

Juvenile

Golden Police Department Complaint Report

Incident Detail

File #	PSI2023-006
Date/Time of Received	12/06/2023 21:05
Entered By	Sergeant Steven Guess - 11189
Date/Time of Occurrence	12/02/2023 16:15
Date/Time Entered	12/10/2023 16:55
Due Date	01/12/2024
Record ID Number	6594
RMS/CAD/Memo #	GN23800445
Status	Completed
Disposition	Not Sustained
Date Completed	01/30/2024
Classifications	()
Source of information	Telephone
Priority	Medium

Incident Location

Location of Occurrence	District Two
Addresses	[REDACTED]

Assignments

Unit Assigned	Patrol Supervisor
Investigator Assigned	Sergeant Steve Guess
Field Investigator	Commander Marcus Williams - 10729
Supervisor Assigned	Deputy C M Hendershot
Outside Investigator	—

Incident Level Organization Assignments

Division	Patrol	Section	Patrol
Assignment	Patrol Officer	Shift	Sun-Wed Swings
User Define	—	U Define 6	—

Mailbox Routings

There are no mailbox routings

Summary

Juvenile

On December 6, 2023, I was contacted by phone in reference this case. I spoke with the originating party, [REDACTED] [REDACTED] had originally reported an assault on her son via online report, that had occurred on December 2. [REDACTED], was upset with Officer Tate in reference to this call for several reasons. First of all, she was not satisfied with the fact that no charges were going to be filed on the suspect, Barry Wiebe. This stems from several issues during the investigation.

[REDACTED] advised that Officer Tate had made a filing decision after talking with Mr. Weibe, but had not yet spoken to her son [REDACTED] about the event. She stated that she felt while talking with Officer Tate he sounded bored, irritated and put off by having to take the call for service. She stated his demeanor made her feel that he was rude and unprofessional. I asked her if Officer Tate used any profanity and she said no. Corporal Metzger ultimately interviewed [REDACTED] on the same date, December 4, because [REDACTED] had expressed concern that Officer Tate would be biased toward her son and would not complete the investigation as it should be.

[REDACTED] advised that Cpl. Metzger was very polite and handled the interview appropriately. She stated that the next day, December 5, Officer Tate called her back to inform her that no charges would be filed. She stated she asked why Officer Tate was not believing her son over Mr. Weibe. Officer Tate informed her there were no witnesses and that since [REDACTED] was not pushed to the ground and had no marks he could not file charges. [REDACTED] stated that she asked to speak to the supervisor at this time and Officer Tate replied, "I guess I can have her call you by 2 probably." Again she felt Officer Tate's tone and demeanor were unprofessional.

I spoke with Corporal Metzger regarding being notified that [REDACTED] wanted to talk to a supervisor. Officer Tate did notify Corporal Metzger by text on December 5 at 9:47 am "The lady is calling to complain tonight. Just a heads up. I'm going to head in for a little while too." He advises further in the text that "so she said she wants to talk to my supervisor and I said Y'all would be in at 2." At approximately 3 pm, [REDACTED]. [REDACTED] called wanting to speak to a supervisor. I returned her call and left her a message. The contact by phone on the 6th, was her return call to me.

I advised her that we had two issues here, one with the case and one with the Officer. I advised her from what I had seen in the reports, I did not feel that probable cause to charge Mr. Weibe had been met. I did advise her that we would happily send the case to the City Attorney to review since he would be the prosecutor if the case was filed. She requested that this be done.

I then asked her if she wanted to file a formal complaint on Officer Tate and she advised she did because of the reasons stated above and she didn't feel he was very professional. I asked her if she had any recordings or other information regarding her interaction with Officer Tate. She advised no. I advised her that Officer Tate is currently on modified duty due to injury and it was doubtful that the interaction would have been recorded from her phone. I advised her that it would be forwarded to the PSU Sergeant for review. At this time she asked if follow up calls could occur beginning December 11 since she was out of stated and asked that calls occur before 230 pm. This conversation was recorded on 303-215-8872.

Involved Officers

Officer Brian Tate - 14805

Policy Outcome	Not yet entered
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Juvenile

Snapshot Data

Role

Primary Involved Officer

Employment Status at Time of Incident	Full time	Body camera worn	—
Officer was in uniform	Yes	Officer was arrested	No
Officer was off-duty	No	Officer was employed off-duty	No
First Name	Brian	Last Name	Tate
Sex	Male	Race	White
Age when incident was received	38	Weight (lb)	—
Height (ft)	—	Height (in)	—

Officer Assignment Snapshot

Title/Rank at time of incident	Officer	Years employed at time of incident	3
Badge number at time of incident	22-3	Years assigned at organization at time of incident	0
Supervisor	Sergeant Steven Guess		
Division	Patrol	Section	Patrol
Assignment	Patrol Officer	Shift	Sun-Wed Swings
User Define	—	U Define 6	—

Allegations

(03.0) Conduct Toward Fellow Members and the Public
- Directive: 03.3 - Conduct Toward Fellow Members and the Public
- Finding: Not Sustained - Date Of Finding: 01/26/2024
- Oversight Finding:
- Initial Recommended Finding:
(01.0) General Conduct
- Directive: 01.1 Obedience to Laws, Regulations, and Orders
- Finding: Exonerated - Date Of Finding: 01/26/2024
- Oversight Finding:
- Initial Recommended Finding:

Actions Taken

None - 01/31/2024

Citizens Involved

Date Of Birth	██████████	Gender	██████
Race	████	Ethnicity	██████████
Addresses	████████████████████ ████████████████████	Phone Numbers	████████████████████