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CITY OF LONE TREE

Police Department

December 29, 2022

SENT VIA EMAIL TO: BrittanyFreeman@RMPBS.org

Brittany Freeman
2101 Arapahoe Street
Denver, Co 80205

RE: Summary of Internal Affairs (Goble)

Ms. Freeman,

Below is a summary of internal investigations and disciplinary actions involving former police Officer Luczak. These investigations involve in-uniform or on-duty conduct of a police officer related to specific, identifiable incidents of alleged misconduct involving a member of the public.

1) **Departmental Complaint 2021CC-005 Received May 5, 2021, Incident occurred April 16, 2019**

Findings/Results: No violations of policy were sustained

Facts: The following facts were revealed during the investigation:

- Use of Force allegation facts:
 - Officer Luczak was running after the suspect. According to the Use of Force report, the suspect had been avoiding police for several hours that morning and at the time, was running from Officer Luczak. Per the Use of Force report, written by a different member of the Lone Tree Police Department, The subject ran past the officer's vehicle, the officer turned around to catch up with the subject and observed Officer Luczak approximately 30 yards behind him. Officer Luczak exited his marked patrol vehicle and ran to the rear of his patrol vehicle, taking the subject down in the front yard of 9639 Brook Hill. The subject was then handcuffed for two counts of trespass and seated in an upright position. At the time it was noted that the subject had a small bleeding laceration

to his left elbow and there was some minor bleeding to a road rash area on his left hip. Photographs of both of those injuries were taken and Officer Luczak transported him to the hospital for a medical clearance. Additional photographs of the subject's injuries were taken once they were cleaned up at Sky Ridge Medical Center.

- There were no weapons of any kind used by the officer or the suspect and there did not appear to be any tactical holds or restraints applied. The subject was running from police and Officer Luczak tackled him and the subject was placed in handcuffs. As a result, it does appear the subject had some minor injuries from going to the ground. The injuries were appropriately documented and treated.
- Per the Use of Force Report, the takedown was found to be within policy and appropriate for the circumstances.
- Probable Cause allegation facts:
 - The subject forced open a locked door of an apartment complex clubhouse in the City of Lone Tree. He entered the clubhouse and opened a freezer. He pulled a frozen meal from the freezer and started to cook the meal. The theft of the meal after forcing his way into the clubhouse constitutes a 2nd degree Burglary. While eluding the police who were looking for him for several hours, the subject also entered business buildings and residential yards that were fenced in. The subject was charged with the burglary (a class 4 felony) two counts of 2nd degree trespassing (class 3 misdemeanor) and a petty theft for stealing the food. There does not seem to be any question that Probable Cause existed to attempt contact, pursue on foot, and subsequently arrest the subject.
 - The Douglas County District Attorney's Office dismissed the charges against the subject, and an inquiry was made to them as to why that decision was made. The response from the DA's office is as follows: "The DA that handled the case is no longer with the office. Her notes, while somewhat sparse, say she dismissed in an exercise of discretion. I do not see any notes as to the quality of the investigation or lack of evidence, merely that this was not the kind of case she thought it was appropriate to present to a jury."
 - The body camera footage shows the subject while he was speaking with the officers about why they were pursuing him. The subject talks about experiences with the Aurora Police Department and how he felt that Aurora did not have probable cause for his previous arrest; however, the suspect states, "At least you guys have probable cause."
 - With these facts, it seems clear Probable Cause existed.

- Excessive Fees allegation facts:
 - As the subject was arrested and booked into the Douglas County Jail and the Douglas County District Attorney's Office handled the case, no City of Lone Tree fees were assessed. There are no fees by our City to review. As such, this complaint is unfounded

2) Departmental Complaint 2021DC-004¹

Findings: The following policy was sustained

Policy 600.4 Custodial Interrogation Requirements

Results: Officer Luczak resigned prior to completion of this investigation

Facts: The following facts were revealed during the investigation:

- On January 9, 2021 Officer Luczak was contacted by JCPenney's Loss Prevention about a theft that had just occurred. Officer Luczak was given a description of the male suspect and was able to contact the suspect outside the store. Officer Luczak identified himself as a police officer and told the suspect he was under arrest. Officer Luczak had prior knowledge the suspect stole a jacket by placing in a bag and walking out without paying. Without advising the male suspect of his Miranda Rights, Officer Luczak pointed to a jacket in a bag the suspect had in his possession and asked if the jacket was his. The suspect stated the jacket was not his, and then admitted to stealing it. Officer Luczak's report accurately reflects this. Officer Luczak's direct supervisor, sent an email to Officer Luczak on January 10, 2021, explaining the Miranda violation, and again has a coaching with him on asking suspects incriminating questions before Miranda is given on January 13, 2021.
- On March 5, 2021, in an interview Officer Luczak admits to asking the suspect the incriminating question before advising him of his Miranda Rights and after he was told he was in custody.

3) Departmental Complaint 2021DC-005¹

Findings: The following violations of policy were sustained

Policy 321 Search and Seizure

Policy 342 Report Preparation

Policy 1004.11 Conduct Unbecoming

¹ Departmental Complaints 2021DC-004, 005, 006, 007, 008, 009 were all received February 23, 2021

Policy 1004.25 Truthfulness

Results: Officer Luczak resigned prior to completion of this investigation

Facts: The following facts were revealed during the investigation:

- On January 16, 2021, Officer Luczak was one of several officers that were dispatched to a theft out of the Macy's store. Officer Luczak was able to contact both a male and female suspect in a parked car in the mall parking lot. There, Officer Luczak performed a Probable Cause search after observing drug paraphernalia in plain sight. Officer Luczak seized several items from the car and from the suspects and brought the items and the suspects back to the Police substation in the mall. While in the Mall substation, Officer Luczak looked through the female suspect's cell phone, after being warned that he should not be in the phone as he needs a warrant to look in it. Officer Luczak confirmed he knew that a warrant was required, but that he wanted to see what was in it. It was also alleged that Officer Luczak opened a safe recovered from the suspect vehicle, but the witness could not say for sure and did not say anything at the time.
- During the interview, Officer Luczak admits to knowing he should not have gone through the phone, he just wanted to find evidence of drug sales. When asked why he did not document the search of the phone in his report, and he stated because he did not find any evidence to prove drug sales.
- When asked if Officer Luczak if opened and looked in the safe, Officer Luczak admits to opening the safe just a few inches, seeing a pistol, and then closing it. When asked why Officer Luczak he wrote in his report that he did not open the safe, Officer Luczak says he had already written most of his report and once he decided to look in the safe and saw the gun, he did not change his report or add anything about conducting the search. Officer Luczak even recalls a conversation with a supervisor on scene that a warrant for the safe would be needed to open it, and yet he still opened it.
- During this incident, there are other documented concerns about Officer Luczak calling the male suspect an idiot, asking potentially incriminating questions of the female suspect without knowing if she had been properly advised of her Miranda warning, and then never conducting any follow-up with the case even though he told the on-scene detective and his supervisor that he would.

4) Departmental Complaint 2021DC-006¹

Findings: The following violations of policy were sustained.

Policy 1004.13 Treatment of the Public

Results: Officer Luczak resigned prior to completion of this investigation. Report of untruthfulness made to Colorado POST

Facts: The following facts were revealed during the investigation:

- On January 23, 2021, officers were dispatched to a theft that had just occurred at the Dillard's store at the mall. Officer Luczak arrives on scene in the parking lot where a store loss prevention employee directs him to a Jeep where the employee says the suspects are inside. Officer Luczak contacts a male party in the driver's seat and orders him out of the car. There is a female in the front passenger seat and young child in the back seat who starts to cry. Officer Luczak places the male in handcuffs and starts to ask him about the theft. The male states he and his family just arrived at the mall and they have not even gone inside. The female can be heard saying the same thing and the child starts to cry louder. Officer Luczak stated to the male to, "stop playing fucking games." The male reiterates he just got to the mall. About that time, the loss prevention employee recognizes this was not the right suspect. Officer Luczak then removes the handcuffs from the male and has him sit back down in his vehicle.
- In an interview, Officer Luczak admits to his actions, states this is generally how he approaches suspects in this situation, meaning ordering them out and handcuffing them right away. He states in this case, however, he usually has more information than what he had. Officer Luczak admits his performance on this call was, "subpar" and there was a better way to handle this call. He states he did not apologize to the family because he knew what he did was legal, although he knows it "sucked" for the family.

5) Departmental Complaint 2021DC-007¹

Findings: The following violations of policy were sustained.

Policy 600.4 Custodial Interrogation Requirements

Policy 1004.24 Treatment of Offenders

Policy 1004.26 Unsatisfactory Performance

Results: Officer Luczak resigned prior to completion of this investigation.

Facts: The following facts were revealed during the investigation:

- On January 30, 2021, officers were dispatched to a theft at Macy's in the mall. One of the suspect's descriptions matched the suspect in several other thefts out of the nearby Ulta store as well. The suspects made it to a vehicle in the parking lot. Another officer was in a police vehicle behind the suspects and Officer Luczak was in a police vehicle responding to the scene.

Officer Luczak turned into the drive of the mall area known as the VISTAS and was facing the suspect vehicle head-on. The other officer was still behind the vehicle. Both officers pointed their duty weapons at the vehicle, but this placed them in a dangerous crossfire situation.

- Officer Luczak moved and ran straight up to the suspect vehicle and ordered the female suspect sitting in the back seat, the suspect whose description matched the earlier thefts, out of the car. Officer Luczak opened the rear door of the car and pulled the female by the arm to get her out of the car. The female had a cell phone in her hand and Officer Luczak grabbed the phone from her hand and threw it back into the vehicle. He then handcuffed her and moved her away from the car while asking her if she was at the Ulta store earlier. She admitted to being there earlier. There was some sort of verbal exchange where the female asks Officer Luczak if he would just let her go. Officer Luczak said, "Fuck no." Officer Luczak later conducted a haphazard search of the vehicle. He moved items around, pulled some items out of the car and while not slamming them down, he put them on top of the car in a rough way such that they could be damaged. Officer Luczak then placed the female in his vehicle in preparation for transporting her to the mall police substation. Before he left, he muted his body camera to have a conversation with a fellow officer. He then ended that conversation and drove to the substation. He then had the female get out of the vehicle. Officer Luczak then realized he never unmuted his body camera. He unmuted the body camera and took the female inside the substation. Officer Luczak stated to the female that she has rights and that if she wanted to talk to him, he would first have to advise her of her Miranda rights. The female agreed to speak to Officer Luczak, which seemed to surprise him. He advised her of her Miranda rights and then he conducted an interview with the suspect.

6) Departmental Complaint 2021DC-008¹

Findings: The following violations of policy were sustained

Policy 1004.24 Treatment of Offenders

Results: Officer Luczak resigned prior to completion of this investigation

Facts: The following facts were revealed during the investigation:

- February 5, 2021, officers were dispatched to a theft at Dillard's. A female suspect exited Dillard's and was contacted in the parking lot by JC Penney. The female party lied about her identity and kept talking, which seemed to agitate Officer Luczak. Officer Luczak yelled at the female numerous times, telling her to stop talking, that he is not going to listen to her, nor is he going to respond to her because she is lying. Officer Luczak transported the female back to the sub-station for processing. There, she advises Officer Luczak

that she wants to talk to him, and he tells her that he is not going to speak to her.

- The body camera footage from Officer Luczak's interaction with the female suspect. Officer Luczak does seem to be irritated when the female urinated herself, and appeared to be lying about her identity. When the female states her boyfriend just left without her, Officer Luczak replied, "well that's a shitty boyfriend." Officer Luczak also yelled at the female suspect and told her to stop talking and he is no longer going to respond to her.
- Once Officer Luczak transports the female suspect, she starts to plead with Officer Luczak, almost begging for him to let her tell him her real name. He denies her the chance and tells her he would figure it out. Officer Luczak instructs the female to sit on the bench and place the ankle restraint on herself. The female has boots on, and the restraint will not fit over her boot. She says to Officer Luczak that it won't go on. He flippantly says, "you have to use some muscles." Luckily, another officer was there to instruct her to remove her boots first. Then, the suspect tells Officer Luczak she has warrants and she wants to tell him her real name and he refuses to let her and walks out while closing the door.

7) Departmental Complaint 2021DC-009¹

Findings: The following violations of policy were sustained.

Policy 604.4 Custodial Interrogation Requirements

Policy 321 Search and Seizure

Policy 303.4 Activation of Body-worn System

Policy 804 Property and Evidence

Policy 1004.26 Unsatisfactory Performance

Results: Officer Luczak resigned prior to completion of this investigation

Facts: The following facts were revealed during the investigation:

- On February 11, 2021, officers were dispatched to respond to an alleged shoplift from Dillard's. The male suspect was apprehended by another officer, and there was still a female suspect outstanding. A member of the Lone Tree Police Department and Officer Luczak located the female suspect inside of her vehicle in the parking lot. Officer Luczak told the female that she is associated with a theft and that he is going to ID her and then let her go. Officer Luczak then looks inside the vehicle and saw illegal drug paraphernalia. Officer Luczak then detains the female in handcuffs and searched the vehicle without wearing any PPE. At one point, Officer Luczak locates a safe inside the vehicle. Officer Luczak told the male subject, who

was in handcuffs and in the back of the other officer's vehicle, what he found in the vehicle. Officer Luczak tells the male he could either get a warrant, or he could tell him the code to get in the safe. The male tells Officer Luczak the code to the safe. At no point does Officer Luczak advise either party of Miranda, nor does he ask the other officer if the party was Mirandized. Officer Luczak then opens the safe with the code he obtained and finds potential evidence. Officer Luczak then puts the female in the corporal's vehicle and mutes his camera to speak with the corporal, Officer Luczak gets in the passenger seat with the corporal and completes the transport with his body worn camera on mute. In Officer Luczak's report, he stated that he photographed two syringes, one with methamphetamine, and the other with heroin, and then placed them in the sharps container for destruction even though there were pending charges pertaining to that evidence.

8) Departmental Complaint 2020DC-006

Findings: The following violation of policy were sustained.

Policy 455.6.1 Foot Pursuits

Results: Verbal Counseling

Facts: The following facts were revealed during the investigation:

- On December 4, 2020, Officer Luczak was involved in a foot pursuit with a theft suspect where Officer Luczak ultimately used force on the individual to take him into custody. The Use of Force was found to be within policy however, during the review of the incident it was noted that Officer Luczak failed to properly provide information to other officers and dispatch related to the foot pursuit and Officer Luczak's location.

9) Citizen Complaint 2020CC-014 Received August 25, 2020

Findings: The following violation of policy were sustained.

Policy 445.4 Activation of Body Worn System

Results: Verbal Counseling

Facts: The following facts were revealed during the investigation:

- On August 25, 2020, where Officer Luczak contacted a subject reference to expired plates. The citizen was concerned about how he was treated by Officer Luczak. The investigation revealed that the subject's complaint was not sustained related to the treatment of the public. However, Officer Luczak failed to activate his body camera during the encounter and was a sustained violation.

10) Citizen Complaint 2020CC-013 Received July 22, 2020

Findings: The following violations of policy were sustained

Policy 1004.13 Treatment of the Public

Policy 445.6 Activation of Body Worn Camera

Policy 402.4 Member Responsibilities

Results: Written Reprimand

Facts: The following facts were revealed during the investigation:

- On July 22, 2020, a citizen reported an interaction with Officer Luczak and claimed he was rude during the contact. An investigation was conducted and a review of the BWC revealed that Officer Luczak's approach was less than helpful in any manner and lacked compassion or humility. He appeared annoyed while responding to a call of a possible suicidal individual. This investigation resulted in an audit of randomly selected videos of BWC footage of Officer Luczak. This audit revealed other instances where he violated the BWC policy, failed to issue business cards when required, treating the public in an unprofessional manner.

11) Citizen Complaint 2020CC-007 Received May 7, 2020

Findings: There were no sustained violations of policy

Results: Additional training by supervisor no violation of policy sustained

Facts: The following facts were revealed during the investigation:

- This complaint was in reference to traffic complaint that occurred on July 8, 2019. A party had called in reference to a vehicle that had followed her into the garage. The reporting party was upset because the officer told her to never call the police again and that her complaint was "bullshit." The BWC for this incident was no longer available associated to the department's retention. An investigation was conducted and the two officers on scene were interviewed. Both officers recalled the incident and provided statements. It is believed through the investigation that Officer Luczak did tell the RP to use 911 for legitimate reasons.

12) Vehicle Pursuit 2020VP-001 received January 21, 2020

Findings: The following violations of policy were sustained

Policy 313.3 When Pursuits are Allowed

Policy 313.4 Evaluating the Pursuit

Results: Written Reprimand

Facts: The following facts were revealed during the investigation:

- On January 21, 2020, Officer Luczak attempted to stop a vehicle that had previously eluded Douglas County Deputies. Officer Luczak used a tactical vehicle intervention to stop the vehicle from returning to the main thoroughfares after driving recklessly and eluding him through the Sky Ridge Medical Center parking lot.

13) Citizen Complaint 2019CC-014 Received August 6, 2019

Findings/Results: There were no violations of policy

Facts: The following facts were revealed during the investigation:

- Officer Luczak was named in this complaint along with several other officers. The reporting party had been placed on a mental health hold on July 31, 2019, and when she returned to the residence, there was a note on her door from the community response team. She felt she was taken into custody by the officers under false pretenses. An investigation was conducted and revealed that the RP had claimed to others that he had consumed a large amount of pills, officers were also contacted by another person who had overheard the RP threatening to kill herself.

If you need additional information related to this matter, please contact Commander Ron Pinson at 720-509-1154.

Respectfully,

Ron Pinson

Ron Pinson
Commander