probable cause and again stated he had a coaching conversation with Ofc. Hickman, but did not communicate elements specifically establishing probable cause. Sgt. Crews said he tried to help Ofc. Hickman connect his observations in the context of probable cause relating to a DUI case in general terms. I asked if ultimately Ofc. Hickman would be responsible for establishing probable cause and Sgt. Crews agreed. I asked if Sgt. Crews considered that Ofc. Paine, a DUI expert, did not feel as though there was probable cause and Sgt. Crews said he did and admitted that Ofc. Paine communicated that to him.

Sgt. Crews detailed his conversation with Ofc. Paine and said he was accepting of his evaluation and determination that probable cause was not there. Sgt. Crews listed out several mitigating factors that were also cited by Ofc. Paine, such as a time delay or an injury. Sgt. Crews said that Ofc. Paine's opinion was clearly expressed to him, but said he was not sure what factors he had based his evaluation on. I asked if Sgt. Crews was aware that Ofc. Hickman had to watch his BWC

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to articulate factors to Ofc. Paine regarding his observations prior to the use of force and Sgt. Crews said he was not aware that happened.

I asked if Sgt. Crews made any statements that we [CSPD] needed to arrest [REDACTED] for the reason he was being removed from his vehicle or due to liability concerns and Sgt. Crews said he said neither of those things. When asked if Ofc. Hood spoke with Sgt. Crews regarding Ofc. Paine's concerns, Sgt. Crews said he never spoke with Ofc. Hood and did not know who he was. When asked if Ofc. Paine ever expressed that he was being put in a position where he would have to testify against Ofc. Hickman related to the DUI charge, Sgt. Crews said Ofc. Paine never made statements like those.

I then asked why Ofc. Paine did not assist Ofc. Piro's with explaining Colorado Express Consent to [REDACTED]. Sgt. Crews said he was unaware that process was occurring and was not aware that Ofc. Paine had removed himself from further involvement in the case. Sgt. Crews said Ofc. Piro's never expressed to him that she needed assistance with tasks she was working on. Sgt. Crews also said he was unaware that Ofc. Paine had spoken to Sgt. Bayne about his disagreement that there was probable cause related to the DUI charge.

I asked if Sgt. Crews had any involvement in preparing the charging documentation or assisting the officers who were working on those documents, and he said he did not. Sgt. Crews was asked if it bothered him that no other supervisor went to the hospital before he did, and Sgt. Crews responded that it did not. Sgt. Crews said it did not bother him because he was the only supervisor working the street in the Sand Creek Division that night. Sgt. Crews cited lower staffing on midnight shift and acknowledged that he knew a supervisor had already been pulled from another division to assist. Sgt. Crews did not feel as though any other supervisor had failed in their role and said he may have communicated to Sgt. Fudge that he was at the hospital checking on the officers. I asked if there was any communication between Sgt. Crews and Sgt. Fudge about information Sgt. Fudge might be needing or waiting for and Sgt. Crews said there was not.

I asked if, in hindsight, Sgt. Crews felt as though there were other tasks or oversight, he could have handled in this case and he agreed that there were. Sgt. Crews then said that with his five months of sergeant experience at the time, he believed the sergeant responding to the scene would handle those, and any additional responsibilities would be communicated to him if they were needed. Sgt. Crews was asked if he was surprised by the content of Ofc. Paine's report regarding the probable cause determination and Sgt. Crews said he was. Sgt. Crews admitted he was not made aware of that statement until later and handled conversations with Ofc. Paine and his chain of command administratively.

Sgt. Crews concluded the interview by stating that sergeants need additional training and said there is no defined training that occurs when someone is promoted from officer to sergeant. Sgt. Crews felt as though more leadership training would be valuable for the organization.

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Attached to this investigation is associated transcriptions, videos, and documentation linked to this investigation. For further review, all attached documentation.

Sgt. James Thurman

Sergeant James Thurman 5101
Internal Affairs Section



Colorado Springs Police Department

Interoffice Memo

To: Commander John Koch, 2308
From: Sergeant James Thurman, 5101
Subject: Error in Administrative Insight Memorandum
Date: July 26, 2023

During a review of the policy allegation(s) and recommended findings forms attached to this investigation by Commander Hugh Velasquez as part of his administrative insight memorandum [file "22-0197 Administrative Insight Memorandum – Commander Velasquez-1"] an error was discovered related to Policy #2 Allegation for Sergeant Reuben Crews.

The policy referenced is Investigative Procedures G.O. 1100. This form has a finding recommendation checked for both "Unfounded" and "Sustained." This is an administrative error and only the finding recommendation of **Unfounded** should be checked. This error is located on page 41 of the referenced document.

REVIEWED & APPROVED AS ACCURATE. CONFIRMED W/ CMDE VELASQUEZ
ON 07/26/2023.


John W. Koch
Commander
Professional Standards

07-27-2023