

Level 1 IA #: 20-158 Received: Jun 20, 2020

[REDACTED]

**Involved citizen:**

[REDACTED]

Role: Complainant - Level 1 or Level 2

Charges against citizen in relation to the incident:

None

Linked address(s):

[REDACTED]

Linked phone(s):

[REDACTED]

**Employees involved:**

**Police Officer Brian K Uebelhoer [1769]**

**Employee current info:**

Bureau: Patrol  
Division: PD - Sand Creek  
Unit/Section: Patrol

**Snapshot - Employee information at time of incident:**

IBM: 1769  
Role: Involved Officer  
Body worn camera: Yes  
Bureau: Patrol  
Division: PD - Gold Hill  
Unit/Section: Patrol  
Shift: SF1  
Rank/title: Police Officer  
Age: 46 Years of employment: 20 Years with unit:  
Off duty: Off duty employed:

Allegations:

Body Worn Camera G.O. 504  
Jun 22, 2020 Exonerated  
Treatment of the Public G.O. 120  
Jun 22, 2020 Exonerated

Actions taken:

Jun 22, 2020 - None Days/hrs suspended/assessed: - [Action/discipline completed]

**Summary:**

This BlueTeam was initiated due to the insistence of the complainant that he wanted to make a

complaint on Officer Uebelhoer for an incident that occurred at the Wal-Mart where he was working extra-duty on 06-17-20. The complainant told me the incident took place at 1240 hours as that was the time stamp on his receipt. I confirmed Officer Uebelhoer worked extra duty on 06-17-20. I do not believe this complaint is a policy violation.

I spoke with the complainant for over 30 minutes attempting to understand what his complaint was regarding. The complainant's frustration appeared more directed towards Wal-Mart and whoever complained to Wal-Mart about his alleged behavior that day. The complainant made numerous statements alleging the Officer was rude and disrespectful, but he could not describe any behavior or statement that he believed to be rude. He did say that the officer was unequipped for duty because when he went to activate his BWC, it did not turn on. The complainant stated the officer told him the battery was dead. This was during a phone conversation on 06-20-20 between the complainant and Officer Uebelhoer when Officer Uebelhoer called the complainant after receiving voicemail messages from the complainant on his days off. This phone conversation was captured on BWC. The complainant believed the dead battery excuse to be unacceptable and that the officer should have been able to turn on the BWC.

After the initial incident at Wal-Mart, the complainant called BWC specialist Katherine Wolf looking for a copy of the BWC, presumably to use it as evidence against Wal-Mart for whatever civil complaint he is making with/against Wal-Mart. This is how he discovered there was no footage even though it appeared as if Officer Uebelhoer activated his camera that day.

I confirmed with Officer Uebelhoer that there was an interaction with the complainant on 06-17-20. He observed the incident only and said nothing to the complainant on that date. He attempted to activate his BWC when the complainant began to show hostility during his interaction with a Wal-Mart employee. Officer Uebelhoer indicated that the BWC did not activate as the battery was dead.

General Order 704.20 When and How to Use the BWC states:

"Because of limited battery life, BWC devices are not intended to run continuously. It is not the intention of this program that the officer's entire shift be captured on video."

Officer Uebelhoer had no reason to activate his BWC for a non-shoplift related community contact while working an extra-duty assignment. He was not actively investigating a case nor was he on a call for service (I used the CFS from the Officer Message when Officer Uebelhoer called the complainant on 06-20-20 for this BlueTeam). He attempted to activate his BWC out of an abundance of caution as policy states, "should this type of community contact become adversarial, or enforcement action can reasonably be anticipated, officers shall activate their BWC as soon as practical." His attempt to activate the BWC was unsuccessful due to lack of battery power in the BWC. This is not uncommon and still happens from time to time. However, since the incident was civil in nature and between Wal-Mart and the complainant, there was no requirement for Officer Uebelhoer to activate his BWC.

I did also speak with Tech Unit Sgt. Judd Tyson and asked him about BWC and extra duty. Sgt. Tyson told me there is no current requirement for an officer who works extra duty to have a BWC because only patrol is currently issued cameras, yet extra duty is open to any officer.

### Investigative tasks:

Due dt	Done dt	Type	Assigned to
Jun 23, 2020	Jul 1, 2020	Closure letter: exonerated	Civilian Criminal Investigator Theresa Person

### When/where:

Date/time occurred: Jun 17 2020 12:40

Incident location: 707 8th Street S. Colorado Springs CO 80905 Precinct: Gold Hill

Home Address: [REDACTED]

County: 2-6