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**Town of Eagle Police Department**

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August 23, 2021

Hernan Samudio



Via Hand delivery

Hernan,

The purpose of this letter is to confirm our conversation of this date, wherein I advised you that you were being terminated from your at-will position with the Town of Eagle as a Police Officer.

As you are aware, you serve in an at-will position, and may be released from employment without cause or notice. The termination of your employment is thus effective immediately. Additionally, the Town of Eagle Police Policy 1008.14 indicates that no process or procedure is required for at-will employees, such as you.

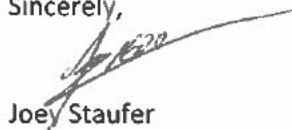
Though the Town is not required to provide details as to the basis for its termination decision, for your benefit, I thought it may assist to highlight that this decision is based upon several key facts. First, the multiple sustained, serious violations of policy and procedure, as determined by the recent internal affairs investigation.

Second, the 5<sup>th</sup> Judicial District Attorney's independent decision to issue a letter regarding you pursuant to Colorado Rule of Criminal Procedure 16 and the Office of the 5<sup>th</sup> Judicial District Attorney's duty under *Brady v. Maryland* 373 U.S. 83 (1963).

All property belonging to the Town of Eagle, which you have under your control or in your personal possession, must be returned and delivered to the designated Eagle Police Department supervisor at a mutually agreed upon date, time, and location.

You may schedule a liberty interest hearing with me, which is limited to a single appearance.

Sincerely,



Joey Staufer  
Chief of Police



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## *Town of Eagle Police Department*

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August 17<sup>th</sup>, 2021  
Memo: Regarding PS# Samudio040321

Chief Staufer,

After reviewing the provided Professional Standards Investigation document, written by Investigator Jane Harmer, I agree with her sustained findings in regards to the policy violations of:

- **Policy 319 - Standards of Conduct.**
- **Policy 319.5- Laws, Rules and Orders (c) Violation of federal, state, local or administrative laws, rules or regulations.**
- **Policy 319.5.2 Ethics (a) Using or disclosing one's status as a member of the Eagle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.**
- **Policy 319.5.2 Ethics (g) Any other failure to abide by the standards of ethical conduct.**
- **Policy 319.5.8 Performance (a) Failure to disclose or misrepresenting material facts, or making any false statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.**
- **Policy 319.5.8 Performance (i) Any act on-or off-duty that brings discredit to this department.**
- **Policy 319.5.9 Conduct (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.**
- **Policy 319.5.9 Conduct (h) Criminal, dishonest, or disgraceful conduct, whether on-or off-duty, that adversely affects the member's relationship with this department.**
- **Policy 319.5.9 Conduct (m) 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**
- **Town of Eagle Policy 4.1 General Standards and Employee Relationships - Employees of the Town are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity and ethical behavior at all times.**
- This not only involves respect for the rights and feelings of others, but also demands that employees, while conducting business on behalf of the Town, refrain from any behavior that might be harmful to themselves, their coworkers, and the Town, or that might be viewed unfavorably by the public at large.

- **Town of Eagle Policy 4.14 Ethical Standards; Incompatible Activities-** The holding of public employment is a public trust, created by the confidence which the electorate reposes in the integrity of Town officials and employees. Town officers and employees should not engage in any activities or enterprises which are incompatible with his or her duties as a Town officer or employee or with the duties, functions and responsibilities of the department in which he or she is employed. (2) Cause for Audit – Performance of an act, in other than one's capacity as a Town officer or employee, which may later be subject, directly or indirectly, to control, inspection, review or audit by such officer or employee or by the Town department in which he or she is employed.

Investigator Harmer also noted that Ofc. Samudio has had a Brady Letter issued from the 5<sup>th</sup> Judicial District Attorney's Office. Investigator Harmer stated *"There is also the matter of the Brady Letter and the complications that are inherit as a result of the letter issued by the D.A., that being Ofc. Samudio cannot perform the duties of a police officer. It is detrimental in bringing justice to the victims of the Town of Eagle, not to mention the impact this letter has on community trust."* I as well, concur with her statement.

As the Operations Sergeant and Internal Affairs Investigator for the Eagle Police Department my recommendation is that Ofc. Hernan Samudio be terminated for the sustained findings in this Professional Standards Investigation.

*C. Buhlman*

**Sgt. Carrie Buhlman**

Special Operations Sergeant #1602



**Eagle Police Department**  
200 Broadway / P.O. Box 609  
Eagle, CO 81631

Dispatch: (970) 479-2200  
Fax: (970) 328-9659  
Office: (970) 328-6351



**Type of Complaint / Investigation:** FORMAL  , INFORMAL  , INCOMPLETE

**Investigator:** Jane Harmer **Date of Original Complaint/Incident:** 04/03/21  
**Officer:** Hernan Samudio **Date of Initial Investigation:** 07/20/21  
**Date of Completed Investigation:** 08/05/21

**STANDARDS OF CONDUCT:**

**319.2 – Directives and Orders**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

**Nature of Complaint/ Specific Violations:**

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- **Town of Eagle Policies:**
- 4.1 General Standards and Employee Relationships -Employees of the Town are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity and ethical behavior at all times. This not only involves respect for the rights and feelings of others, but also demands that employees, while conducting business on behalf of the Town, refrain from any behavior that might be harmful to themselves, their coworkers, and the Town, or that might be viewed unfavorably by the public at large.
- 4.14 Ethical Standards; Incompatible Activities- The holding of public employment is a public trust, created by the confidence which the electorate reposes in the integrity of Town officials and employees. Town officers and employees should not engage in any activities or enterprises which are incompatible with his or her duties as a Town officer or employee or with the duties, functions and responsibilities of the department in which he or she is employed. (2) Cause for Audit – Performance of an act, in other than one’s capacity as a Town officer or employee, which may later be subject, directly or indirectly, to control, inspection, review or audit by such officer or employee or by the Town department in which he or she is employed.
- **Eagle Police Department Policies:**
- Policy 319.5- Laws, Rules and Orders (c) Violation of federal, state, local or administrative laws, rules or regulations.
- Policy 319.5.2 Ethics (a) Using or disclosing one’s status as a member of the Eagle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- Policy 319.5.2 Ethics (g) Any other failure to abide by the standards of ethical conduct.
- Policy 319.5.8 Performance (a) Failure to disclose or misrepresenting material facts, or making any false statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- Policy 319.5.8 Performance (i) Any act on or off-duty that brings discredit to this department.



- Policy 319.5.9 Conduct (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
  - Policy 319.5.9 Conduct (h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty, that adversely affects the member's relationship with this department.
  - Policy 319.5.9 Conduct (m) 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
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### **SYNOPSIS:**

On April 3, 2021, at approximately 1735 hours, Ofc. Samudio was involved in an off-duty traffic crash. The crash was investigated by the Colorado State Patrol (CSP). Ofc. Samudio was issued a summons for the following charges:

- 1) 42-4-1402 (2)(B) Careless Driving (Caused Bodily Injury)
- 2) 42-4-1606 (1) Failed to Notify Police of Accident
- 3) 42-4-1606 (1) Failed to Remain/Return Accident Scene as Directed by Police
- 4) 42-4-1007 (1)(a) Changed Lane when Unsafe
- 5) 42-4-1010 (1) Improper Turn/Turned where Prohibited. (Across Median of Divided Highway)

Trooper Cardoza was the lead investigator on this case. The crash was dispatched as a Hit and Run, a REDDI report, and reckless driving. There were two separate reporting parties, Michael Chu, who witnessed the Hit and Run, and Charlie Hero, who witnessed the run vehicle (later identified as the vehicle Ofc. Samudio was driving) use the emergency turnaround at mile marker 189 and drive to the East Vail exit, where the vehicle parked in the Big Horn Park and Ride parking lot.

Trooper Cardoza arrived at this parking lot and made contact with a male who identified himself as the driver of the car and provided Trooper Cardoza with his Colorado driver's license. Ofc. Samudio reported he was eastbound on I-70 when a van changed lanes in front of him. He was unable to stop and ran into the van. Ofc. Samudio informed Trooper Cardoza he did not call 911 because there was too much traffic. Ofc. Samudio was asked why he had not stopped. Ofc. Samudio told Trooper Cardoza he went to the rest area (exit 190) waited and used the restroom. Ofc. Samudio also told Trooper Cardoza the first person he called was his sister, who the trooper noted had arrived at the parking lot shortly after the trooper arrived.

Approximately five minutes into the contact, Ofc. Samudio identified himself as an Eagle Patrol officer.

The driver and passenger of the van drove to Cooper Mountain where they were met by CSP Sgt. Bruce, who obtained their statements. They reported traveling in the right lane behind a semi-truck. They reported a blue sports car came up behind them at a high rate of speed, tried to change lanes, and



struck them on the left rear portion of the van. They reported this car “took off.” They later observed the blue sports car use the emergency crossover and head westbound.

After receiving the summons, Ofc. Samudio contacted his supervisor, Sgt. Stonum on April 3, 2021 to report the accident and summons. He made an initial statement as to the cause of the accident to Sgt. Stonum, that being Ofc. Samudio was travelling up Vail Pass when a minivan changed lanes in front of him and he was unable to avoid hitting the van. During a follow-up call to Sgt. Stonum on the same day, Ofc. Samudio provided an explanation as to why he had left the scene, citing heavy traffic. Ofc. Samudio also provided an explanation as to why he did not call law enforcement after the accident. He told Sgt. Stonum due to the damage done to his car, he had difficulty steering the vehicle. Sgt. Stonum asked Ofc. Samudio to write a statement as to what occurred on April 3, 2021. Sgt. Stonum advised Chief Staufer what he had learned. The Chief instructed him to request the reports from CSP.

When the dashboard video from Trooper Cardoza was received, Sgt Stonum reviewed it and advised the Chief there were concerns. An inquiry was started, but no internal affairs investigation (IA) was immediately initiated because the inquiry was the starting process and once it rose beyond an inquiry level the internal affairs process began to move forward.

Chief Staufer contacted District Attorney (D.A) McCollum after the accident occurred to advise her of the crash. At the beginning of June, Chief Staufer received a call from the D.A. asking to meet as she had concerns. He met with her and Asst. D.A. Kirwan. They discussed several discrepancies in what Ofc. Samudio reported to Trooper Cordoza and what witnesses reported. The Chief learned of the additional witness, Mr. Chu, and what he reported. Chief Staufer requested D.A. McCollum’s office complete an IA into these discrepancies. D.A. McCollum later advised him it would be a conflict of interest.

On July 15, 2021, Chief Staufer received a call from D.A. McCollum. She had a meeting with Ofc. Samudio’s attorney. In that meeting, another version of actions taken by Ofc. Samudio during the crash were provided. Through the attorney, Ofc. Samudio now stated he used the emergency crossover lane to turn around. He was then going to turn around again and return to the scene. This was a “red flag” for Chief Staufer. In light of all of the events, the Chief directed Sgt. Stonum to place Ofc. Samudio on administrative leave and provide him the IA notification.

On July 16, 2021, D.A. emailed Chief Staufer a Brady letter in reference to Ofc. Samudio and the charges in the traffic case 2021T596. Chief Staufer read this email on July 19, 2021.

On July 16, 2021, Chief Staufer was at Alpine Collision and spoke with Chris Weber. Chief Staufer went to the shop because of damage to his personal vehicle. Mr. Weber told him Ofc. Samudio brought his damaged car to his shop for repair. Mr. Weber remarked to Chief Staufer that Ofc. Samudio told him, Mr. Weber, he hydroplaned on I-70. The Chief then contacted Human Resources to expedite the process of hiring an outside investigator to complete the IA.



### **SUMMARY OF INTERVIEWS:**

I, Jane Harmer, was retained on July 20, 2021, to complete the internal affairs investigation. I received the CSP report, (which included a statement written by Ofc. Samudio), the Brady letter, the statement written by Ofc. Samudio at the request of Sgt. Stonum, and information from Chief Stauffer about his interaction with Mr. Weber. I conducted 14 interviews, including the interview with Ofc. Samudio. All officers with the Eagle Police Department (EPD) were provided the Professional Standards Advisement form by Sgt. Stonum. The original forms will be included in the case file.

#### **Interview with Sgt. Jessica Bruce (Colorado State Patrol)**

On July 22, 2021, I called and spoke to Sgt. Bruce. This conversation was audio recorded. For exact statements, please refer to the recording. The following is a summation:

Sgt. Bruce advised when this call came out it was confusing because there were two calls: One call came into the Vail Police Department Dispatch Center reporting the hit and run (R/P Michael Chu). The other call went to CSP's Dispatch Center in Craig reporting a REDDI (RP Charlie Hero). Vehicle #2 (van) ended up at the Conoco gas station at Cooper Mountain. Sgt. Bruce met with the parties at that location and obtained their statements. Trooper Cardoza located vehicle #1 (Ofc.Samudio) at the Big Horn rest area at the east Vail exit.

When interviewing the driver and the passenger of vehicle #2, Sgt. Bruce learned the couple were traveling across county. They were driving in the #2 lane, slowly following a semi-truck. Vehicle #1 came up behind them, traveling at a high rate of speed. There was another vehicle in the #1 lane and vehicle #1 attempted to move around this car but did not have enough room and ended up clipping the back of their van. Vehicle #1 "took off," still heading east bound. They observed this vehicle then turn off on to an emergency turnaround and head back towards Vail. They were unfamiliar with the area and decided to proceed to the next populated area which was Cooper Mountain.

Sgt. Bruce confirmed Mr. Hero did observe vehicle #1 use the turnaround located at mile marker 189, not the rest area on top of Vail pass, at mile marker 190.

Sgt. Bruce had been notified this case was going to trial, which she stated was unusual in a hit and run, "especially with this case, where the evidence is so obvious."

#### **Interview with District Attorney Heidi McCollum**

On July 23, 2021, I spoke with D.A. McCollum. This conversation was not recorded as she is not a witness. I asked her about the Brady letter she prepared in reference to Ofc. Samudio and how this came about.



D.A. McCollum said she received a call from Chief Joey Stauffer. He told her Ofc. Samudio had received a summons from CSP. She tracked down the case and spoke to the Deputy D.A. who was assigned the case and asked him to look over the facts and let her know if the charging was appropriate. She was told by her Deputy D.A. there was an issue.

D.A. McCollum read the case herself. She said she did not have Trooper Cardoza's dash camera recording at this time. She immediately noted Ofc. Samudio's explanation of the events did not make sense.

She went through these statements:

Ofc. Samudio told Trooper Cardoza he had in fact stopped after the accident at the rest area and had used the restroom while he waited.

When asked why he did not immediately pull over, Ofc. Samudio said there was too much traffic.

As to the question of where he actually turned around, he reported this occurred at mile marker 190 (the Vail Pass rest area).

Mr. Hero was "100% certain" he observed the car use the cross over at mile marker 189, just west of the CDOT sand shed. Mr. Hero drives the pass daily as part of his duties. He told D.A. McCollum he was west bound on I-70 and had just crested the pass and observed the blue car in the first crossover just past the sand shed.

Ofc. Samudio claimed the van had pulled out in front of him and he was unable to avoid striking the vehicle. An independent R/P (Michael Chu) reported Ofc. Samudio's car was travelling at a high rate of speed when he was trying to change lanes and hit the van. This is also what was reported by the driver and passenger in the van.

In a later conversation with this couple, they reported they were not used to driving in the mountains, were driving in a van that did not have a lot of power, and were comfortable staying in the #2 lane behind the semi-truck.

All three witnesses, the couple in vehicle #2 and Mr. Chu, reported Ofc. Samudio never stopped after the accident, and in fact, "took off" at a high rate of speed.

Trooper Cardoza was between Eagle and Wolcott when he was dispatched to the call. He responded emergency to the Big Horn rest area. When he arrived, Ofc. Samudio was approximately 50-100 yards away from his car, walking away from this car. Moments after his



initial contact with Ofc. Samudio, family members of Ofc. Samudio arrived on the scene. D.A. McCollum believed the call to his family had to have been made while he was driving. Ofc. Samudio reported to Trooper Cardoza he could not call 911 because he could not take his hands off the steering wheel.

D.A. McCollum had a staff member research all cases in which Ofc. Samudio is endorsed as a witness. The cases were then prioritized in three categories, cases where he is the sole witness, cases in which he has a secondary role or acted as a cover officer, and cases where his involvement was minimal. D.A. McCollum said, "I have an officer that I cannot put on the stand. When I put an officer on the stand, I vouch for them. I can't put him on the stand."

I asked D.A. McCollum if this case went to trial and Ofc. Samudio was acquitted, would this change her position. She said it would not.

#### **Interview with CSP Trooper Cardoza**

On July 23, 2021, I spoke with Trooper Cardoza over the phone. This interview was audio recorded. Please refer to the recording for exact statements. The following is a summation:

Trooper Cardoza said he recalled this case very well. He said based on his training and experience, the radio traffic leading up to the initial contact of Ofc. Samudio "was a classic hit and run." He said people involved in an accident will pull over and wait for police. In this case, when Ofc. Samudio used the crossover, it indicated to Trooper Cardoza he was "trying to get away." Ofc. Samudio then drove almost 10 miles with a damaged vehicle, which in his opinion, is also an indicator of someone trying to get away. When Trooper Cardoza initially contacted Ofc. Samudio, Ofc. Samudio was walking away from his car. He was approximately 50-75 yards away from his car when Trooper Cardoza yelled for him to come back to his car.

Trooper Cardoza asked Ofc. Samudio if he was ok, then asked why he had not stayed on scene and why he had not called anyone.

Ofc. Samudio told him he could not move over because there was too much traffic. He continued to exit 190 (Vail Pass rest area), used the restroom, and waited.

Trooper Cardoza explained there is another place to pull off, eastbound on I-70 just prior to exit 190. There is a 200-yard stretch of pavement at mile marker 189 where semi-trucks pull off and there are porta potties located there. Ofc. Samudio was clear with Trooper Cardoza he exited at the 190. Trooper Cardoza asked for clarification because witnesses had reported Ofc. Samudio used the emergency crossover just west of mile marker 189. Ofc. Samudio reported he used exit 190 and used the crossover bridge to get back on to westbound I-70. Trooper Cardoza said to use the emergency crossover is an evasive maneuver.



- Trooper Cardoza then talked about the timeline of the reports that came in from witnesses and the initial contact with Ofc. Samudio. He said at no time did Ofc. Samudio contact law enforcement.
- Trooper Cardoza said after he asked his initial questions, he asked Ofc. Samudio what had precipitated the accident. Ofc. Samudio told him he was in the #1 lane and the van had tried to change lanes from the #2 lane into his and he could not stop and struck the van.
- Trooper Cardoza advised he had responded to the call from mile marker 150, which is in between Eagle and Wolcott. He was responding emergency and estimated it took him 10 minutes. He said Ofc. Samudio's family arrived approximately 5 minutes after he arrived. Trooper Cardoza questioned how Ofc. Samudio could call his family but not call law enforcement.

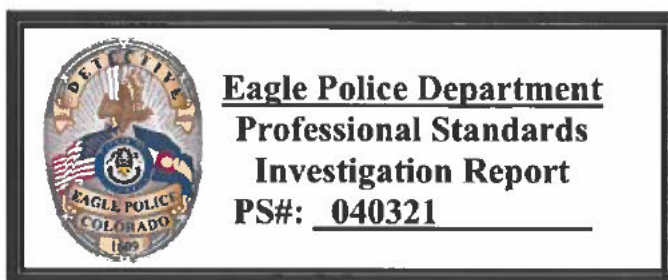
Trooper Cardoza was asked how the fact Ofc. Samudio is a police officer employed by Eagle P.D. came up during his contact with him.

Trooper Cardoza advised this came up towards the end of their contact. It was right after Ofc. Samudio was explaining his version of what had caused the accident. Ofc. Samudio told him he recalled working an accident with him. Trooper Cardoza did not remember him and told him so. Ofc. Samudio then pulled out his business card and gave it to Trooper Cardoza, who told him he, of all people should know he should have called law enforcement and Ofc. Samudio "was at a loss of words, he didn't have any explanation."

Trooper Cardoza was asked what he thought when Ofc. Samudio gave him his business card. He said it made no difference to him as he had already completed his investigation and knew what actions he was going to take. He did not tell Ofc. Samudio this prior to Ofc. Samudio presenting his business card.

I asked Trooper Cardoza if he believed Ofc. Samudio was attempting to gain his influence by presenting his card. Trooper Cardoza said, "looking at it in hindsight he would have been like, I wasn't actually trying to hit and run, maybe" (he was trying to influence the outcome). Trooper Cardoza said when Ofc. Samudio asked him if he remembered working the accident together, Trooper Cardoza thought, "hey, what are you trying to get at?"

I questioned Trooper Cardoza about the weather conditions the day of the accident. He said the conditions were dry.



I asked Trooper Cardoza if he believed Ofc. Samudio was lying about the accident and everything Ofc. Samudio reported thereafter. He said, "I do, yes." He cited witness Charlie Hero, who drives the pass every day, and "knows the pass like the back of his hand." He trusts Mr. Hero and his observations of Ofc. Samudio's actions. The people in vehicle #2 also observed Ofc. Samudio use the emergency crossover as well. Trooper Cardoza said he confronted him with this and Ofc. Samudio still lied about using exit 190.

#### **Interview with Michael Chu (R/P who called Vail P.D. Dispatch)**

On July 23, 2021, I called and spoke to Michael Chu. This interview was audio taped. Please refer to the recording for exact statements. The following is a summation:

On April 3, 2021, Mr. Chu was a passenger in a car headed eastbound on I-70. The driver was his friend Alex Corely. They had spent the day in Vail and were headed to Breckenridge.

He described the two vehicles involved in the accident as a small minivan and a blue four door sports car.

Mr. Chu said they were in the left lane. The minivan was in the right lane and the sports car was weaving in and out of both lanes when it came up behind them.

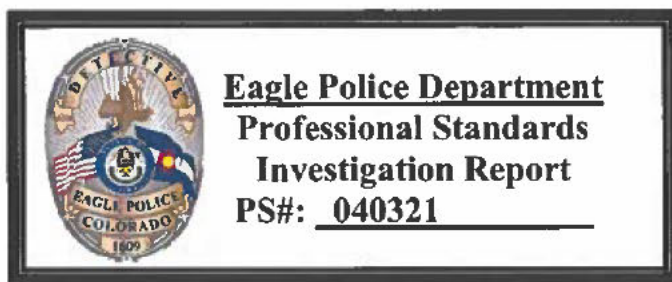
At the point of contact, the sports car was behind them in the left lane. As this car was directly behind them, the sports car weaved to the right lane and struck the minivan.

Mr. Chu did not think the driver of the sports car saw the minivan or realized it was there when it tried to weave in between them. "He was speeding, right, and didn't have time to stop and clipped" the van.

Mr. Chu said the sports car was going "160" mph. "It was insane, we could see him coming up in the rear-view mirror, oh my god, that's a rocket." Mr. Chu said the sports car was weaving in between cars that were going 80 mph.

Mr. Chu believed the driver thought he had a clear path to pass them on the right but did not see the van or thought there was a big enough gap where he could fit in.

I asked Mr. Chu what the driver of the sports car did after striking the van. He said the bumper of the sports car was hanging off, "almost like half the width of the car and taking up a lot of space." The sports car moved over to the right lane and continued "at like 160 and just like booked it." Mr. Chu thought he did this to avoid someone trying to obtain his license plate number.



I asked Mr. Chu how he knew the sports car was going 160 mph. He explained they were traveling at a speed of 80-90 mph and the sports car was going "1.5 to 2 times the speed we were going." Mr. Chu stated he could be exaggerating, "he could have been going 140."

#### **Interview with Chris Weber (Alpine Collision)**

On July 23, 2021, I called and spoke to Chris Weber via the phone. This interview was audio recorded. For exact statements, please refer to the recording. The following is a summation:

Mr. Weber was asked to keep our conversation confidential. Mr. Weber was asked if he recalled working on Ofc. Samudio's personal car. He said he did recall this job. Mr. Weber pulled up the file he had in reference to this car and referred to the file as we spoke. He was asked if Ofc. Samudio told him anything about the accident. Mr. Weber said he did not recall a discussion about the facts of the loss, only what needed to be repaired.

I asked him if he recalled Ofc. Samudio mentioning hydroplaning on I-70. He said, "I do think I remember him saying something about hydroplaning but I'm not 100% certain, we have so many cars and I don't have anything directly in my notes about that, but I do think that I remember him saying something about hydroplaning."

#### **Interview with Alex Corley (Witness to the collision)**

On July 26, 2021, I spoke with Alex Corley. This interview was completed over the phone and was audio recorded. For exact statements, please refer to the recording. The following is a summation:

Mr. Corley recalled this accident. He and Michael Chu spent the day in Vail and were returning to Breckenridge. They were traveling up Vail pass, eastbound in the #1 lane. He was driving and Mr. Chu was the passenger. In his rear-view mirror, he could see Ofc. Samudio's car coming up behind him and said, "that guy is driving like an asshole." He estimated he first observed his car 5 -10 seconds before the collision. Mr. Corley said he thought to himself, "he's coming up pretty fast, he's probably going to cause an accident." Mr. Corley estimated his speed at 80 mph. He recalled the minivan in the right lane a "little bit up ahead of him."

Mr. Corley said he thought Ofc. Samudio would slow and "ride me for a little bit and get me over to the right lane," as Ofc. Samudio was behind him at that point in the left lane as well. Mr. Corley said his plan was to pass the van and then pull into the right lane to let Ofc. Samudio pass him. He said Ofc. Samudio at the last minute, swerved into the right lane and was caught behind the van. Mr. Corley said Ofc. Samudio was at that point traveling "way too fast to hit the brakes, and instead shot the gap in between me and the minivan. So, the minivan was probably, I don't know, probably ten feet in front of me on that right lane, so he comes swerving to the middle, managed to avoid me within a couple feet but clips the front right side of his car and the back left of the mini-van."



Mr. Corley said no one slowed down after the collision. He thought this was strange. He had braked to 60 mph. He said Ofc. Samudio “took off” from the left lane and “started to floor it.” Mr. Corley tried to catch up with Ofc. Samudio to obtain a license plate number and “gave up when he hit like 95.” I clarified Ofc. Samudio left the scene and proceeded east bound on I-70 traveling 95 mph. Mr. Corley, said, “easily, I would guess way above 100, because he disappeared pretty fast.”

Mr. Corley said the minivan pulled off to the side of the road. Right after Mr. Chu called 911, they observed Ofc. Samudio’s car, “the same blue car with the entire front right side missing, it was like dangling on,” travelling back to Vail on the west bound lanes. Mr. Corley said he observed the blue car westbound approximately 5 minutes after the initial accident and approximately one minute after they hung up with 911.

#### **Interview with Ofc. D. Sriver Eagle Police Officer**

On July 27, 2021, I interviewed Ofc. Sriver at Town Hall in Eagle. This interview was audio taped. For exact statement, please refer to the recording. The following is a summation:

Ofc. Sriver works with Ofc. Samudio and considers him a friend.

Ofc. Samudio shared with Ofc. Sriver he was in an accident on I-70. Ofc. Sriver asked him what happened. Ofc. Samudio told him he was driving on Vail pass, the weather was bad, and he collided with another vehicle. Ofc. Samudio did not tell him whether it was his fault or the other driver.

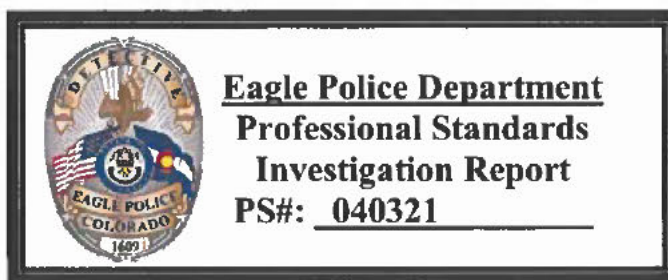
He told Ofc. Sriver he continued driving up the pass because he did not feel it was safe to pull over where the accident occurred.

Ofc. Samudio told him he turned around in an emergency turn off towards where the accident happened. At some point Ofc. Samudio pulled off to the side of the road and a CSP Trooper pulled in behind him.

Ofc. Samudio told Ofc. Sriver he was trying to explain to the Trooper why he had left the scene and the Trooper issued him a summons for leaving the scene.

I asked Ofc. Sriver if Ofc. Samudio told him why he had not called the accident in to 911. He did not. Ofc. Sriver said Ofc. Samudio told him he did not pull over because it was not safe.

Ofc. Sriver was asked if he recalled what Ofc. Samudio said about the weather and if it was a factor in the accident. Ofc. Sriver said he could have assumed it was weather related and did not recall if Ofc. Samudio said this. He said he was either assuming or Ofc. Samudio told him this, but it “stuck in his head.”



Ofc. Samudio did not tell him which crossover emergency he turned on. Ofc. Scriver said Ofc. Samudio told him about the accident on the day or two days after it occurred. It was the first time they were on shift together.

### **Interview with Sgt. Tyler Stonum**

On July 27, 2021, I interviewed Sgt. Stonum at the Eagle Town Hall. This interview was audio taped. For exact statements, please refer to this recording. The following is a summation:

Sgt. Stonum is Ofc. Samudio's direct supervisor. On April 3, 2021, at 6:51 PM, Ofc. Samudio called Sgt. Stonum to report the accident to him as required by policy. Both parties were off duty. During this conversation and subsequent conversation with Ofc. Samudio, Sgt. Stonum took notes then typed these notes into documents. Sgt. Stonum provided me copies of these documents.

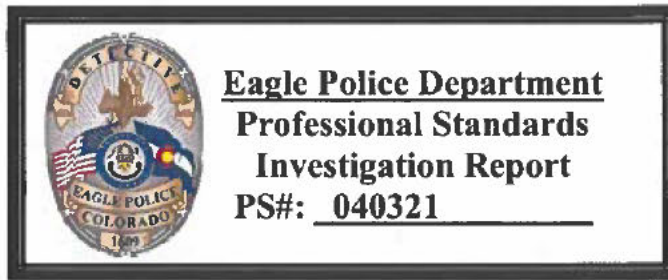
During the initial call, Ofc. Samudio told Sgt. Stonum he had been in an accident near Vail and had received a ticket from CSP. He told Sgt. Stonum he was traveling in the left lane when a minivan changed from the right lane to the left lane in front of him. Ofc. Samudio said he could not stop and hit this car.

Sgt. Stonum said Ofc. Samudio was very upset. He told Sgt. Stonum he had never been in a situation like this and Sgt. Stonum said Ofc. Samudio sounded scared. Ofc. Samudio's family picked him up as his car had to be towed.

At 8:15 PM, on that same day, Ofc. Samudio called Sgt. Stonum. He related the same information, but added after the collision, he could not pull over because the amount of traffic. He did not feel it was safe to stop. Ofc. Samudio told Sgt. Stonum he drove to the next exit, but his car was too damaged to return to the scene. He did not tell Sgt. Stonum which exit he took. Ofc. Samudio told Sgt. Stonum he did not call law enforcement to report the accident because he was having a difficult time controlling the car due to the damage.

The following day, April 4, 2021, Ofc. Samudio called Sgt. Stonum. He was still very upset and again related the same explanation of the accident.

On April 5, 2021, Ofc. Samudio brought in the summons for Sgt. Stonum to make a copy. Sgt. Stonum requested the full report from CSP, which he later received, to include the dashboard camera from Trooper Cardoza's interaction with Ofc. Samudio. Sgt. Stonum provided me with the CD copy he received from CSP.



Sgt. Stonum asked Ofc. Samudio to write out a statement reference the accident and this was done. I received this statement on July 20, 2021. Sgt. Stonum said an IA had not been initiated at the time he asked Ofc. Samudio to complete this statement.

- Sgt. Stonum went over his notes he took while watching Trooper Cardoza's dashcam video. The call was dispatched as a Hit and Run, REDDI report, and a Reckless driver.

Trooper Cardoza arrived at exit 180, the Big Horn parking lot at 6:07 PM. Sgt. Stonum noted the following statements made by Ofc. Samudio to the trooper:

"I was going to Denver, this car just braked and got in my way, and I hit him. I just got scared so I turned back around and stopped here."

At 6:07 PM, Ofc. Samudio's sister, Maria Zamudio and several family members arrive at the parking lot.

Sgt. Stonum noted Ofc. Samudio was asked three separate times by the trooper about the use of the crossover/ emergency turnaround. His responses were:

He used the rest area exit, not the crossover. Ofc. Samudio was asked a second time about the emergency crossover and he confirmed he used the Vail Pass exit, used the restroom, and did not use the emergency crossover. He was asked a third time about the emergency crossover. Ofc. Samudio said he was going to use this, but he did not, and instead used the exit.

Sgt. Stonum called and spoke to Maria Zamudio (who spells her name with a "Z"). She told him she was at the Walmart in Avon, which Sgt. Stonum estimated was approximately 15 minutes from the parking lot. She was there with her husband, children, and her parents. They received a call from Ofc. Samudio, who told her he was ok. They left Walmart and drove to the parking lot where Ofc. Samudio was waiting. Maria told Sgt. Stonum Ofc. Samudio did not tell her how the accident occurred.

Sgt. Stonum said on July 16, 2021, Chief Staufer told him to give Ofc. Samudio the Advisement of the IA and the Advisement of Administrative Leave. He also administered a Garrity warning. He told Ofc. Samudio he was not interviewing him on that day, but his interview would happen in the future.

Sgt. Stonum told me he initially thought CSP had overcharged this case. He said when Trooper Cardoza arrived and saw Ofc. Samudio, he yelled at Ofc. Samudio to "get over here right now." Sgt. Stonum felt Ofc. Samudio was put into a custodial situation which should have required a Miranda warning. Sgt. Stonum told me he wondered whether Ofc. Samudio's race or age played any role. Ofc. Samudio is 24 years old and Hispanic.



I asked Sgt Stonum if the video showed Ofc. Samudio telling Trooper Cardoza he was a police officer for the Town of Eagle. He did recall this and said this statement was not made initially, but further into their contact. Sgt. Stonum said this came up during another explanation of the accident and Ofc. Samudio told Trooper Cardoza, "I wouldn't do that I am a police officer," or something to that effect.

### **Interview with Chief Joey Stauffer**

On July 27, 2021, I interviewed Chief Stauffer at the Eagle Town Hall. This interview was audio taped. For exact statements, please refer to the recording. The following is a summation:

The Chief was asked how he learned about the accident involving Ofc. Samudio. He said he was informed by Sgt. Stonum a day or two after it occurred. He said he did not have a conversation with Ofc. Samudio about how the accident occurred at that time. The Chief learned there was additional paperwork, a report from CSP, and a witness statement. Sgt. Stonum told the chief he believed there was a language barrier which caused some confusion in what Ofc. Samudio originally reported. Sgt. Stonum believed Ofc. Samudio was trying to say a vehicle pulled into his lane, and he was unable to avoid the crash.

A short time after that, the Chief received a call from a sergeant at CSP, indicating they had taken action against one of his officers during a traffic crash. The Chief was advised that if he wanted to receive reports, he would need to go through formal channels.

He then asked Sgt. Stonum to request these reports from CSP. Sgt. Stonum provided verbal updates. Sgt. Stonum believed two of the charges were wrong.

Once they received the reports, the Chief noted the box which would indicate an injury occurred during the accident was not checked, but the summons indicated there was an injury. They discussed the appearance of overcharging and possible reasons why. The Chief directed Sgt. Stonum to continue to gather the information from CSP, because at that point they had not received the dash camera video.

When Sgt. Stonum received the video, he reported to the Chief he had reviewed the video. He also reported there were some questions.

The Chief said he received a call from D.A. McCollum. He previously reached out to her to let her know about the case. She reviewed the case and told him there were concerns. At the end of May or beginning of June, she called and asked to meet with him.



Present at this meeting was D.A. McCollum, Asst. D.A. Joe Kirwan, and the Chief. They discussed an additional witness the Chief did not have knowledge of prior to this meeting. The D.A.'s office was going to follow up with this witness. They discussed the statement of the tow truck driver, Mr. Hero. The Chief told D.A. McCollum if their office had concerns, he would respectfully request their office conduct an IA. She said she would investigate this, but later told the Chief it would be a conflict of interest. She had advised him of this on June 6, 2021.

The Chief received a call from D.A. McCollum on July 15, 2021. She told him she had a meeting with Ofc. Samudio's attorney. In this discussion, apparently another version of what had occurred during the accident was told. Ofc. Samudio informed his attorney he had used the emergency crossover lane, the reason being was to turn around, use the next turn around, and return to the scene of the accident. The Chief said this was a red flag and, "now we have an allegation of untruthfulness, and I am not going to stand for that."

The Chief directed Sgt. Stonum to place Ofc. Samudio on Administrative leave and give him the IA notification. Ofc. Samudio was to return for his three-day shift on July 16.

On July 16, 2021, the Chief took his truck to Alpine Collision and spoke to Mr. Weber, who brought up Ofc. Samudio's comment about hydroplaning being the cause of his accident. He then went to his Human Resources specialist, Lynette, and told her they needed to speed up finding an investigator to complete an IA.

The Chief looked at the dashboard camera video. He said he became very concerned about conflicting statements. He was not certain if the 911 callers (Mr. Chu) had identified Ofc. Samudio's car as the same car involved in the hit and run. He was also concerned if Ofc. Samudio had provided a truthful statement to Sgt. Stonum about the van pulling out in front of him.

The written information Ofc. Samudio provided to CSP indicated he drove back down to Vail, to "wait for the Trooper." The Chief questioned the information and if a call was made. "It is inferring you are waiting for a trooper, but how are they going to know you are there?"

The Chief also questioned the conflicting statements about the use of the emergency crossover versus the use of the exit at the top of Vail Pass. Ofc. Samudio reported to Trooper Cardoza he stopped at the rest area and used the bathroom. Mr. Hero reported Ofc. Samudio used the emergency crossover just west of the CDOT shed. The Chief advised during his discussion with D.A. McCollum, she indicated she found Mr. Hero 100% credible.



The Chief then brought up the timeline of the incident. Ofc. Samudio reported to Sgt. Stonum, when he turned around and began his decent into Vail, he could not use the phone because there were issues with the steering and his ability to control the car. The fact his sister had shown up within 5 minutes of Trooper Cardoza's arrival indicated he called her when he was driving. He said it is a 15-minute drive from Walmart in Avon to the east Vail exit.

We spoke about the fact Ofc. Samudio identified himself as an Eagle Police Department Police Officer. In the Chief's opinion, if you are off duty and something occurs and you identify yourself as a police officer, you are now representing yourself as an employee and are on duty. This is part of the PTO program training. Do not get involved in an off-duty situation and do not identify yourself as a police officer unless it's a life threatening situation.

Lastly, the Chief told me Ofc. Samudio had been involved in an on-duty accident where he collided with a Deputy Sherriff's patrol car after he slid on some gravel. Ofc. Samudio received verbal counseling because of this accident. Sgt. Stonum told him not to crash another patrol car.

#### **Interview with Ofc. Shaffer**

On July 28, 2021, I called and spoke to Ofc. Shaffer. This interview was audio transcribed. For exact statements, please refer to this transcript.

Ofc. Shaffer was asked if Ofc. Samudio told him about the off-duty accident he was involved in and if so, what had he told him.

Ofc. Shaffer said Ofc. Samudio told him he was in an accident. Ofc. Samudio was driving to Denver and had gotten into a car accident. He told Ofc. Shaffer he did not pull over right away after the accident because he did not feel it was safe. Ofc. Samudio waited until the next exit and pulled over and then, "called his mom." He turned around and went back to the scene. The trooper was at the scene and issued him a citation, "for that." Ofc. Samudio did not tell Ofc Shaffer the cause of the accident, nor did Ofc. Shaffer ask.

I asked Ofc. Shaffer if Ofc. Samudio explained why he had called his mother and not law enforcement. Ofc. Shaffer said he could not remember. Ofc. Shaffer said Ofc. Samudio called his mother because he was "nervous because he had never been in a car accident before and that was why he called his mom." Ofc. Shaffer said Ofc. Samudio was scared he would lose his job over this situation.



### **Interview with Charlie Hero, Mountain Recovery**

On July 29, 2021, I called and spoke with Charlie Hero. This interview was audio taped. For exact statements, please refer to this recording. The following is a summation:

Mr. Hero confirmed what was noted in his statement to CSP. I asked him for more details about when he followed Ofc. Samudio down Vail Pass.

Mr. Hero told me before mile marker 187, just before the “narrows,” Ofc. Samudio slowed down to 35-40 mph. Mr. Hero had no choice but to go around him but kept Ofc. Samudio’s car in sight. At the bottom of the narrows at about mile marker 184 or 185, “is when he sped up in excess of 75 to 80 mph and passed me.” Mr. Hero said he sets his cruise control to 65 mph when he is traveling down the pass, so the engine break does not activate. Ofc. Samudio passed him at a high rate of speed.

Mr. Hero observed “more erratic speeds” from Mr. Samudio’s car, as well as observing the car swerving. He then called CSP dispatch. Mr. Hero explained he was driving a brand-new pick up and it was not equipped with a police scanner.

Mr. Hero provided updates to dispatch as to the location of Ofc. Samudio’s car. He observed Ofc. Samudio take the East Vail exit #180, turn left on Big Horn and park in the parking lot. He observed this from the interstate, but said he had a clear view of this location.

Mr. Hero confirmed he was west bound on I-70, just passing the CDOT sand shed, when he observed Ofc. Samudio use the crossover just to the west of him.

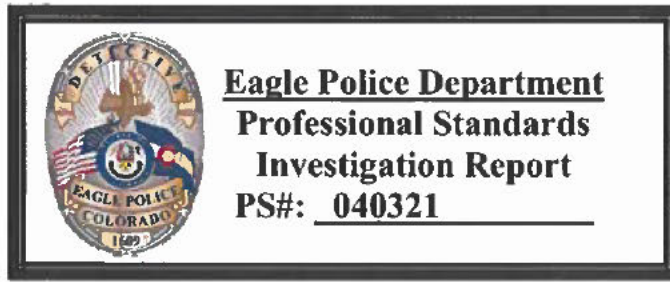
### **Interview with Ofc. Hernan Samudio**

On July 30, 2021, I interviewed Ofc. Samudio at the Eagle Town Hall. This interview was audio recorded. For exact statements, please refer to this recording. The following is a summation:

Ofc. Samudio had previously been read both the Eagle Police Department Professional Standards Advisement and the Notice of Garrity Warning by Sgt. Stonum. We did go over the Garrity Warning again, which he signed in front of me.

Ofc. Samudio has worked for EPD for 2 years and 7 months. He had purchased his Infinity in March 2021. The insurance company did not “total it out” after the accident. Ofc. Samudio said, “it was an easy fix.”

He did not know what time he left his home in Gypsum and was not expected in Denver at any set time.



We talked about the actual accident. He said he was not “going super-fast because there was a lot of traffic, probably like 60-65.” He said “a car kind of got, crossed me over and I didn’t really have anywhere to go, I run into the car. There was a lot of traffic, so I wasn’t able to stop.” I clarified the car was in the right lane and pulled out in front of him as he was traveling in the left lane. Ofc. Samudio verified my clarification.

Ofc. Samudio said he “tried” to stop, but there was too much traffic behind him and he did not want to cause another accident. I asked him what “tried” meant and he said he slowed down. He continued to the “next nearest turnaround, turned around.” He said he was having trouble steering and pulled into the next safe spot. He said the state trooper showed up, “right away.”

He could not recall the mile marker of the emergency crossover he used. I asked him if he had used any restroom anywhere after the accident. He said, “no, I did not.”

I asked Ofc. Samudio why he had not called 911. He said, “I was in my car, I was trying to drive straight. I did not want to cause another accident.” He said he wanted to be safe and then he would call. He was asked how fast he drove down the pass. He said he was “not going fast at all. I was trying to get to a safe spot.” He also noticed there was a problem with the steering.

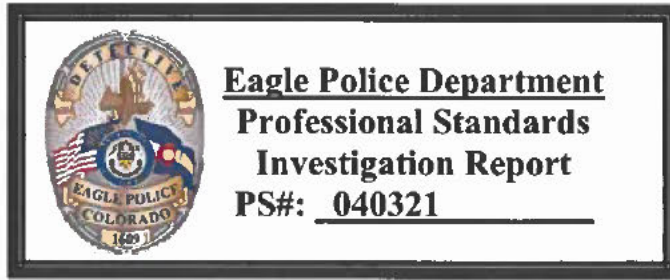
Ofc. Samudio told multiple people he felt it was not safe to stop right after the accident. He told me it was Easter weekend and there was a lot of traffic. He said, “I didn’t want to suddenly stop out of nowhere and then just pull on the side of the road.”

I asked Ofc. Samudio what was the first thing he did after he parked his car in the parking lot. He said he got out of the car and looked at the damage. He then called his mother, who did not answer. He called his sister, who was with his mother, and told her he had been in an accident. Ofc. Samudio said he was having a panic attack and was pacing in the parking lot.

The trooper showed up right after he spoke to his sister or while he was still talking to her. He knew they were in Silverthorne that afternoon and he had assumed they were coming from there.

I asked Ofc. Samudio if he told the trooper he was an Eagle police officer. He said, “I can’t remember if I did, I’m not sure if I did, I think I did, I’m not sure.” I asked him why he would tell the trooper he was a police officer. He said, “I’m not exactly sure I did tell him, I can’t remember.”

On the day of the accident, Ofc. Samudio told the trooper he did not know where the accident occurred. He later completed a statement for Sgt. Stonum. In this statement, he wrote the accident occurred “approximately at mile marker 182.” I asked him if he drove back up the pass to determine where the accident occurred and he said he had not.



Ofc. Samudio was asked if he reviewed the dashboard camera video from the trooper's car which recorded their interaction. He said he did not. It should be noted I received a copy of this video, reviewed this video, and took extensive notes while doing so.

I told Ofc. Samudio I was advised that he told the trooper in his initial story, "I just, like, hit him and I got scared and turned around and come back here." I asked Ofc. Samudio why he was scared. He said he was just involved in an accident and had a panic/anxiety attack. Ofc. Samudio told me he still has panic attacks from this accident and is in counselling.

We returned to the written statement he provided Sgt. Stonum. In this statement, he had written he turned around in the emergency exit. Ofc. Samudio also wrote, when answering the Trooper's questions about where he had turned around, he was confused, and he "was trying to get to Shrine Road exit but turned around to East Vail exit instead."

I confirmed with Ofc. Samudio that Shrine Road exit was the exit at the top of the pass and he said it was. I told him, on the video, he was very clear where he told the Trooper he had exited and that was at the top of Vail pass. I told him, in fact, he had told the Trooper he had used the restroom at that rest area. Ofc. Samudio said, "no, I didn't use the restroom." I asked him why he told the Trooper he had used the restroom.

Ofc. Samudio said, "I didn't use the restroom, that's the thing. I was trying to explain myself I was trying to get to get to the Shrine Pass exit so as to not use any median exit changes so then I ended up using the median turnaround." He said he had a thousand things going through his head and he was really scared.

I told Ofc. Samudio he was asked by the Trooper three times which turnaround he used and all three times he told the Trooper he had used the exit on the top of Vail Pass. Ofc. Samudio said, "right, right."

We then talked about the cause of the accident. I informed him there were four witnesses to the cause of the accident and all reported he (Ofc. Samudio) had caused the accident. I told him the witnesses reported he was speeding and weaving in and out of lanes right before the accident. One witness reported he was going in the excess of 100 mph and he described his car as a "rocket" coming up behind him. I told him they reported he was trying to get around a car in the left lane, tried to "shoot the gap" and did not see the van and hit the van. I explained two of the witnesses were independent witness and asked him if he knew what that meant. He said he did not. I explained they were not involved in the accident itself and "did not have a dog in the fight."



I told Ofc. Samudio the statements from the four witnesses were in direct conflict with what he reported. I told Ofc. Samudio I would like to give him the opportunity to clarify his statement. He said, "I already kind of told you how it went down, that I was going to Denver and if they saw me do it, they saw me do it." I reminded him he told the Trooper the van pulled out in front of him. He said, "yes, yes, I was in my lane and this van just came out of nowhere."

I asked him about the speeding and told him one witness reported him going in the excess of 120 mph. He said, "I honestly don't think I was going that fast." I told him no one could issue him another summons and he needed to be truthful. He said he was being honest, and he did not believe he was going 120 mph.

I told Ofc. Samudio, after the accident, all four witnesses reported he "took off at a high rate of speed," and he did not slow down. I told him the two independent witnesses tried to catch up to him and obtain his plate number, but they were unable catch up to him because he was going too fast. He again said he did not think he was going that fast.

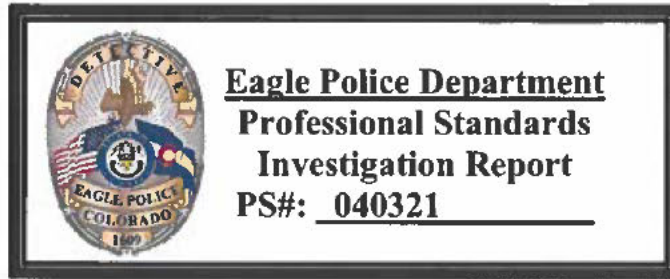
I then went through the three separate times he identified himself as a police officer. I told Ofc. Samudio the Trooper arrived at 1806 hours, and the first time he told the trooper he was an officer was unsolicited, at 1811 hours. The trooper had asked him to come back over to his car.

In the video, Ofc. Samudio said, "I'm not going to lie, I'm a patrol officer with Eagle police," to which the Trooper responds, "ok." Ofc. Samudio said, "It's not that I'm trying to front you." (Ofc. Samudio explained front means lie) The Trooper told him at that point he should know he was supposed to stop. Ofc. Samudio told the Trooper there were too many cars.

The next time Ofc. Samudio told the trooper he was a police officer was at 1826 hours. The trooper confronted him about the discrepancies on where he turned around to return to Vail. The trooper told Ofc. Samudio he needed to be honest. Ofc. Samudio said, "I'm not lying." "I wasn't trying to go anywhere, I'm being serious. You took a report from me before." The trooper responded, "You keep saying that, but I honestly don't remember."

Ofc. Samudio reached into his back pocket and took his wallet out, removing a business card and handed it to the Trooper. As he was doing this, Ofc. Samudio said, "This is just on the other side, I'm not trying to be an asshole, but I work for Eagle police so I'm not even lying. I know it doesn't mean anything."

The third time he told the Trooper he was a police officer was at 1849 hours. The trooper had issued Ofc. Samudio the summons. Ofc. Samudio told the trooper, "I'm not trying to front you,



I'm being honest. You'll probably see me on patrol, I work for Eagle PD, not that it matters. I'm not trying to front you."

I pointed out he told the Trooper he was a police officer three times. I asked Ofc. Samudio if he felt it would make him appear more credible. Ofc. Samudio said, "I didn't want to use that as an advantage by any means. I was just trying to tell him." He said he was going through anxiety at the time.

I asked him if he believed the Trooper would be more lenient with him. Ofc. Samudio said he did not think that "by any means."

We talked about when he made the phone calls to his mother and his sister. I told him there was an independent witness who followed him down Vail Pass. The witness observed him exit on the East Vail exit, turn left on Big Horn, and go into the parking lot at the rest area. This witness was on the phone with CSP Dispatch when this information was being relayed and dispatch had timestamped Ofc. Samudio's arrival at the parking lot at 1757 hours. Trooper Cardoza arrived at 1803 hours. Ofc. Samudio's family can be seen arriving at 1806 hours.

I explained to Ofc. Samudio, Sgt. Stonum had interviewed his sister, Maria. She reported to Sgt. Stonum she received Ofc. Samudio's call while she was at Walmart in Avon.

I advised him the drive from that location to the East Vail exit is approximately 15 minutes. I told him if he had made the call from that parking lot when he first parked his car, it took Maria 5 minutes to drive from Avon. I told him this did not make sense and he made the call when he was driving down the pass. Ofc. Samudio said, "I honestly don't think my sister was at Walmart when I called her." I asked him, "So she was lying?"

He said he did not know, and I should call her and ask her. I explained I had left her messages and texts to call me. Ofc. Samudio said, "I honestly don't think they were at Walmart because I didn't call anybody on my way down, so, I don't know where they were at, I don't know about that one."

I asked Ofc. Samudio if he recalled telling Chris Weber at Alpine Collision the cause of his accident was hydroplaning on I-70. Ofc. Samudio said, "no, I did not tell him that."

I told Ofc. Samudio I believed he was a young man who made a really bad decision because he was scared because he had caused an accident. I told him I believed this was due to having been involved in a previous accident on-duty and the Sergeant told him not to have another accident. He did have another accident, causing him to panic and run. Ofc. Samudio said, "I don't know about the running, but I was definitely scared, I was really scared, I had really bad



anxiety, so, I had a thousand things going in my mind. I didn't tell Chris I hydroplaned. I don't know about my sister being at Walmart."

Finally, I brought up the CSP driver exchange statement he filled out while on scene. In this statement he wrote, "I turned back around and came to the exit and waited here. For the troopers." I asked him how he knew the troopers would find him there. Ofc. Samudio said, "I figured they were already on their way, and this was after the fact, he's like here man, fill this paperwork out and so I started filing it out, so. Like I said, I figured they were already going to be there."

I asked him how he had "figured" that, it did not make sense because he had never called anyone. Ofc. Samudio said, "I know." I asked him how they would know where to find him. Ofc. Samudio said, "I don't know, I just wrote that down, I didn't call anybody, I mean, I don't know." I asked, "You don't know why you wrote that down? Ofc. Samudio said, "I mean I don't, so." "I forgot I wrote I waited for the troopers, so."

#### **Interview with Maria Zamudio**

On July 30, 2021, Ms. Zamudio returned my phone call and we spoke. This conversation was audio recorded. For exact statements, please refer to the recording. The following is a summation:

Ms. Zamudio said she was at the Walmart in Avon when Ofc. Samudio called her. She did recall what time she received the call. She explained they had been to Silverthorne before stopping at Walmart on their way back home in Gypsum. Ms. Zamudio said she was with her parents, her husband, and one of her sons.

While at Walmart, her parents went into the store while they waited in the car.

Her parents finished shopping and as her mother was placing the purchased items into the truck when Ofc. Samudio called her cell phone and asked her to pick him up. She did not know how long the drive was from Avon to the East Vail exit. She said Ofc. Samudio did not tell her anything about the accident itself.

I asked Ms. Zamudio if we could coordinate a time to speak with her husband (who does not speak English). From the video, it appears Ofc. Samudio explained how the accident happened to him.

On July 30, 2021, I called and spoke with Ofc. Samudio. This call was audio recorded. I asked him to contact his cell phone provider and request the records for April 3, 2021. He said he would do this.



### **Interview with Ofc. Huebner**

On July 31, 2021, I called and spoke with Ofc. Huebner. This interview was audio taped. For exact statement, please refer to this recording. The following is a summation:

Ofc. Samudio mentioned to Ofc. Huebner he had been involved in an accident a couple days after it occurred. Ofc. Samudio said he was on Vail Pass and “something about a lane change.” He recalled Ofc. Samudio telling him Ofc. Samudio was “pushed” into the center barrier/ cement divider. Ofc. Huebner did not know what this divider is called. (Jersey barrier)

Ofc. Huebner did not recall much about what Ofc. Samudio told him about the cause of the accident but did recall Ofc. Samudio was “nervous about it.”

### **SUMMARY OF ALLEGATIONS:**

Ofc. Samudio was charged with the following from the criminal case 2021T596:

- 1) 42-4-1606 (1) Failed to Notify Police of Accident
- 2) 42-4-1606 (1) Failed to Remain/Return Accident Scene as Directed by Police.
- 3) 42-4-1007 (1)(a) Changed Lane when Unsafe
- 4) 42-4-1010 (1) Improper Turn/Turned where Prohibited. Across Median of Divided Highway.
- 5) 42-4-1402 (2)(B) Careless Driving (Caused Bodily Injury)

There is sufficient evidence to suggest Ofc. Samudio violated these laws.

- At no time did Ofc. Samudio call law enforcement.
- As reported by all four witnesses, Ofc. Samudio was reported to have left the scene at a high rate of speed, not slowing down.

As reported by all four witnesses, Ofc. Samudio was reported to have been travelling at a high rate of speed and weaving in and out of lanes prior to the accident. He was in the left lane when he made an unsafe lane change and struck the minivan.

As reported by three witnesses and himself, Ofc. Samudio used the emergency crossover.

Susan Prevost, passenger in the minivan, reported to Sgt. Bruce she sustained an injury due to the seatbelt locking against her stomach. The witnesses report careless driving, excessive speeding, and weaving in and out of the traffic lanes.

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There is sufficient evidence to suggest Ofc. Samudio violated Policy 319.5- Laws, Rules and Orders (c) Violation of federal, state, local or administrative laws, rules or regulations.

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On three separate occasions during the contact between Ofc. Samudio and Trooper Cordoza, Ofc. Samudio identified himself as an Eagle Police Officer. The most egregious time was the second time occurring at 1826 hours. The Trooper confronted Ofc. Samudio about not being truthful. As he is pulling his business card out of his wallet, Ofc. Samudio told the Trooper he is not lying and he was



not going anywhere. As he is trying to convince the Trooper he is telling the truth, he makes the statement, "this is on the other side, I'm not trying to be an asshole, but I work for Eagle Police, not that it matters. I'm not trying to front you." The Trooper's impression was Ofc. Samudio was trying to influence the outcome and noted Ofc. Samudio's tone.

There is sufficient evidence to suggest that Ofc. Samudio violated Policy 319.5.2 Ethics (a) Using or disclosing one's status as a member of the Eagle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity. He is also in violation of the Town of Eagle Policy 4.14: Ethical Standards; Incompatible Activities- The holding of public employment is a public trust, created by the confidence which the electorate reposes in the integrity of Town officials and employees. Town officers and employees should not engage in any activities or enterprises which are incompatible with his or her duties as a Town officer or employee or with the duties, functions and responsibilities of the department in which he or she is employed. (2) Cause for Audit – Performance of an act, in other than one's capacity as a Town officer or employee, which may later be subject, directly or indirectly, to control, inspection, review or audit by such officer or employee or by the Town department in which he or she is employed.

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Trooper Cardoza reported he believed Ofc. Samudio was untruthful about the cause of the crash, as well as the location Ofc. Samudio had turned around, and the fact Ofc. Samudio had fled the scene. All four witnesses report Ofc. Samudio was at fault for the crash. Three witnesses saw him use the emergency crossover. All four witnesses reported Ofc. Samudio had left the scene at a high rate of speed. Trooper Cardoza characterized Ofc. Samudio's use of the emergency crossover as a classic sign of trying to escape detection.

When asked on three separate occasions the location Ofc. Samudio had made the turnaround, Ofc. Samudio told Trooper Cardoza he made this turn on the top of Vail Pass, exit 190. He told Trooper Cardoza he used the restroom. Ofc. Samudio then changed his story when he wrote out his statement to Sgt. Stonum. He repeated this version to Ofc. Scriver and again repeated this version to me.

Ofc. Samudio told three different versions of the cause of the accident. He reported to Trooper Cardoza, Sgt. Stonum and me, a car pulled out in front of him, and he was unable to avoid a collision. He told Mr. Weber his car had hydroplaned. He told Ofc. Huebner he ran into the Jersey barrier.

Ofc. Samudio reported he could not call law enforcement after the accident because he was having issues with his steering and had to have two hands on the steering wheel. Again, four witnesses observed him speeding away from crash. He was observed by Mr. Hero driving slow and not maintaining lanes, but was able to speed up again and pass him at 75 to 80 mph.

Ofc. Samudio reported he parked his car, looked at the damage and called his mother. His mother did not answer so he next called his sister. Dispatch recorded his time of arrival at the parking lot at 1757 hours. The Trooper arrived at 1803 hours and was able to capture the arrival of his family at 1806 hours. It is impossible for the family to have driven from Avon to the East Vail exit in approximately 5



minutes. There is sufficient evidence to suggest Ofc. Samudio called his mom/ sister on the drive down Vail Pass.

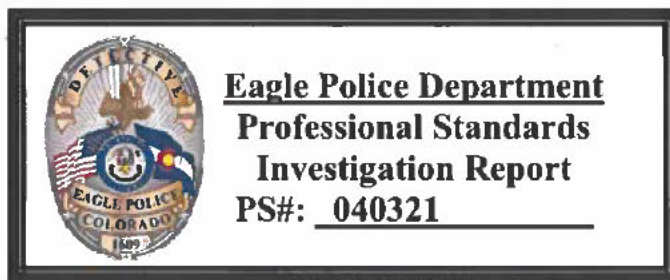
There is sufficient evidence to believe Ofc. Samudio was untruthful about these three issues and therefore violated the following policies:

- Policy 319.5.2 Ethics (g) Any other failure to abide by the standards of ethical conduct.
  - Policy 319.5.8 Performance (a) Failure to disclose or misrepresenting material facts, or making any false statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
  - Policy 319.5.8 Performance (i) Any act on or off-duty that brings discredit to this department.
  - Policy 319.5.9 Conduct (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
  - Policy 319.5.9 Conduct (h) Criminal, dishonest, or disgraceful conduct, whether on-or off-duty, that adversely affects the member's relationship with this department.
  - Policy 319.5.9 Conduct (m) 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
  - Town of Eagle policy 4.1 Employees of the Town are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity and ethical behavior at all times. This not only involves respect for the rights and feelings of others, but also demands that employees, while conducting business on behalf of the Town, refrain from any behavior that might be harmful to themselves, their coworkers, and the Town, or that might be viewed unfavorably by the public at large.
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**CONCLUSION:**

In conclusion, Ofc. Samudio is in violation of the following policies:

- Policy 319 - Standards of Conduct.
- Policy 319.5- Laws, Rules and Orders (c) Violation of federal, state, local or administrative laws, rules or regulations.
- Policy 319.5.2 Ethics (a) Using or disclosing one's status as a member of the Eagle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- Policy 319.5.2 Ethics (g) Any other failure to abide by the standards of ethical conduct.
- Policy 319.5.8 Performance (a) Failure to disclose or misrepresenting material facts, or making any false statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- Policy 319.5.8 Performance (i) Any act on-or off-duty that brings discredit to this department.



- Policy 319.5.9 Conduct (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- Policy 319.5.9 Conduct (h) Criminal, dishonest, or disgraceful conduct, whether on-or off-duty, that adversely affects the member's relationship with this department.
- Policy 319.5.9 Conduct (m) 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
- Town of Eagle Policy 4.1 General Standards and Employee Relationships -Employees of the Town are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity and ethical behavior at all times.
- This not only involves respect for the rights and feelings of others, but also demands that employees, while conducting business on behalf of the Town, refrain from any behavior that might be harmful to themselves, their coworkers, and the Town, or that might be viewed unfavorably by the public at large.
- Town of Eagle Policy 4.14 Ethical Standards; Incompatible Activities- The holding of public employment is a public trust, created by the confidence which the electorate reposes in the integrity of Town officials and employees. Town officers and employees should not engage in any activities or enterprises which are incompatible with his or her duties as a Town officer or employee or with the duties, functions and responsibilities of the department in which he or she is employed. (2) Cause for Audit – Performance of an act, in other than one's capacity as a Town officer or employee, which may later be subject, directly or indirectly, to control, inspection, review or audit by such officer or employee or by the Town department in which he or she is employed.

**This Internal Affairs Investigation is Sustained on all Policy Violations.**

**There is also the matter of the Brady Letter and the complications that are inherit as a result of the letter issued by the D.A., that being Ofc. Samudio cannot perform the duties of a police officer. It is detrimental in bringing justice to the victims of the Town of Eagle, not to mention the impact this letter has on community trust.**

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**Eagle Police Department**  
**Professional Standards**  
**Investigation Report**  
**PS#: 040321**

**EXHIBITS:** A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

**ATTACHMENTS**

**Exhibits:**

- Audio recording of interview with all witnesses
  - CSP Reports
- Samudio written statement
  - Transcripts
  - Witness List
  - Timeline
- Dash Camera Video

**DISPOSITION OF INVESTIGATION**

Sustained:       Not Sustained:       Exonerated:       Unfounded:

**ACTIONS**

Verbal Counseling:       Written Counseling:   
Written Reprimand:       Suspension:       Termination:

**Documentation/Comments:**

*At will release from employment.*

**COPY TO**

Professional Standards File:       Personnel File/HR:       Department File:   
Supervisor Log:       Training File:

Employee: *Herman Garcia*  
Date: *8/23/21*

Supervisor: *C. Buhlman*  
Date: *08-23-21*

Chief: *[Signature]*  
Date: *Aug 23, 2021*

HR Manager: *[Signature]*  
Date: *8/23/2021*



Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve Department personnel. 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 employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

**Department file** - Any file which is maintained in the office of the Chief of Police or the authorized designee or by the Department of Human Resources as a permanent record of a member's employment with this department.

**Division file** - Any file that is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

**Internal Affairs file** - Any file which contains complaints of employee misconduct, and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical file** - That file which is maintained separately and that exclusively contains material relating to an employee's medical history.

**Personnel file** - Any file, including a Department, Division, supervisor, training, Internal Affairs or medical file, of an employee containing information about the employee maintained because of the employer-employee relationship (CRS § 24-72-202(4.5)).

**Supervisor log entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

**Training file** - Any file which documents the training records of an employee.

**TOWN OF EAGLE, COLORADO  
207(K) POLICE DEPARTMENT - BI-WEEKLY TIME SHEET**

Pay Period 8/14/2021 to 8/27/2021

Employee Name Hernan Samudio Position: Patrol Officer

DATE	14-Aug	15-Aug	16-Aug	17-Aug	18-Aug	19-Aug	20-Aug		21-Aug	22-Aug	23-Aug	24-Aug	25-Aug	26-Aug	27-Aug	
DAY	SAT	SUN	MON	TUE	WED	THU	FRI		SAT	SUN	MON	TUE	WED	THU	FRI	
IN																
OUT																
IN																
OUT																
REG-OT IN																
REG-OT OUT																
MKT-OT IN																
MKT-OT OUT																
REG HRS	-	-	-	-	-	-	-	0.00	-	-	-	-	-	-	-	0.00
REG HOL PP HRS	-	-	-	-	-	-	-	0.00	-	-	-	-	-	-	-	0.00
O/T - REG	-	-	-	-	-	-	-	0.00	-	-	-	-	-	-	-	0.00
O/T - MEAC	-	-	-	-	-	-	-	0.00	-	-	-	-	-	-	-	0.00
COMP TIME USED								0.00								0.00
MEDICAL LEAVE								0.00								0.00
VACATION USED								0.00								0.00
HOLIDAY								0.00								0.00
CONTRACT EXTRA DUTY								0.00								0.00
CDOT-CIOT GRANT								0.00								0.00
CDOT-CHAIN LAW GRANT								0.00								0.00
MOUNTAIN YOUTH/SAMH GRANT								0.00								0.00
DUI/LEAF GRANT								0.00								0.00
OTHER			8.00	8.00	8.00	8.00	8.00	40.00			8.00					8.00
FTO HOURS								0.00								0.00
FTO O/T HOURS								0.00								0.00

Description of Unscheduled Hours:			Admin Leave	Admin Leave	Admin Leave	Admin Leave	Admin Leave				Admin Leave				

CODE	USED/EARNED	HOURS
1-01	REGULAR	0.00
1-02	REGULAR - FTO PAY	0.00
1-03	REGULAR - HOLIDAY PREMIUM PAY	0.00
1-05	REGULAR - FTO HOLIDAY PREMIUM	0.00
<b>TOTAL REGULAR</b>		<b>0.00</b>
2-01	OVERTIME - REGULAR	0.00
2-02	OVERTIME - MARKETING	0.00
2-06	OVERTIME - FTO	0.00
4-00	VACATION	0.00
5-01	MEDICAL/SICK	0.00
5-02	EMERGENCY SICK LEAVE	
6-01	HOLIDAY	0.00
9-00	COMP TIME USED	0.00
10-00	CONTRACT EXTRA DUTY	0.00
13-01	CIOT TASKFORCE DUTY GRANT	0.00
13-02	CHAIN LAW DUTY GRANT	0.00
13-03	MOUNTAIN YOUTH DUTY GRANT	0.00
14-00	DUI/LEAF GRANT	0.00
	OTHER:	48.00
<b>TOTAL HOURS</b>		<b>48.00</b>

Please attach all appropriate special duty and leave forms

OVERTIME  
PAID COMP  
   
Please check one

On Admin Leave \_\_\_\_\_  
Officer Signature \_\_\_\_\_ Date \_\_\_\_\_ Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

My Signature certifies the hours and minutes shown herein are a complete and accurate record of time worked each day and for the reported period. All leave taken and/or overtime earned or taken as time off was approved and reported. I did not work any additional time not recorded here.

NOTE: Timesheet days go from 6:00 am to 6:00 am the following morning. If an officer works beyond 6:00 am the time must be recorded on the following day.