

CONFIDENTIAL

**Colorado Department of Corrections
Office of the Inspector General**

**Case #: PS 2017002296
Investigator: RICHARDSON, MATT**

Released under CCJRA
Susan Greene 2023-01-06



CDOC Inspector General Offense Report

Case Report:
PS# 2017002296

Title:
PS - MISCONDUCT-AR 1450-01

From To
09/14/2017 00:00 :

Location: **Headquarters OIG** (2862 S Circle Drive, COLORADO SPRINGS 80906)

Connecting Case(s):

Case Synopsis

Please see IG Kirby for further information

Added case information on 10-22-19 for documentation purposes. MR

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Investigators Assigned

Lead Investigator: **RICHARDSON, MATT** (611)

Supp. Investigator: **HERRERA, TINO** (634)

CDOC Inspector General Offense Report

Case Report:
PS# 2017002296

Involved Person(s)

B - Subject - CDOC Employee [17636]

Name: VALKO, GARY ALLEN

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Expected Testimony:

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Investigators Assigned

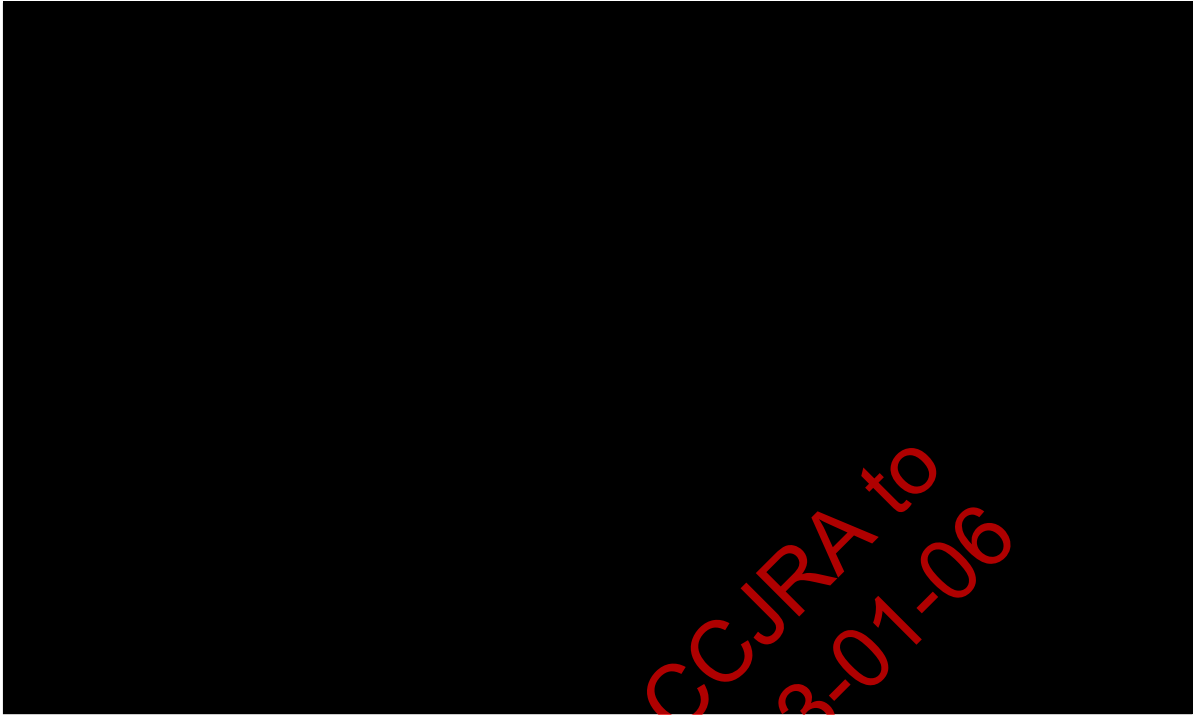
Lead Investigator: **RICHARDSON, MATT** (611)

Supp. Investigator: **HERRERA, TINO** (634)

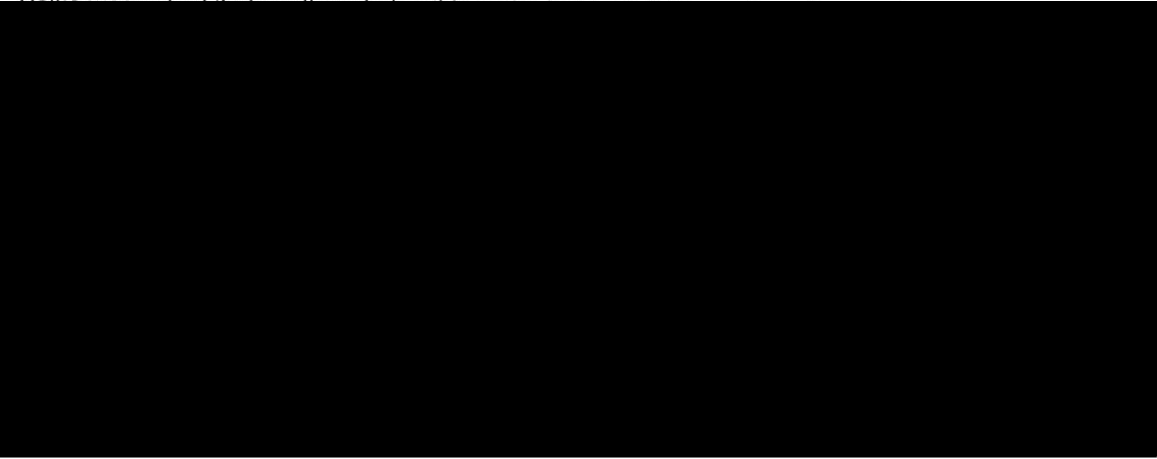
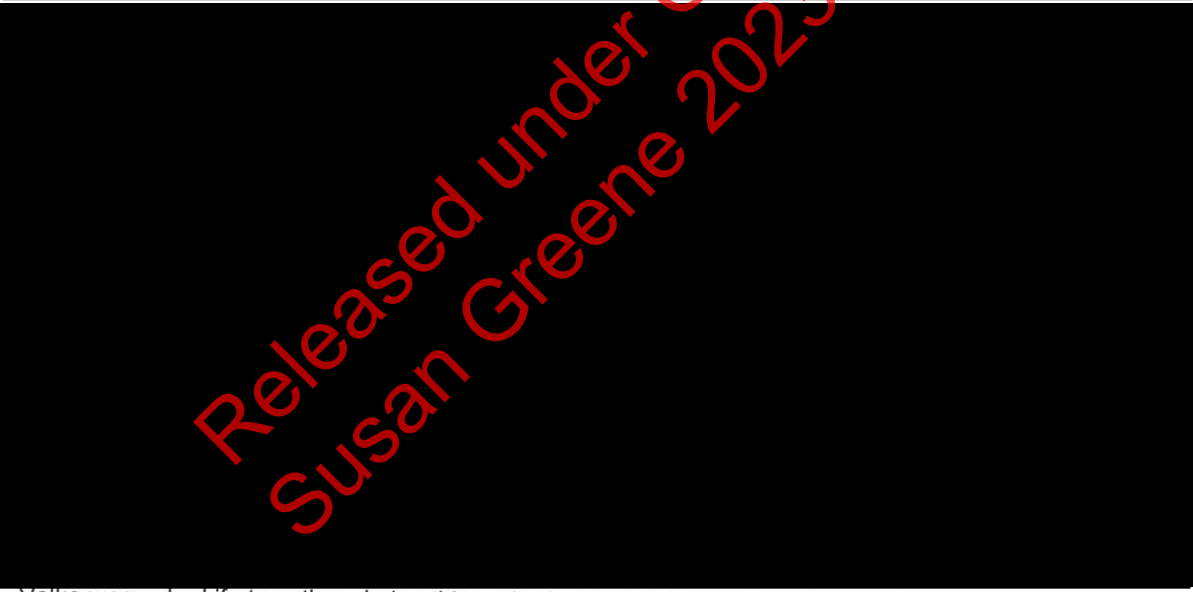
Complaint:

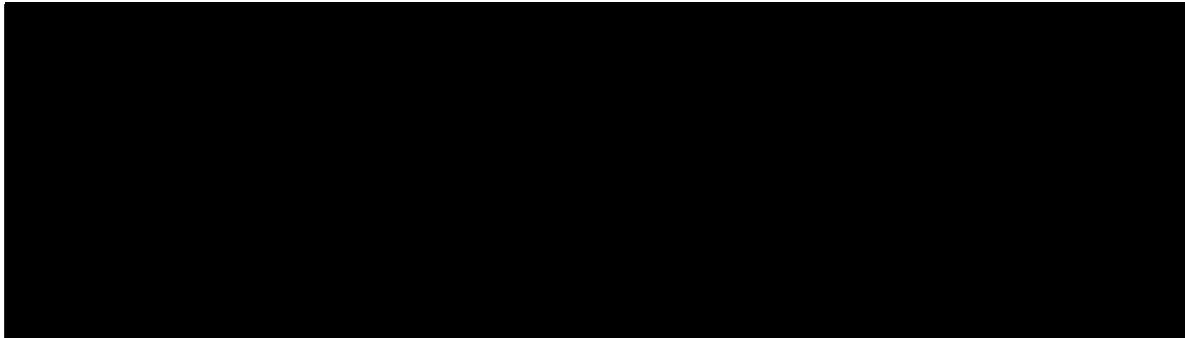
On Thursday September 14, 2017 several social media sites posted a picture on their websites reference an unidentified male impersonating a Peace Officer in the Parker, CO area. The Office of the Inspector General (OIG) received reports that the photograph looked similar to OIG Investigator Gary Valko. Shortly thereafter Investigator Gary Valko reported to his immediate supervisor Chief Investigator Danny Lake that the photograph was in fact him, and the incident occurred on Sunday September 10, 2017 at the Jack in the Box restaurant 11179 Pikes Peak Drive [Parker, CO 80138](#). Valko also reported he was in a state issued vehicle on the day in question. Chief Investigators Tino Herrera and Matt Richardson were assigned to investigate the claim by Inspector General Jay Kirby.

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Summary:

Almost immediately after Parker Police Department disseminated a bulletin of a person impersonating a police officer, the Inspector General's Office learned through several different channels that the person was actually Investigator Gary Valko. Valko did report this to his supervisor, Chief Lake, after driving to the Parker Police to identify himself as the person in the photo.

All parties that were directly involved with this incident were interviewed by both Chief's Richardson and Herrera. The statements of Brendyn Kennedy, Austin Hiatt, and Joshua Bernauer, to both Parker Police and to Chiefs Richardson and Herrera, concerning the incidents after the confrontation at the drive-thru window are very similar, and seem to have the same general content. The statements from Bernauer and Martino Frazier to both Parker Police and Richardson and Herrera, concerning the incident at the drive-thru window are very similar, and seem to have the same general content.

On September 14th, 2017, after Valko had identified himself as the person in the Parker Police bulletin, he spoke with Commander Combs and Sgt. Eckmann concerning this incident. Valko then called to report this to Chief Lake and provided a report. On September 20th, 2017, Valko was interviewed by Richardson and Herrera.

In review of the Parker Police reports (2017-004010), Valko's report to Chief Lake, and his interview with Richardson and Herrera, there are several discrepancies.

Specifically, Valko does not report several important facts to the Parker Police department during their investigation into a report of Police Impersonation. Valko did not report to the Parker Police that he in fact pulled out a cellphone camera to appear to take a photo and or video of Joshua Bernauer during their verbal altercation. Surveillance video from the drive-thru clearly shows Valko holding up a cellphone in what appears to be an attempt to take a photo or video of Bernauer during their verbal altercation. Valko did not report to Parker Police that he held up a cellphone for approximately 7-8 seconds, possibly documenting this incident. Even if the phone was turned off as Valko reported to Richardson and Herrera, if photos or video were taken from a cellphone, that evidence could have been important to the Parker Police during their investigation. Valko failed to report to Parker Police that he pulled out any cellphone, state issued or personal. This information could have been used as an investigative tool during Parker's investigation.

Richardson and Herrera collected Valko's state issued phone to conduct a Cellebrite search looking for photos or video on or after September 10, 2017. The Cellebrite search did not produce any significant

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pictures or video taken on or after September 10, 2017. In our interview, Valko admitted that he couldn't turn the phone on in time to take a picture. The video surveillance shows Valko holding up a cellphone for approximately 7-8 seconds, and he admitted to pretending to take a photo of Bernauer.

During the interview with Bernauer, he admitted to being intimidated by Valko's actions of identifying himself as a law enforcement officer, and then appeared to take a picture of Bernauer with his cellphone. Bernauer stated that it was these last two actions that caused him to go outside the restaurant in an attempt to identify Valko.

Valko also did not report to the Parker Police that he initiated a traffic stop utilizing his emergency lights on his state issued vehicle. Although Valko again had a hard time committing to an answer, Valko finally agreed that by initiating his emergency lights and conducting a traffic stop, he in fact conducted a police action.

The investigation also shows Valko's statement to the Parker Police differs from his statement to Chief's Richardson and Herrera. Again it appears to the reader that Valko attempted to downplay his culpability to Parker Police. According to witnesses in the incident, Valko was asked numerous times to show his identification or badge, since he had told them he was law enforcement. Valko never reported this to the Parker Police

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