IA # 26-13

FINAL SUMMARY REPORT

I – EXECUTIVE SUMMARY

On July 6th, 2026, Sergeant Christopher Daiker with the RTD Transit Police Department Internal Affairs Bureau (IAB) received an allegation of misconduct in the form of an email forwarded by Commander Cousineau originally from Lieutenant Fabian Rodriguez. The email alleged RTD Transit Police Officers Alejandro Alvarado and Anthony Rosas contacted a male subject, later identified as William Maxey, who was asleep on a light rail train. When Maxey was startled awake by Alvarado, he raised his arm toward Alvarado in a manner consistent with waving or gesturing for Alvarado to move away, not an intentional attempt to assault him. While still appearing disoriented, Maxey quickly got to his feet, briefly assumed a defensive stance, and appeared to recognize he was in contact with police officers. Maxey then peacefully complied with the officers' commands and could later be heard apologizing but stating he did not hit the officers involved. Maxey was subsequently jailed on a felony charge, criminal attempt second degree assault on a peace officer, that was not supported by the available evidence.

Lieutenant Rodgriguez advised he reviewed the associated reports in this case along with the officer's body worn camera (BWC) footage which created serious concerns that the reported allegations were not consistent with what was captured on video. The District Attorney's Office overseeing this case was advised of Lieutenant Rodriguez's concerns and issued a formal declination letter dismissing all charges against Maxey. This incident was forwarded to Lieutenant Valerio for a supervisory review and Lieutenant Valerio determined this case should be forwarded to the IAB for further investigation.

Based on the emails from Lieutenants Rodriguez and Valerio, which identified concerns about Alvarado who was alleged to be misrepresenting material fact, making false or misleading statements, misrepresenting or omitting material information to a supervisor in connection with any investigation, along with dishonest conduct, the IAB opened an investigation into whether Alvarado committed misconduct by violating Standards of Conduct – Performance (319.5.8 (a) and (c)), Standards of Conduct – Conduct (319.5.9 (h) and (m)), Law Enforcement Authority – Peace Officer Authority (100.3(c)), and Law Enforcement Authority – Constitutional Requirements (100.6).

[redacted]
Ongoing Investigation (§ 24-72-303(3))

Corporal Schwab responded to the Peoria Station to assist Officers Alvarado and Rosas and ultimately determined charges would be appropriate in this circumstance for Maxey. Corporal Schwab completed an interview with Officer Alvarado and took over the investigation, transported Maxey to Adams County Jail and had his trainee, Officer Vigil, complete the arrest affidavit. However, no camera footage or BWC footage was reviewed to further substantiate probable cause for the arrest, and Corporal Schwab relied solely on the statements from Officer Alvarado which resulted in the continued detention of William Maxey. Based on this information, the IAB investigated whether Corporal Schwab committed misconduct by violating Standards of Conduct – Supervisor Responsibilities (319.3.2 (a)), and Standards of Conduct -

Performance (319.5.8(a)).

Officer Rosas, who responded with Officer Alvarado, to the Peoria Station for Maxey allegedly trespassing, was present during the initial contact with Maxey and for the interview provided by Officer Alvarado to Corporal Schwab. Officer Rosas reported he did not observe Maxey's alleged second "jam" (jab) towards officer Alvarado due to his positioning. However, Officer Rosas' BWC footage revealed his BWC was oriented towards Maxey and Officer Alvarado from the time Maxey was woken up to when he was secured in handcuffs. Based on this information, the IAB investigated whether Officer Rosas committed misconduct by violating Standards of Conduct – Performance (319.5.8 (a) and (c)), and Standards of Conduct – Conduct (m).

Lieutenant Valerio was requested to complete a supervisor review of the incident involving William Maxey, to include reviewing reports and officer's BWC footage. Lieutenant Valerio also interviewed Officer's Rosas and Alvarado together, and reviewed Officer Alvarado's BWC footage. The interviews of officers was not requested to be completed during her supervisor review of this incident. During the course of the IAB's investigation into this case, it was alleged that Lieutenant Valerio told Officers Alvarado and Rosas that their actions constituted a serious violation which would result in them losing their jobs with the RTD Transit Police and they would also lose future job prospects. It should be noted, at the time Lieutenant Valerio spoke with Officer Alvarado and Rosas, they both were pursuing other law enforcement employment and had submitted their two weeks' notice for RTDPD. Based on this information, the IAB investigated whether Lieutenant Valerio committed misconduct by violating Standards of Conduct – Efficiency (319.5.7(b)), and Standards of Conduct – Conduct (319.5.9(m)).

II – ALLEGATIONS

1. It is alleged on or about June 28th, 2026, at 2239 hours, Officers Alvarado and Rosas were dispatched to the Peoria Light Rail station for a subject, later identified as William Maxey, who was trespassing and refusing to de-board a light rail train. When Alvarado and Rosas arrived on scene, Maxey was observed to be asleep on the floor of the light rail vehicle. When Officer Alvarado woke Maxey by patting his chest, he reported Maxey swung a closed back handed fist at Officer Alvarado, but it did not make contact. Officer Alvarado reported that as Maxey was turning and coming to his feet to stand up, he swung a left-handed fist in the fashion of a jab at Officer Alvarado, but it did not make contact. Officer Alvarado stepped back to avoid being struck and Maxey, who had taken a fighting stance, was then placed at Taser point by Officer Rosas and Alvarado. Maxey ultimately complied with Rosas and Alvarado's commands, was secured in handcuffs, and escorted off the train.

   Corporal Schwab and his trainee, Officer Vigil, along with [redacted] responded to the scene to assist Officers Alvarado and Rosas. Officer Alvarado was interviewed on scene by Corporal Schwab and [redacted] and stated Maxey attempted to hit him twice, once when he first woke up, and second when he had moved to a standing position. During this interview, Officer Alvarado described Maxey's second attempt as being a swinging motion with his closed right fist coming within approximately a foot and a half to two feet away from his face. Maxey's first swing towards Alvarado was identified as being due to a startle response and not intentional, but the second was determined to be with intent to harm Alvarado.

   Corporal Schwab decided the charges of criminal attempt second degree assault on a peace officer would be applicable in this circumstance and took over control of the scene to give his trainee the opportunity

to write an affidavit and complete the required arrest procedures. Corporal Schwab's determination to jail Maxey was based solely on the information contained in the interview Officer Alvarado provided to Corporal Schwab on scene. Initially, Maxey was also to be charged with resisting arrest. However, Officer Alvarado later called Corporal Schwab while in route to Adams County Jail and stated he never told Maxey he was under arrest. Based on this information that charge was not pursued.

The information conveyed by Officer Alvarado on scene to Corporal Schwab and Ongoing was contradictory in comparison to what he wrote in his police report, specifically describing the hands which Maxey used in his attempt to assault him, and when the alleged second punch was actually thrown. BWC footage from Officer Alvarado and Officer Rosas showed Maxey gesturing toward Officer Alvarado in a waving motion, attempting to push him away when he was initially woken up. However, no other attempt to assault Officer Alvarado was observed in either officer's BWC footage. With regards to Officer Alvarado's involvement in this case, the IAB determined the following:

a. This allegation is sustained as a violation of RTDPD Standards of Conduct – Performance – 319.5.8 (a)

b. This allegation is sustained as a violation of RTDPD Standards of Conduct – Performance – 319.5.8(c)

c. This allegation is sustained as a violation of RTDPD Standards of Conduct – Conduct – 319.5.9(h)

d. This allegation is sustained as a violation of RTDPD Standards of Conduct – Conduct – 319.5.9(m)

e. This allegation is sustained as a violation of RTDPD Law Enforcement Authority – Peace Officer Authority – 100.3.1(c)

f. This allegation is sustained as a violation of RTDPD Law Enforcement Authority – Constitutional Requirements – 100.6

2. Ongoing Investigation (§ 24-72-303(3))

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3. It is alleged on or about June 28th, 2026, at approximately 2310 hours, Corporal Schwab, along with his trainee, Officer Vigil, responded to the Peoria Station to assist Officers Alvarado and Rosas with William Maxey who had been taken into custody at Taser point. Upon arrival, Corporal Schwab conducted a preliminary interview with Officer Alvarado and later completed a more detailed interview while still on scene. Officer Alvarado described how Maxey attempted to assault him by swinging his arm backwards once when he was woken up, and second when he swung a closed right hand fist after he had stood up. Based solely on the information provided by Officer Alvarado, Corporal Schwab made the determination to jail Maxey on criminal attempt second degree assault on a peace officer. Corporal Schwab relied solely on the statements of Officer Alvarado for the arrest affidavit, completed by his trainee Officer Vigil, and failed to review any BWC footage of the incident to support the criminal charges pursued against Maxey. With regards to Corporal Schwab's involvement in this case, the IAB determined the following:

   a. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Supervisor Responsibilities – 319.3.2(a)

   b. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Performance – 319.5.8(a)

4. It is alleged on or about June 28th, 2026, at approximately 2239 hours, Officer Rosas responded to the Peoria Station with Officer Alvarado for the report of a trespasser refusing to de-board a light rail train. Upon arrival, Officer Alvarado contacted the alleged suspect, William Maxey, while Officer Rosas spoke with the train operator. Officer Rosas was positioned just outside the train door where Maxey was observed sleeping on the floor. Officer Alvarado woke Maxey who quickly stood up and took a defensive position. Officer Rosas and Alvarado placed Maxey at Taser point and Maxey was subsequently secured in handcuffs. Corporal Schwab, and his trainee Officer Vigil, along with Sergeant Giles responded to assist. Corporal Schwab conducted an interview with Officer Alvarado, which Officer Rosas was present for. During this interview, Officer Rosas did not correct or provide any clarification to the accounts of Officer Alvarado, to include the alleged attempted assault. Officer Rosas documented in his report that he did not observe the "jam" (jab) Maxey took at Officer Alvarado due to his positioning. BWC footage showed Officer Rosas' BWC was oriented in the direction of Officer Alvarado and Maxey at the time Maxey was contacted through when Maxey was secured in handcuffs. Based on this, his BWC footage contradicted his reported observations of not seeing the alleged assault due to his positioning. With regards to Officer Rosas' involvement in this case, the IAB determined the following:

a. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Performance - 319.5.8 (a)

b. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Performance - 319.5.8(c)

c. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Conduct - 319.5.9(m)

5. It is alleged on June 29th, 2026, at approximately 1138 hours Lieutenant Valerio received an email from Lieutenant Fabian Rodriguez advising he reviewed the case involving William Maxey and developed serious concerns that the charge brought against Maxey was not supported by the available evidence in this incident. Based on this email, Lieutenant Valerio completed a supervisory review of the incident which included reviewing the associated police reports, officer's BWC footage, and conducting interviews with the involved officers. Lieutenant Valerio had Officer's Alvarado and Rosas meet with her to go over Officer Alvarado's BWC footage and provide an explanation as to why Maxey had been arrested. During this meeting, it is alleged Lieutenant Valerio told Officer's Alvarado and Rosas that this was a serious matter which would result in the loss of their current and prospective jobs. Lieutenant Valerio also called in Corporal Schwab and Ongoing together to review the BWC footage as well. Since this case was identified early on by Lieutenant Rodriguez as being egregious, interviewing these individuals together and disclosing the concerns with this case likely tainted the imminent internal affairs investigation and subsequent administrative interviews with those involved. With regards to Lieutenant Valerio's involvement in this case, the IAB determined the following:

a. This allegation is unfounded as a violation of RTDPD Standards of Conduct – Efficiency – 319.5.7(b)

b. This allegation is unfounded as a violation of RTDPD Standard of Conduct – Conduct – 319.5.9(m)

III – SUMMARY OF EVIDENCE

A. An incident on or about June 28, 2026

On June 28th, 2026, at approximately 2239 hours, Officers Alejandro Alvarado and Anthony Rosas responded to the Peoria Station for the report of a trespasser on a light rail train. Upon arrival, the train operator identified the suspect, William Maxey, who was observed face down inside the train, appearing to be asleep. Officer Rosas was standing outside of the train door speaking with the train operator while Officer Alvarado contacted Maxey. Officer Alvarado initiated contact with Maxey by rubbing or patting his side, to which Maxey awoke and responded by rolling over, swatting or waving Officer Alvarado away.

Once Maxey awoke, he appeared disoriented and quickly gathered himself from the floor to a standing position. Maxey then stepped back into a stair well and took a brief defensive or "fighting stance" with his fists balled up by his side momentarily. Simultaneously, Officer Alvarado stepped back and drew his Taser which was pointed at Maxey. Officer Rosas also drew his Taser and pointed it at Maxey who appeared to give up by putting his hands out, after he oriented himself to the environment within

approximately 4-5 seconds. Officer Alvarado and Rosas told Maxey he swung at Officer Alvarado which Maxey disputed. Maxey ultimately complied with commands issued by Officer Alvarado and Rosas and was secured in handcuffs without further incident.

Maxey was then escorted off the light rail vehicle and moved to Officer Alvarado's patrol vehicle where he was directed to sit on the push bumper. Officer Rosas remained with Maxey while Officer Alvarado completed a suspension. During this time, Corporal Schwab called Officer Alvarado and advised he and his trainee, Officer Vigil, were responding to the scene due to Maxey possibly having a warrant related to domestic violence requiring positive identification through the use of Corporal Schwab's fingerprint reader. Corporal Schwab, Officer Vigil, and Ongoing later arrived on scene and Corporal Schwab gathered a brief verbal statement from Officer Alvarado before he contacted Maxey.

Corporal Schwab spoke with Ongoing about what Officer Alvarado advised and determined Maxey would be jailed on attempted assault along with resisting arrest. Maxey was then moved to Corporal Schwab's patrol vehicle and secured in the backseat. Once Maxey was secure, Corporal Schwab interviewed Officer Alvarado with Officer Rosas and Ongoing present. Officer Alvarado stated Maxey swung at him with a closed-back-handed fist when he first woke up and then moved to a standing position. Officer Alvarado stated Maxey took a second swing at him with a closed right-hand while standing, with the alleged swing coming within approximately one and a half to two feet away from his face. Officer Alvarado described having to step back to avoid being contacted by Maxey's swing.

Based on the information provided by Officer Alvarado on scene, Corporal Schwab and Officer Vigil transported Maxey to the Adams County Jail. While in route to the jail, Officer Alvarado called Corporal Schwab and advised he reviewed BWC footage and realized he never told Maxey he was under arrest. Thus, Maxey should not be charged with resisting arrest and only criminal attempt second degree assault which he was ultimately jailed on.

Officer Alvarado, Officer Rosas, Corporal Schwab, Officer Vigil, and Ongoing all completed reports related to this incident which Ongoing approved. Within Officer Alvarado's report, he stated;

"Upon Maxey waking up, Maxey swung a closed backhanded fist at me with his right hand but did not make contact. At this time, I disengaged by stepping back and advised Maxey to "chill out" and announced myself again as "police". As Maxey was turning and coming to his feet to stand up, Maxey swung a closed left-handed fist, in the fashion of a jab at me, but did not make contact. I again stepped back away to avoid being struck."

Officer Alvarado reported a closed left-handed fist, in the fashion of a jab came from Maxey as he was turning to stand up which contrasted with the statement provided to Corporal Schwab on scene where he stated Maxey swung a closed right-handed fist while standing.

On June 29, 2026, Lieutenant Valerio was requested to complete a supervisory review of the incident which was prompted by Lieutenant Fabian Rodriguez due to concerns over the lack of probable cause for the charge pursued based on review of Officer Alvarado and Rosas' BWC footage. Lieutenant Valerio coordinated a meeting with Officers Alvarado and Rosas and a second meeting with Corporal Schwab and Ongoing. During this meeting, BWC footage of the incident was reviewed, and Lieutenant Valerio ultimately determined this incident should be forwarded to the IAB for a formal review. In an email from Lieutenant Valerio, she stated, "The scope of the concerns is significant enough that they cannot be appropriately addressed as a single isolated allegation or through supervisory counseling alone."

B. Lieutenant Alicia Valerio - Written Statement

Due to the fact Lieutenant Valerio had already interviewed the officers involved in this incident prior to the generation of an internal affairs investigation, the IAB requested Lieutenant Valerio complete a written statement to document her involvement in this investigation. On July 8th, 2026, the IAB received an email from Lieutenant Valerio containing her written statement.

Lieutenant Valerio advised on June 29, 2026, at approximately 1138 hours, she received a complaint via email from Lieutenant F. Rodriguez expressing significant concerns regarding the arrest of William Maxey for Attempted Second-Degree Assault on a Peace Officer. Lieutenant Rodriguez stated that, based on his 28 years of law-enforcement experience, the charge immediately appeared inconsistent with typical case-assessment practices. After reviewing the reports and body-worn camera (BWC) footage, Lieutenant Rodriguez concluded the allegations did not align with what was captured on video. He believed the felony charge was unsupported by provable evidence or probable cause.

Lieutenant Rodriguez contacted the District Attorney's Office, which agreed with the concerns and issued a formal declination letter dismissing all charges. His review focused primarily on BWC footage from Officers Alvarado and Rosas. The footage showed Maxey asleep and startled upon waking, making a movement consistent with pushing away or waving off the officer rather than intentionally attempting to assault him. Maxey appeared disoriented, briefly assumed a defensive posture, then quickly complied once he realized officers were present. He apologized and stated he had been startled awake.

Lieutenant Rodriguez concluded that Maxey's conduct did not constitute a substantial step toward committing second-degree assault, nor did it demonstrate specific intent. He emphasized that startled movement, confusion, intoxication, or accidental gestures do not meet statutory requirements for criminal attempt assault. Lieutenant Rodriguez also noted concerns with portions of Officer Alvarado's report, citing poor articulation and professionalism, including failure to obtain the operator's name, and admitting he had not informed Maxey he was under arrest. Lieutenant Rodriguez advised the incident raised serious issues about probable cause, charge selection, report quality, and supervisory oversight, and recommended immediate corrective action.

Following receipt of the complaint, Lieutenant Valerio conducted a supervisory review on June 29, 2026. She examined BWC recordings, reports, the affidavit, and interviewed four of the five involved members, including Officers Alvarado and Rosas, Corporal Schwab, and [redacted] Ongoing She determined the evidence supported the concerns identified by Rodriguez and warranted referral to Internal Affairs.

Valerio first met with Officers Rosas and Alvarado. Officer Alvarado stated the original call was for trespass, which evolved into a welfare check. He reported waking Maxey, who allegedly swung twice, once on the ground and once after standing. Rosas stated he did not observe these actions due to his position at the bottom of the stairs but assisted after hearing commands. Valerio presented the BWC footage to both officers, and Officer Alvarado maintained that he perceived intentional assaultive behavior despite the video showing otherwise.

Officer Alvarado further stated that Corporal Schwab advised him while in route to the scene that Corporal Schwab's trainee would take over the call and complete the arrest. Officer Alvarado acknowledged he later reviewed his own BWC and discovered he had not advised Maxey he was under arrest. He informed Corporal Schwab that resisting arrest would be inappropriate. Corporal Schwab reportedly believed the attempted-assault charge alone was sufficient.

Valerio next met with Ongoing and Corporal Schwab. Ongoing Investigation (§ 24-72-303(3)) Ongoing Investigation (§ 24-72-303(3)) Ongoing Corporal Schwab stated he questioned Officer Alvarado multiple times on these details and acted in good faith relying solely on Officer Alvarado's verbal account, acknowledging he did not review BWC or obtain additional video evidence before determining charges. Ongoing Investigation (§ 24-72-303(3)) Ongoing Investigation (§ 24-72-303(3)) Ongoing Investigation (§ 24-72-303(3)) Ongoing Investigation (§ 24-72-303(3)) The video did not corroborate the described assaultive behavior.

In conclusion, Valerio found discrepancies between reports, narratives, and BWC evidence. Combined with information from supervisory interviews, the inconsistencies supported her determination that Internal Affairs should conduct a full administrative investigation.

C. Interview With Officer Anthony Rosas

On July 9th, 2026, at approximately 0604 hours, Sergeant Daiker and Investigator Beary conducted a recorded administrative interview with Officer Anthony Rosas regarding the June 28, 2026, incident involving subject William Maxey. Attorney Sermons from the Front Line Law Group was present as an observer. Rosas was issued a Garrity advisement, acknowledged his Employee Bill of Rights, and confirmed receipt of all administrative documents.

Officer Rosas stated he has been a Transit Police Officer for approximately 1.5 years and worked the incident involving William Maxey with Officer Alvarado, his partner during this shift. Officer Rosas responded to Peoria Station for a trespass call and contacted William Maxey. Officer Rosas advised the call transitioned to a welfare check due to Maxey's positioning, based on observations upon arrival on scene.

Officer Rosas reported Maxey exhibited a "startle response" upon being woken up by Officer Alvarado, describing a closed-fist backhand motion with Maxey's right hand directed toward Officer Alvarado. Officer Rosas stated he observed only one such motion, the initial startle when Maxey woke up and did not observe any additional swings or jabs towards Officer Alvarado. Officer Rosas advised his positioning prevented him from seeing Maxey's left side once Maxey stood up on an elevated platform.

Officer Rosas confirmed he drew his TASER due to Maxey's fighting stance and clenched fists, all in close proximity to Officer Alvarado, in a confined space, and due to a perceived threat. Officer Rosas stated Maxey was uncooperative during commands to turn around and during handcuffing, pulling and pushing his left arm while being secured in cuffs.

Officer Rosas stated he believed Maxey may have been intoxicated based on odor and attempted to de-escalate by building rapport. He had told Maxey he was not going to jail based on prior clearances showing no warrants and the initial plan to issue a suspension only. He believed Maxey was detained, not arrested, due to the lack of criminal conduct beyond the startle response.

Officer Rosas advised Maxey was held after the suspension was issued because a possible warrant was

later communicated by Corporal Schwab, requiring positive identification. Officer Rosas stated he did not believe probable cause existed for criminal charges based on his observations and did not feel the attempted assault charge was supported.

Officer Rosas stated Corporal Schwab ultimately determined charges would be applicable in this circumstance. Officer Rosas advised he did not observe the second jab alleged by Officer Alvarado. Officer Rosas acknowledged he did not correct Officer Alvarado's account on scene because he believed their differing positions might have caused him to miss something. He stated he believed Officer Alvarado was truthful based on his perception and did not believe Officer Alvarado intentionally provided false information.

Officer Rosas confirmed he and Officer Alvarado later discussed the incident with Lieutenant Valerio in a joint meeting on June 29. During this meeting, Officer Rosas stated Lieutenant Valerio inquired as to when physical contact occurred or when the second punch was allegedly thrown by Maxey. Lieutenant Valerio reviewed Officer Alvarado's BWC with them and instructed them not to discuss the incident with others. Officer Rosas stated no Garrity advisement was provided before that conversation.

At the conclusion of the interview, Officer Rosas affirmed he had not seen any strike toward Officer Alvarado beyond the initial startle response. He denied seeing any intentional jab or attempted assault. Officer Rosas reported no additional information relevant to the investigation.

D. Interview With Officer Alvarado

On July 13th, 2026, at approximately 0603 hours, Sergeant Daiker and Investigator Beary conducted a recorded administrative interview with Officer Alejandro Alvarado regarding the June 28, 2026 incident involving William Maxey. Attorney Taylor Frandsen from the Front Line Law Group was present as an observer. Officer Alvarado was provided a Garrity advisement, confirmed understanding, and acknowledged receipt of all related administrative documents, including the Employee Bill of Rights.

Officer Alvarado stated he has been a Transit Police Officer since 2024. On June 28, 2026, Officer Alvarado responded to the Peoria Station with his partner, Officer Rosas, for a reported trespass. Upon arrival, the train operator advised the male subject, William Maxey, collapsed after refusing to exit. Officer Alvarado contacted Maxey, who was lying face down near the train's exit steps.

Officer Alvarado reported announcing "police" twice without response, then tapping Maxey's ribs to assess for medical issues. Upon this contact, Officer Alvarado stated Maxey swung backward with his right hand. As Maxey rotated upward into a seated position and then stood up, Officer Alvarado stated he perceived two additional closed-fist motions from Maxey, one with both hands coming forward as he went to stand, and another right-hand jab-type motion once in a standing position. He stated none of the swings made physical contact, but perceived Maxey was attempting to assault him by throwing a jab or a punch. Officer Alvarado acknowledged the initial backhand from Maxey appeared to be a startle response, but believed subsequent actions were intentional after Maxey looked at him.

Officer Alvarado stated he drew his TASER due to feeling endangered in the confined train space and observed Maxey take a fighting stance. Maxey was repeatedly noncompliant with commands, attempted to reach for a satchel, put his hands in his pockets, and exhibited slight pulling motions during handcuffing. Officer Alvarado described the resistance as minor but present.

Officer Alvarado reviewed Officer Rosas' body-worn camera (BWC) footage shortly after Maxey was taken to jail but was unable to access his own footage independently due to technical issues with the Axon application on his phone. He confirmed he had only reviewed a portion of the footage before writing his report. In reviewing the BWC footage during this administrative interview, Officer Alvarado identified the same three perceived swings: initial backhand upon Maxey waking, two-hand forward movement during rotation, and a third jab-type motion while standing. Officer Alvarado stated he believed a reasonable person would also agree that Maxey had intent to assault him based on the observed BWC footage.

Officer Alvarado stated his initial intention on scene was only to issue a trespass/disorderly conduct suspension and possibly a summons for resisting arrest. He advised that Corporal Schwab later informed him of a potential domestic-violence warrant and discussed charging Maxey with attempted second-degree assault. Officer Alvarado reported he did not feel comfortable independently charging attempted assault due to lack of training with that statute and fear of contradicting supervisory direction. He stated he updated the RMS suspension information to match the charge Corporal Schwab intended to pursue.

Officer Alvarado stated he believed Maxey should have continued to be detained after the suspension was initially issued to confirm Maxey's identity due to the possible warrant. Officer Alvarado described, after reviewing Rosas' BWC footage, he did not announce that Maxey was under arrest and later communicated this concern to Corporal Schwab. Subsequently Maxey was not charged with resisting arrest by Corporal Schwab and his trainee, Officer Vigil, who took over custody of Maxey.

Officer Alvarado described providing a statement to Corporal Schwab and [redacted] on scene. He acknowledged portions of his statement were made "in the heat of the moment," including confusion about whether Maxey was seated or standing during certain swings and misidentifying which hand was used. He stated these inconsistencies were due to stress, being hyper-focused, and difficulty recalling events accurately shortly after the incident. Officer Alvarado elaborated in saying this was a stressful situation for himself and further went on to state he had never been involved in a use of force incident while employed as a sworn officer with RTD Transit Police.

Officer Alvarado stated he did not intentionally provide false or misleading information in his report or interview while on scene, and any inaccuracies reflected his initial perception rather than intent. He stated he felt conflicted about whether attempted assault was the appropriate charge and that he still lacked confidence in independently determining applicability due to unfamiliarity with the criminal attempt statute.

Officer Alvarado confirmed he later spoke with Lieutenant Valerio, who reviewed BWC footage with him and Officer Rosas and asked whether physical contact occurred with Maxey. Lieutenant Valerio questioned him as to when the attempted assault occurred and required clarification for when the second punch or jab was thrown. Officer Alvarado stated no Garrity advisement was provided before this conversation. Lieutenant Valerio advised that second-degree assault can no longer be charged without supervisor approval and stated the incident could potentially result in an IA investigation with consequences for future employment at outside agencies. Officer Alvarado confirmed he had no further discussions about the incident with others.

Officer Alvarado stated that although his BWC does not fully reflect his perceived threat level, he believed Maxey attempted to assault him based on his experience and training. However, he remained conflicted about the appropriateness of the charge due to limited experience with the statute. He reported no other

relevant information at the conclusion of the interview

E. Follow Up Phone Call with Officer Rosas

On July 14, 2026, Sergeant Daiker contacted Officer Rosas via telephone to clarify information related to his interview. Officer Rosas was asked to confirm whether Lieutenant Valerio had told him and Officer Alvarado that, if the incident were forwarded to Internal Affairs, both officers were likely to lose their jobs at their prospective agencies. Officer Rosas stated he remembered the comment and confirmed Valerio made that statement.

Officer Rosas explained that Valerio told him there was a "high chance" he would lose his job at Jefferson County and similarly advised that because Officer Alvarado was transferring out of state, his prospective employment carried an "even higher" possibility of being jeopardized if the matter proceeded to Internal Affairs. Officer Rosas described her demeanor as serious and firm but not threatening. He stated she appeared focused on trying to understand the incident after having been off the previous day.

Officer Rosas confirmed that Lieutenant Valerio explicitly said the incident being sent to Internal Affairs could result in both officers losing their new positions.

F. Interview with Officer Joshua Vigil

On July 16th, 2026, Sergeant Daiker and Investigator Beary conducted a recorded administrative interview with Officer Vigil, who was identified as a witness in IA 26-13. Officer Vigil confirmed receiving the Axon Standards interview notification and signed all required acknowledgments.

Officer Vigil stated he had been a Transit Police Officer for approximately 1.5 months and a certified officer for two months. At the time of the June 28 incident, he was in Phase II of field training with FTO Corporal Schwab.

Officer Vigil advised he and Corporal Schwab self-dispatched to the Peoria Station call for training purposes. While in route, Corporal Schwab cleared the subject's name and told Officer Vigil they might take the individual, William Maxey, into custody for a warrant. Upon arrival, Officer Vigil observed Officers Rosas and Alvarado on scene, and Maxey was already handcuffed. Corporal Schwab instructed Officer Vigil to maintain visual and continuously observe Maxey while providing scene security.

Officer Vigil stated Maxey repeatedly told him the warrant belonged to his brother. Corporal Schwab later advised him the physical description did not match the subject listed in the warrant. Officer Vigil was then instructed to search Maxey, secure him in their patrol vehicle, and inventory his belongings. Officer Vigil reported no officer on scene initially told him Maxey had committed any criminal act. Corporal Schwab later informed him that Maxey would be going to jail based on an interview Corporal Schwab conducted with Officer Alvarado in relation to this incident.

Officer Vigil confirmed he completed the arrest affidavit for Maxey. He stated this was his first affidavit and that he wrote it solely based on Corporal Schwab's BWC interview with Alvarado, which he watched on Corporal Schwab's phone while in route to the jail. Officer Vigil stated Corporal Schwab told him this

was a "good training opportunity."

Officer Vigil advised Maxey was jailed for attempted assault on a peace officer. He stated he had never charged criminal attempt before and relied entirely on Corporal Schwab's body-worn camera interview with Officer Alvarado for the probable cause narrative. He had not reviewed any BWC from Officers Rosas or Alvarado prior to writing the affidavit.

During this interview, Officer Vigil was shown Officer Alvarado's BWC footage for the first time. After reviewing the footage, Officer Vigil stated the video did not support attempted assault. He observed only a single startle-response motion when Maxey was awakened and no second or third swing. Officer Vigil stated Maxey did not attempt to assault Officer Alvarado and did not take a fighting stance. Officer Vigil identified a clear conflict between the video evidence and Officer Alvarado's account in Corporal Schwab's interview.

Officer Vigil stated he believed Officer Alvarado's description of multiple swings and a fighting stance was exaggerated and not supported by the video. He further stated that, based on both BWC footage and his own observations, Maxey's initial movement appeared to be a normal startle response, possibly exacerbated by intoxication, and not an intentional assault.

Officer Vigil reported he had no prior contact with Maxey and was unaware of any officer who had. He confirmed he had received academy instruction on assault and criminal attempt. Officer Vigil stated he had not discussed the incident with any supervisor prior to the internal affairs interview.

Officer Vigil concluded by reaffirming that his affidavit was based solely on Corporal Schwab's interview footage, which he now recognized was inconsistent with the actual BWC evidence. He stated he had no additional information to add.

G. Interview with Corporal Andrew Schwab

On July 21, 2026, Sergeant Daiker and Lieutenant Cross conducted a recorded administrative interview with Corporal Andrew Schwab regarding IA 26-13. Corporal Schwab was accompanied by legal counsel and was issued a Garrity advisement, which he acknowledged. He confirmed receipt of the Axon Standards subject letter and the Employee Bill of Rights.

Corporal Schwab stated he has been a police officer for approximately ten years, employed with RTD for two years, and promoted to corporal about one year prior. He previously worked for Auraria Campus Police and DOC and served seven years in the Army Reserve.

At the time of the June 28 incident, Corporal Schwab was the shift corporal and field training officer (FTO) for Officer Vigil, who was on his first day of his second phase of training. Corporal Schwab responded to the Peoria Station after hearing an emergency tone indicating a possible struggle and a subject placed at Taser point; he decided to respond for both assistance and training purposes.

Upon arrival, Corporal Schwab contacted Officers Alvarado and Rosas. Maxey was detained in handcuffs but not under arrest at that time. Corporal Schwab interviewed Officer Alvarado, who stated Maxey had "swung on [him] twice." Corporal Schwab later completed a more detailed interview with Officer Alvarado while still on scene. In that interview, Officer Alvarado said he contacted Maxey lying on the train floor,

woke him up, and Maxey produced a startle response, swiping backward with his right hand. Officer Alvarado further stated Maxey grabbed his wrist, then stood, took a fighting stance, and swung at him one or two more times with closed fists.

Corporal Schwab stated Officer Rosas did not tell him he observed any swing. Corporal Schwab did not interview Officer Rosas. He did not review any BWC footage before directing charges or approving the arrest. He stated that reviewing BWC prior to charging is not common practice, and that he relied on Officer Alvarado's statements in good faith.

Corporal Schwab determined probable cause for criminal attempt–second-degree assault on a peace officer would be appropriate in this circumstance, discussed the decision with Ongoing, and both agreed to proceed. He instructed Officer Vigil to complete the arrest affidavit for training purposes.

Corporal Schwab later reviewed Officer Alvarado's BWC footage with Lieutenant Valerio and Ongoing On the day after the incident. He stated the video did not show Maxey swinging at Officer Alvarado at any point beyond a startle response upon waking. Corporal Schwab described the startle response as normal human behavior and stated he was concerned by the discrepancy with Officer Alvarado's statements. He did observe Maxey stagger his feet and raise his hands slightly, but stated there was no swing that aligned with Alvarado's account.

Corporal Schwab stated he did not believe Officer Alvarado intentionally lied; rather, he believed Officer Alvarado was sincere in his perception. However, based on the BWC footage, Corporal Schwab stated Maxey did not attempt to assault Alvarado and would not have been arrested had the BWC been reviewed on scene.

Corporal Schwab confirmed he had no prior contact with Maxey and was not aware of any officers who did. He stated there is no departmental pressure to charge individuals because they were handcuffed or because a TASER was drawn.

Corporal Schwab reported discussing the incident with Ongoing and Lieutenant Valerio on June 29. He stated Lieutenant Valerio reviewed a complaint concerning discrepancies between the affidavit and BWC evidence and asked him to explain the basis for the arrest. He stated she did not provide a Garrity advisement prior to that discussion and did not mention discipline or accuse anyone of wrongdoing during the conversation.

At the end of the interview, Corporal Schwab acknowledged an additional conflict: Officer Alvarado told him the second swing was with Maxey's right hand, but Officer Alvarado's official report stated it was the left hand. Corporal Schwab stated he had no further information to add.

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I. Interview with Lieutenant Alicia Valerio

On July 29, 2026, Lieutenant Alicia Valerio was interviewed by Sergeant Daiker and Investigator Beary regarding IA 26-13. She acknowledged receipt of the Axon Standards subject letter and Employee Bill of Rights. A Garrity advisement was provided, accepted, and signed.

Lieutenant Valerio stated she has served as a Transit Police sergeant since May of 2024 and as a lieutenant for approximately one year. She has been a certified police officer since 2015, with prior employment with Auraria Campus Police for 11 years.

Lieutenant Valerio confirmed awareness of the June 28 incident involving William Maxey, stating Officers Alvarado and Rosas were on scene, and Corporal Schwab and [redacted] Ongoing responded afterward. She received a complaint from Lieutenant Rodriguez requesting a supervisory review of the case. Lieutenant Valerio stated she understood her role to include reviewing reports, reviewing body-worn camera footage, and speaking with involved personnel, though she had not received formal training on conducting supervisory reviews.

Lieutenant Valerio stated she reviewed all reports and body-worn camera footage prior to briefing at 0900 hours on June 29th with her team. Based on her review, she determined there was no probable cause for the criminal charges brought against Maxey.

Regarding officer performance, Lieutenant Valerio stated Officer Rosas acted appropriately as a cover

officer, and she identified no concerns with his actions. However, she stated Officer Alvarado's perception of events did not align with the body-worn camera footage, and that he lacked supervisory guidance at the time.

Lieutenant Valerio stated Corporal Schwab, as the primary officer writing the report and completing the affidavit, should have reviewed the body-worn camera footage before determining probable cause. She further stated that supervisors should also have reviewed available video evidence due to discrepancies between officers' accounts.

Lieutenant Valerio stated that at the time of her initial supervisory review, she intended to address the matter at the supervisory level with a written reprimand for [redacted] due to report approval issues and not catching inconsistencies. She later received emails from the Deputy Chief advising she may consider forwarding the matter to IA, and the District Attorney overseeing the case had described the arrest as "a really bad arrest." After additional review, Lieutenant Valerio determined the matter should be forwarded to Internal Affairs.

When asked about policy concerns, Lieutenant Valerio stated she believed there were issues related to efficiency and report approval under supervisory responsibilities, citing [redacted] failure to identify inconsistencies that could have halted the arrest. Lieutenant Valerio stated she did not believe Officer Alvarado intentionally lied but instead attributed discrepancies to be related to his inexperience and lack of supervisory oversight.

Lieutenant Valerio confirmed she conducted a debrief with all involved personnel. She brought in Officers Rosas and Alvarado together, and later Corporal Schwab and [redacted] together. She stated this was consistent with her standard practice for supervisory debriefs and not intended as official IA interviews. She did not administer Garrity advisements because she believed she was conducting a routine supervisory follow-up, not an Internal Affairs investigation.

Lieutenant Valerio stated she showed each group the relevant body-worn camera footage. Officer Rosas remained quiet during this meeting. Officer Alvarado stated, "I remember him trying to swing at me," despite the footage showing no attempted assault.

Lieutenant Valerio expressed that she believed her involvement compromised the IA process because she had not been told the matter might be referred to Internal Affairs. She stated that had she known, she would have handled the interviews differently, including separating personnel and seeking guidance on proper procedure.

Lieutenant Valerio denied telling Officers Rosas or Alvarado that they would lose their potential future employment if the matter went to IA. She stated she instead advised that, in general, confidentiality in IA matters is important because pending IA investigations can affect future hiring processes. She denied telling them they would lose their current or future jobs.

Lieutenant Valerio stated she discussed the case only with the Deputy Chief and Lieutenant Rodriguez via email. She acknowledged asking Sergeant Marcos Hernandez for informal guidance on how he would handle such a review after noticing that officers in the briefing room already appeared to be discussing the incident.

In clarifying questions, Lieutenant Valerio stated she would normally bring involved personnel together for routine debrief but would separate them if conducting an actual IA interview. She reiterated she had

no prior training regarding supervisory reviews at RTD and acted as she would in any routine complaint review. Lieutenant Valerio stated she had nothing further to add at the conclusion of this interview.

J. Sergeant Marcos Hernandez – Written Statement

During the course of this investigation, the IAB was notified by Sergeant Marcos Hernandez that Lieutenant Valerio had spoken with him regarding the incident involving William Maxey. Based on this information, the IAB requested Sergeant Hernandez complete a written statement pertaining to his conversation with Lieutenant Valerio.

Sergeant Hernandez advised June 30, 2026, at approximately 2130 hours, Lieutenant Valerio approached him to request his opinion regarding concerns she had about the June 28 incident involving Officers Alvarado and Rosas. Lieutenant Valerio informed Sergeant Hernandez of the following:

-Officers Alvarado and Rosas responded to a call involving a male refusing to deboard a bus.

-Upon arrival, Officer Alvarado observed the male lying on the floor near the door. After waking the male, who appeared confused but compliant once he realized police were present, both officers held him at TASER point and placed him in handcuffs.

-Corporal Schwab arrived, learned from Officer Alvarado that the male had allegedly stood up and swung at him twice without making contact, and advised that attempted assault on a peace officer and resisting arrest should be charged. Officer Alvarado agreed.

-Corporal Schwab completed the arrest affidavit and transported the male to jail.

-During transport, Officer Alvarado called Corporal Schwab to advise resisting arrest should not be charged because he had never told the male he was under arrest.

Lieutenant Valerio told Hernandez that after reviewing the report and body-worn camera footage, she believed:

-The male subject had been asleep, startled awake, and never swung at Officer Alvarado.

-TASER-pointing was not justified under the circumstances.

-Officer Alvarado lied about the male swinging at him and agreed to jail him on a felony attempted-assault charge unsupported by video evidence.

-Officer Alvarado reviewed his own BWC and informed Corporal Schwab not to charge resisting arrest because he had not advised the male he was under arrest.

Lieutenant Valerio expressed she wanted to forward the matter to Internal Affairs but felt as though she would be "railroading" the officers. Sergeant Hernandez advised Lieutenant Valerio that, due to the integrity issues she identified, the matter needed to be forwarded to IA. He explained that although it might feel as though she was "throwing the officers under the bus," failure to report the

issue would expose her to potential blame for not elevating the concern. Sergeant Hernandez concluded by stating his written account was based on his best recollection of their conversation.

K. Additional Investigation

1. Within Officer Alvarado's administrative interview, he stated he had never been involved in a use of force incident as a sworn officer throughout his employment with RTDPD. The IAB reviewed Officer Alvarado's AXON Standards profile and specifically investigated whether Officer Alvarado has been involved in any use of force incidents while employed with RTDPD. The IAB discovered the following use of force incidents in which Officer Alvarado was associated.

   Alvarado, Alejandro (2447)

   Use of Force (4)

   -EVT-00000293-1: 03/19/2025 – Officer Alvarado is listed as "INVOLVED"
   -EVT-00000245-1: 05/15/2025 – Officer Alvarado is listed as "INVOLVED"
   -EVT-00000413-1: 07/23/2025 – Officer Alvarado is listed as "WITNESS"
   -EVT-00000477-1: 09/25/2025 – Officer Alvarado is listed as "INVOLVED"

2. RTD Transit Police Communications Manager Alex Brodsky was contacted via email and requested to pull any associated radio traffic and phone communications related to RTDPD case 2026004107. The associated phone and radio traffic was pulled/preserved and reviewed by the IAB.

3. Incident report 2026004107 was reviewed by the IAB including all associated police reports and CAD report 26039762.

4. The IAB reviewed BWC footage for incident 2026004107.

5. The IAB reviewed the associated surveillance footage which was retrieved and preserved by the RTD Video Investigations Division for incident 2026004107.

6. The IAB reviewed William Justice Maxey's declination letter related to this case. The Letter was dated June 30, 2026, from Senior Deputy District Attorney Lamar Sims assigned to the 17th Judicial District, Adams and Broomfield Counties. Within this letter, Sims explains, "Based upon the facts and circumstances currently known to us, it is our opinion that a criminal prosecution cannot be initiated at this time [Against Maxey] because there is no reasonable likelihood of proving case after considering defenses available to suspect."

7. The IAB reviewed William Maxey's arrest paperwork to include the Warrantless Arrest Affidavit submitted by Officer Vigil.

8. Due to the circumstances regarding this incident, Sergeant Daiker (IAB) vacated William Maxey's RTD suspension on 7/13/2026 after Adams County DA Declined to pursue charges.

IV – CREDIBILITY ASSESSMENT

The credibility of an individual is influenced by several factors, including their honesty, the reliability of their account, and their motivations.

The first factor pertains to the individual's truthfulness, while the second focuses on their ability to accurately perceive and recall the events in question. The third factor considers the individual's involvement in the investigation and any potential consequences that may arise from its outcome. Additionally, it's important to evaluate whether the individual's account is logical, consistent, and plausible.

A. Officer Alejandro Alvarado

The primary individual to assess is Officer Alvarado, as the allegations of misconduct stem from his statements and recollection of the incident which resulted in the arrest of William Maxey. Officer Alvarado had been employed with RTD Transit Police since 2024 and has several years of prior law-enforcement related experience. However, throughout this investigation, substantial inconsistencies were identified between his statements on scene, his police report, and the body-worn camera footage documenting this incident.

Officer Alvarado reported that Maxey attempted to strike him twice, once upon waking and again while standing, describing varying hand usage (closed right-hand hook vs. closed left-hand jab) and differing postures depending on the in person interviews versus his police report. These claims were not corroborated by body-worn camera footage. Multiple independent reviewers, including Lieutenant Rodriguez, Lieutenant Valerio, Corporal Schwab, [redacted] Ongoing, and Officer Vigil confirmed the footage does not depict any intentional assaultive movement beyond a startle response.

Officer Alvarado attributed his inconsistencies to stress, hyper-focus, and confusion in the moment. While situational stress can impact recall, the degree and nature of the inconsistencies, particularly regarding core material facts, significantly undermine the reliability of his account. Some of the details he confidently asserted (distance of the alleged jab, hand used, whether Maxey was seated or standing) are not supported by video evidence, nor by other witnesses. Officer Alvarado also described this incident as being highly stressful for him and stated to the IAB that he had not been involved in a use of force while employed with RTDPD. However, AXON standards reflect three separate incidents where he has been listed as involved pertaining to uses of force.

There is no evidence suggesting personal malice or animosity toward Maxey. However, the material discrepancies in Officer Alvarado's account created probable cause for a felony arrest that was later determined unsupported by evidence resulting in an unlawful arrest. His inability to reconcile his recollection with objective video documentation diminishes his credibility substantially.

Based on the above information, the IAB finds Officer Alejandro Alvarado to be <u>not credible</u>.

[redacted] Ongoing Investigation (§ 24-72-303(3))

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Ongoing Investigation (§ 24-72-303(3))

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Ongoing Investigation (§ 24-72-303(3))

C. Corporal Andrew Schwab

Next, we assess the credibility of Corporal Andrew Schwab. Corporal Schwab has approximately ten years of police experience and served as the shift corporal and field training officer on the date of this incident. He was not present during the initial contact with Maxey and relied exclusively on Officer Alvarado's account when forming probable cause for arrest.

Corporal Schwab consistently stated within his supervisory and administrative interviews that he acted in good faith based on Officer Alvarado's description of events. His recollection of those statements was clear and aligned with what other personnel described Officer Alvarado stated on scene. Corporal Schwab openly acknowledged he did not review BWC footage prior to determining charges, citing common practice and lack of suspicion toward Officer Alvarado's account at the time.

Upon later reviewing the BWC footage with Lieutenant Valerio, Corporal Schwab immediately recognized the discrepancy between Officer Alvarado's statements and the BWC recording. He stated unequivocally that the arrest would not have occurred had BWC been reviewed on scene. Corporal Schwab's acknowledgement of his own possible procedural shortcomings, as well as his willingness to reassess his decisions based on new evidence, support his credibility.

Corporal Schwab demonstrated no motive to deceive, and his recollection of events was accurate and corroborated by others. His statements were consistent, logical, and aligned with physical evidence once he had the opportunity to review it.

Based on the above information, the IAB finds Corporal Andrew Schwab to be credible.

D. Officer Anthony Rosas

Next, we assess Officer Anthony Rosas' credibility. Officer Rosas has approximately 1.5 years of service as a sworn officer with RTD Transit Police and responded with Officer Alvarado to the incident involving William Maxey. Officer Rosas stated he observed only the initial startle response and did not see any subsequent assaultive movement from Maxey. He attributed this to his positioning on scene stating he was focused on the train operator and was located at the bottom of the train stairs.

BWC footage showed Officer Rosas' camera was oriented toward Maxey and Alvarado throughout the interaction. However, Officer Rosas maintained consistency in his statements advising he observed only one motion from Maxey, he believed it to be a startled reaction, and he did not perceive intent from Maxey for an assault. The IAB recognizes the fact that BWC may show many aspects of the case but do not always provide an accurate representation of where/what the officer was looking at.

Although Officer Rosas was present during Officer Alvarado's on-scene interview, Officer Rosas stated he did not correct Officer Alvarado's account because he believed their different vantage points may have caused him to miss Maxey's second attempted jab towards Officer Alvarado. This explanation is plausible given uncertainty in quickly evolving situations. Officer Rosas' statements were largely consistent with BWC footage, supervisory reviews, and later case analysis. His recollection aligns with the objective evidence and demonstrates no intent to mislead.

Based on the above information, the IAB finds Officer Anthony Rosas to be credible.

E. Lieutenant Alicia Valerio

Finally, we consider Lieutenant Valerio's credibility. Lieutenant Valerio conducted the initial supervisory review at the request of Lieutenant Rodriguez. She reviewed reports, BWC footage, and personally interviewed the officers involved. Her written statement and subsequent administrative interview were consistent with one another and aligned with the objective evidence. Her assessment that probable cause did not exist for Maxey's arrest was corroborated by the BWC footage, the District Attorney's declination letter, and independent reviews by multiple personnel.

Officers Alvarado and Rosas later alleged that Valerio told them they would lose their current and prospective jobs if this matter went to IA. Lieutenant Valerio denied making such statements, stating she only advised them that confidentiality was important and that pending IA investigations can affect hiring processes. Lieutenant Valerio's explanation was plausible, and her recollection remained consistent. Additionally, context suggests her comments may have been misinterpreted by the officers.

Lieutenant Valerio demonstrated candor about procedural shortcomings in her supervisory review, including her lack of formal training and inadvertent compromise of confidentiality related to the internal affairs investigation. This self-awareness supports her overall credibility. Her conclusions throughout the review process are corroborated by independent evidence.

Based on the above information, the IAB finds Lieutenant Alicia Valerio to be credible.

V – ANALYSIS

Pursuant to RTDPD Policy 1004.9.5, each personnel complaint shall be classified with one of the following dispositions:

Unfounded: When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated: When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not Sustained: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

A. Officer Alejandro Alvarado

(1) RTDPD Standards of Conduct – Performance – 319.5.8(a) states in part:

Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(2) RTDPD Standards of Conduct – Performance – 319.5.8(c) states in part:

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(3) RTDPD Standards of Conduct – Conduct – 319.5.9(h) states in part:

Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(4) RTDPD Standards of Conduct – Conduct – 319.5.9(m) states in part:

Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this

department or its members.

(5) RTDPD Law Enforcement Authority – Arrest Authority Within the Jurisdiction of the Regional Transportation Police Department - 100.3.1(c) states in part:

The arrest authority within the jurisdiction of the Regional Transportation District Police Department includes (CRS § 16-3-102):

(c) When there is probable cause to believe that an offense was committed by the person to be arrested.

(6) RTDPD Law Enforcement Authority – Constitutional Requirements – 100.6 States in part:

All members shall observe and comply with every person's clearly established rights under the United States and Colorado Constitutions.

The complained of act is that Officer Alvarado misrepresented material facts regarding Maxey's alleged assaultive behavior and provided false or misleading statements both on scene and in his official report. The investigation revealed clear inconsistencies between Officer Alvarado's accounts of the alleged second and possibly third swings/jabs and the body-worn camera footage, which showed no intentional assaultive behavior beyond a brief startle response.

During the on-scene interview, Officer Alvarado stated Maxey swung a closed right fist within 1.5–2 feet of his face while standing. In his formal report, he wrote that Maxey swung a closed left fist "in the fashion of a jab" while rising to his feet. He also reported varying postures (seated vs. standing), distances, and hand usage. None of these descriptions leading to the alleged attempted assault are supported by the BWC footage which was reviewed by multiple supervisors and the District Attorney. Officer Alvarado should reasonably know that his actions in this matter are unbecoming a member of this department and tends to reflect unfavorably upon the department or it's members considering his statements and inaccurate perceived observations led to the unlawful arrest of Maxey, lacking the required probable cause standard.

By providing materially inaccurate statements which directly resulted in a felony arrest unsupported by probable cause, Officer Alvarado violated his obligation to provide truthful and accurate information during investigations and reports. His statements formed the entirety of the probable cause used to arrest Maxey, thereby violating policy governing arrest authority (100.3(c)) and constitutional requirements related to unreasonable seizure (100.6). Consequently, the IAB finds the allegations brought against Officer Alvarado to be:

1. RTDPD Standards of Conduct – Performance – 319.5.8(a) – **Sustained**

2. RTDPD Standards of Conduct – Performance – 319.5.8(c) – **Sustained**

3. RTDPD Standards of Conduct – Conduct – 319.5.9(h) – **Sustained**

4. RTDPD Standards of Conduct – Conduct – 319.5.9(m) – **Sustained**

5. RTDPD Law Enforcement Authority – Arrest Authority Within the Jurisdiction of the Regional Transportation Police Department - 100.3.1(c) – **Sustained**

6. RTDPD Law Enforcement Authority – Constitutional Requirements – 100.6 – **Sustained**

[redacted]
Ongoing Investigation (§ 24-72-303(3))

[redacted]
Ongoing Investigation (§ 24-72-303(3))

[redacted]
Ongoing Investigation (§ 24-72-303(3))

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Ongoing Investigation (§ 24-72-303(3))

[redacted]
Ongoing Investigation (§ 24-72-303(3))

C. Corporal Andrew Schwab

(1) RTDPD Standards of Conduct – Supervisor Responsibilities – 319.3.2(a) stated in part:

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(2) RTDPD Standards of Conduct – Performance – 319.5.8(a) states in part:

Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

The complained of act is that Corporal Schwab failed to review BWC footage before directing charges and relied solely on Officer Alvarado's account to establish probable cause in this case. Corporal Schwab then directed his trainee, Officer Vigil, to complete an arrest affidavit for William Maxey which was written based only on the statements gathered from Officer Alvarado.

The investigation revealed Corporal Schwab relied entirely on Officer Alvarado's statements and he did not review any available BWC footage to support the arrest of William Maxey while on scene. However, the investigation revealed this was consistent with existing work practices and no evidence suggests Corporal Schwab intentionally made any false or misleading statements, to include in the arrest affidavit. Additionally, Corporal Schwab acted in good faith based on the information he was provided and immediately acknowledged, once shown BWC footage the following day, that the assault did not occur. He later stated Maxey would not have been arrested had he known the video contradicted Officer Alvarado's account.

Although Corporal Schwab's investigation was superficial, it did not rise to the level of a violation under the cited policies since the failure in this circumstance was procedural rather than deceptive, negligent, or intentional to the level required for misconduct. Corporal Schwab and other supervisors or officers should be able to trust another Officer's account of an event, which in this case created

the perceived probable cause in support of an arrest while on scene. Good practice would suggest that review of BWC or additional surveillance footage should be conducted prior to determining to jail a suspect, especially when relying only on statements of another officer, but is not required per RTDPD policy at this time. Supervisory practice failures were identified. However, Corporal Schwab's actions in this incident do not rise to the level of misconduct pertaining to this policy based on the facts presented. Consequently, the IAB finds the allegations brought against Corporal Schwab to be:

1. RTDPD Standards of Conduct – Supervisor Responsibilities – 319.3.2(a) – **Unfounded**

2. RTDPD Standards of Conduct – Performance – 319.5.8(a) – **Unfounded**

D. Officer Anthony Rosas

(1) RTDPD Standards of Conduct – Performance – 319.5.8(a) states in part:

Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(2) RTDPD Standards of Conduct – Performance – 319.5.8(c) states in part:

Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(3) RTDPD Standards of Conduct – Conduct – 319.5.9(m) states in part:

Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

The complained-of act is that Officer Rosas failed to correct inaccurate statements made by Officer Alvarado and falsely reported being unable to see the alleged second assault due to positioning. The investigation revealed that Officer Rosas did not observe any attempted assault beyond the initial startle response and consistently denied seeing a second swing.

Although Officer Rosas' BWC was oriented toward the event, it is feasible that his attention was divided between the operator and developing situation. Officer's BWC footage captures what it is being pointed at but cannot correctly identify what an officer is always looking at. However, Officer Rosas did not report seeing any intentional swing and did not support Officer Alvarado's claim.

The failure to correct Officer Alvarado's statements on scene does not constitute misconduct, as Officer Rosas reasonably believed his vantage point might have caused him to miss something. His statements throughout the administrative interview were consistent, truthful, and aligned with his official police report where he stated he did not observe the attempted assault on Officer Alvarado. Consequently, the IAB finds the allegations brought against Officer Rosas to be:

1. RTDPD Standards of Conduct – Performance – 319.5.8(a) – **Unfounded**

2. RTDPD Standards of Conduct – Performance – 319.5.8(c) – **Unfounded**

3. RTDPD Standards of Conduct – Conduct – 319.5.9(m) – **Unfounded**

E. Lieutenant Alicia Valerio

(1) RTDPD Standards of Conduct – Efficiency – 319.5.7(b) states in part:

> **Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.**

(2) RTDPD Standards of Conduct – Conduct – 319.5.9(m) states in part:

> **Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.**

The complained of act is that Lieutenant Valerio improperly interviewed officers together during her supervisory review and allegedly stated they would lose their jobs if the matter went to Internal Affairs.

The investigation revealed Lieutenant Valerio conducted a supervisory debrief with those involved in this incident and followed her standard practice for handling internal complaints. Lieutenant Valerio advised she was under the initial impression she would handle Lieutenant Rodriguez's complaint and would be the one imposing discipline. Lieutenant Valerio had not received formal training regarding supervisory reviews but attempted to evaluate the case thoroughly. She acknowledged that the lack of confidentiality might complicate later internal affairs proceedings, but this was due to unclear direction rather than misconduct. Lieutenant Valerio identified how she would have handled this case differently if she was made aware that this incident was likely to result in a formal review by the IAB.

Regarding the alleged statement that Officers Alvarado and Rosas would lose present or future employment, Officer Rosas interpreted Valerio's comments as such. However, Lieutenant Valerio stated she only informed them generally that confidentiality is critical because pending internal affairs

cases can affect hiring processes. Given the lack of corroboration and plausible alternative interpretation, the allegation is not supported. Consequently, the IAB finds the allegations brought against Lieutenant Valerio to be:

1. RTDPD Standards of Conduct – Efficiency – 319.5.7(b) – **Unfounded**

2. RTDPD Standards of Conduct – Conduct – 319.5.9(m) – **Unfounded**

Approved:

Christopher Daiker, Sergeant

8/18/2026
Date

ATTACHMENT LOG

-Emails from Lieutenant's Fabian Rodriguez and Alicia Valerio
-Case 2026004107
-Detailed Report – Call #26039762
-William Maxey Declination Letter
-2026004107 peoria station – Valerio Written Statement
-Sergeant Hernandez' Written Statement
-Notice IA 26-13 Alvarado
-Officer Alvarado Garrity Advisement
Ongoing Investigation (§ 24-72-303(3))
-Notice IA 26-13 Schwab
-Corporal Schwab Garrity Advisement
-Notice IA 26-13 Rosas
-Officer Rosas Garrity Advisement
-Notice IA 26-13 Valerio
-Lieutenant Valerio Garrity Advisement
-Notice IA 26-13 Vigil
-2026004107 Phone
-2026004107 RTD PD DSP
-Maxey Arrest Paperwork – 2026004107
-UOF EVT-00000293-1
-UOF EVT-00000345-1
-UOF EVT-00000413-1
-UOF EVT-00000477-1
-Alvarado, A. #2447 (BWC)
-Rosas, A. #2450 (BWC X2)
-Schwab, A. #2412 (BWC X3)
Ongoing Investigation (§
-Vigil, J. #2609
-Daiker, C. #2003 Alvarado Interview (BWC)
-Daiker, C. #2003 Rosas Interview (BWC)
-Daiker, C. #2003 Vigil Interview (BWC)
-Daiker, C. #2003 Rosas Phone Call (BWC)
-Daiker, C. #2003 Schwab Interview (BWC)
Ongoing Investigation (§ 24-72-303(3))
-Daiker, C. #2003 Valerio Interview (BWC X2)
-LRV336_5_20260628_230339.wma
-26-004107.NH7110C4.jpg
-26-004107.zip
-LRV336_5_20260628_230052.jpg

Open Records Exemptions

Enclosed please find a copy of the response documents for your open records request. The following information is provided to explain the process employed to review and produce the response documents.

Reason	Description	Pages
Ongoing Investigation (§ 24-72-303(3))		1-8, 10, 13-16, 19, 20, 24, 25, 29