



MEMORANDUM

To: Chris Deisler, Chief of Police

From: Kristyn Arseneau, Captain

Date: 02/21/2024

Ref: IC 2023-104

I am submitting this memorandum to you as it relates to the findings of Internal Affairs investigation 2023-104. At your direction, I initiated a formal internal investigation on November 2, 2023 into the actions of Officer Nathan Humphrey. Sergeant Courtney Wadham brought concerns regarding Officer Humphrey being untruthful in an arrest warrant to my attention which prompted this investigative process.

COMPLAINT SYNOPSIS

On the night of October 10, 2023 overnight into the morning of October 11, 2023, officers responded three times to [REDACTED] in Woodland Park, Colorado regarding noise complaint called in by the residents at [REDACTED]. Officer Nathan Humphrey was one of those officers. On the third call for service at [REDACTED], at approximately 0209 hours on October 11, 2023, Ofc. Nathan Humphrey charged the suspect [REDACTED] with municipal code 9.40.040 (A)(4) Harassment and 9.41.020 Prohibited Noise under case 23-1276.

On November 1, 2023, I was speaking with Sgt. Wadham regarding this case. Sergeant Wadham said she noticed Ofc. Humphrey must have found probable cause to charge [REDACTED] for Felony Menacing since she noticed he had initiated another new case (23-1360) for what appeared to be the same incident. Since [REDACTED] had already been criminally charged for this incident in case 23-1276, it is not Woodland Park Police Department policy to pull a second case for the same incident and initiate more charges. The Double Jeopardy clause in the Fifth Amendment prohibits anyone from being prosecuted twice for the same offense(s).

Sergeant Wadham said Ofc. Humphrey wanted to charge [REDACTED] for Felony Menacing the night of the noise complaints and during her supervisory review of his case she told him he did not have probable cause for Felony Menacing. Sergeant Wadham said Ofc. Humphrey then told her: 1) the neighbors provided him a video they recorded during the noise complaint call for service



the night prior and in the video you could hear the victim say she was scared; 2) the victim realized the following day, after watching the video with their landlord, [REDACTED] [REDACTED] was holding what appeared to be a gun.

Sergeant Wadham watched the video provided to Ofc. Humphrey by the victims and read Ofc. Humphrey's arrest warrant. She told him he did not have probable cause to meet the elements for Felony Menacing.

On November 2, 2023, I was able to obtain a copy of the warrant submitted by Ofc. Humphrey and provided it to Sgt. Wadham to review and determine if that warrant was a true reflection of what happened during the original call for service on November 2, 2023.

Sergeant Wadham reviewed the warrant and reviewed the body worn camera footage from that night. She told me there were several statements in the warrant that were not factual. Sergeant Wadham said the warrant read as though there was no break in time regarding when the call was handled and when the videos were reviewed. She also said there was a false statement in the warrant which read, "[REDACTED] can be seen aiming the handgun at [REDACTED]". Sergeant Wadham reviewed the video and the alleged handgun was only pointed at a residence west of [REDACTED] [REDACTED]

PROCESS

- On November 2, 2023, Ofc. Nathan Humphrey was placed on paid administrative leave.
- On November 8, 2023, I was provided a statement from Ofc. Patrick Vigil, who was acting as a sergeant during this time. Below is a synopsis of his statement. The original statement is included under Exhibits.

Officer Humphrey asked Ofc. Vigil to review and approve a warrant. Officer Vigil told Officer Humphrey he would not review or approve the warrant and told him to submit it to the sergeant on duty who was Sgt. Wadham. Officer Humphrey expressed to Ofc. Vigil he did not want to run it by Sgt. Wadham because she would not approve it. Officer Vigil then told Officer Humphrey to wait for his assigned sergeant to return.

- On November 8, 2023, I was emailed a statement from Ofc. Spencer Van Camp. Below is a synopsis of his email. The original email is included under Exhibits.

After the call for service at [REDACTED], which Ofcs. Van Camp and Humphrey both responded to, Ofc. Humphrey was made aware of a video taken by the reporting party involving a firearm. After reviewing that video, Ofc. Humphrey and Ofc. Van Camp



discussed new charges to include Felony Menacing and Prohibited Use of a Weapon. Officer Humphrey began working on an arrest warrant which he then submitted to Sgt. Wadham for review.

Officer Humphrey told Ofc. Van Camp later in the shift that Sgt. Wadham told him he did not have probable cause. Officer Van Camp had not seen the warrant and asked Ofc. Humphrey what was wrong with it. Officer Humphrey said he did not know, and expressed his disdain towards Sgt. Wadham.

Officer Humphrey sent Ofc. Van Camp his Probable Cause affidavit and asked him to review it. Officer Van Camp reviewed the affidavit, sent it back to Ofc. Humphrey at a later time, and did not make any changes due to the numerous issues he identified which would have altered the affidavit too significantly.

- On November 9, 2023, I was provided a statement from Sgt. Wadham. Below is a synopsis of that statement with the original email included under Exhibits.

Sergeant Wadham responded to a call for service at [REDACTED] [REDACTED] for a noise complaint. Two other calls came in that night for the same complaint. On the third call, Officers Humphrey and Van Camp both responded. Officer Humphrey cleared the call by saying he wrote [REDACTED] [REDACTED] a summons for Harassment and Noise.

On October 11, 2023 when arriving to shift, Ofc. Humphrey informed her of a video he received. Sergeant Wadham watched the video which showed [REDACTED] [REDACTED] appear to pick up an unknown silver object, walk outside and point it to the west of his residence and then walk back inside. Officer Humphrey wanted to charge [REDACTED] [REDACTED] with Felony Menacing and Prohibited Use based on those actions. Sergeant Wadham informed him he needed to get additional information and witness statements because what he was presenting to her was not adequate for those charges.

Officer Humphrey typed a warrant and sent it to Sgt. Wadham. Sergeant Wadham rejected the warrant for several reasons to include not having probable cause. Throughout their shift, Ofc. Humphrey and Sgt. Wadham went back and forth regarding the warrant and she informed him multiple times he did not have probable cause.

On October 27, 2023 while reviewing reports, Sgt. Wadham observed Ofc. Humphrey had initiated a new case (23-1360) with [REDACTED] [REDACTED] as a suspect. When she opened the report, it showed a warrant for Felony Menacing and Prohibited Use of a Weapon. She attempted



to locate the warrant and documentation within the case but it was not in the case records. When Sgt. Wadham received a copy of the warrant from me and reviewed it she determined his warrant was not statements of fact. At the time Sgt. Wadham reviewed the warrant, the suspect [REDACTED] had already been arrested based on the bad warrant which was not factual and booked into the Teller County Jail.

- On November 10, 2023, I was provided a statement from Sgt. Richard Avery. Below is a synopsis of his statement. The original document is included in these findings under Exhibits.

On October 11, 2023, Sgt. Avery entered the patrol room and overheard a conversation between Sgt. Wadham and Ofc. Humphrey. After learning details of the case, Sgt. Avery, Sgt. Wadham, and Ofc. Humphrey discussed the Felony Menacing statute and that Ofc. Humphrey's view on the charge was not applicable as it did not fit within statute.

- On November 21, 2023 during this process, witness statements from a previous case were found in Ofc. Humphrey's work mailbox. A search of Ofc. Humphrey's work-issued lockers revealed evidence from case 22-0343 (a DVD containing video footage from a case) was found in Ofc. Humphrey's Break Room locker, as well as original vehicle impound sheets for case 23-0967, 23-1503, and 23-1231, original witness statements for 23-1814, 23-1314, 23-1276 and 23-1189 and an RV traffic accident statement.
- On December 5, 2023, I contacted the Colorado Bureau of Investigation (CBI) to conduct a criminal investigation of this incident based on the course the administrative investigation was taking. I emailed the official request to Clint Thomason, Assistant Director for the Colorado Bureau of Investigation.
- On December 6, 2023, CBI accepted the case and on December 14, 2023, this case was assigned to Agent Moss with CBI (refer to their case 2023-576).
- On December 15, 2023, Ofc. Humphrey's attorney was notified of the investigation by CBI.
- On January 29, 2024, I received the completed case report from CBI regarding their investigation. Their case was being referred to the 4th Judicial District Attorney for a review of criminal charges for Official Misconduct.



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- On February 26, 2024, an email notification was received by Chief Deisler from Tony Gioia, Senior Deputy District Attorney with Colorado's 4th Judicial District stating the 4th Judicial District will not be filing any charges relative to Ofc. Humphrey's conduct.

While investigating this original complaint, an email was found in Ofc. Humphrey's work email account sent directly to the Chief of Police at the Fountain Police Department, Mark Cristiani. Below is the email Ofc. Humphrey sent.

"Good morning sir,

I was wondering if you had time to sit down and talk about possible future employment opportunities.

Recently at my agency it has come to light that extremely proactive officers are coming under fire. I along with these officers are not rogue officers or doing anything illegal but our discretion is being stripped from us. New admin, are requesting us to violate citizen's 5th amendment rights by signing a property receipt if we seize narcotics from them legally. I love my job and I like to think I make a difference, but not being able to do my job is not what I signed up for.

I am the top DUI Officer here, a Ken Jordan nominee, and hold the most drug seizures here, I do work jointly with Teller Counties TNT (Tactical Narcotics Team) and just want to work. I attended the Pueblo PD academy with Marcus Howard and have remained in touch with him since. He has said nothing but great news about the agency. Even my father, the Chief of Florence PD states Fountain PD is the place to be."

FINDINGS

WPPD Policy 319.3.3 (A) & (D)(1) Compliance with Lawful Orders - SUSTAINED

Officer Humphrey was told to place items into Evidence and received a written Employee Incident Report from Sgt. Dena Currin (Ret.) for finding items of evidence kept at his desk. Those items were not placed into Evidence after his incident report and furthermore were then found in his Break Room locker which was an act of willful neglect of a previous order. Ofc. Humphrey acknowledged this policy through Lexipol on August 8, 2023.

Officer Humphrey was denied supervisory approval for an arrest warrant based on lack of probable cause. Officer Humphrey then opened a new case and sent the warrant to the courts with false information in it. The criminal case was later dismissed from the courts for lack of probable cause.



WPPD Policy 319.4 (F) Job Knowledge & Performance – SUSTAINED

Officer Humphrey took in items of case evidence on multiple occasions and failed to properly place those items into Evidence per policy. Those items were later discovered in his Break Room locker. These actions not only violate policy, they jeopardize the cases he has been entrusted to investigate for a victim.

WPPD Policy 319.4 (G)(H) Job Knowledge & Performance/Truthfulness – SUSTAINED Officer Humphrey made false and misleading statements in a sworn warrant affidavit he presented to the courts by stating in case 23-1360 “██████████ can be seen aiming the handgun at ██████████.” He follows the statement by saying ██████████ voice could be heard in the video stating, “It looks like he is aiming something.” ██████████ is also heard saying, “It does, doesn’t it.” ██████████ then says, “I’m scared.” The way Ofc. Humphrey wrote his warrant is misleading and appears when reading it there was no break in time. However, the video he referenced was not watched *until the following day* and the occupants of the home were not even aware of a suspected handgun being involved on the night it occurred. Furthermore, the alleged handgun is seen being pointed at the house next door and *not* towards the victim’s house.

WPPD Policy 319.5(D) Neglect of Duty – SUSTAINED

Officer Humphrey had a victim statement from case 23-1276, which was taken on October 10, 2023 into the morning of October 11, 2023, in his email which was never placed into the case file prior to him going on days off.

RECOMMENDATION

In light of the sustained policy violations, and the totality of the instances outlined within this memo and the egregious nature of this conduct, I make a recommendation of termination.



EXHIBITS

1. Email Statement- Officer Spencer Van Camp
2. Memorandum- Sergeant Courtney Wadham
3. Memorandum- Officer Patrick Vigil
4. Memorandum- Sergeant Richard Avery
5. Memorandum- Officer Sam Dunbar
6. Email statement- Sergeant Dena Currin
7. Copy of Arrest Warrant reviewed by Sergeant Wadham
8. Email of warrant sent to Sergeant Currin from Officer Humphrey
9. Email correspondence from Officer Humphrey to the District Attorney's office
10. Email statement from [REDACTED] to Officer Humphrey found in his email
11. Dismissal notice- (Case 23-1360) citing lack of Probable Cause.
12. Copy of case 23-1276
13. Copy of case 23-1360
14. Signed arrest warrant from the judge
15. CBI Case Report
16. Employee Incident Report from 10/01/2023 (improper evidence handling)
17. Photo of DVD found in Break Room locker
18. Copies of found documentation in Break Room locker
19. Email from Officer Humphrey's work email to the Fountain Police Chief
20. Email from Officer Humphrey regarding no retaliation complaint