

Alamosa Police Department Disciplinary Action Form

1. Joey Spangler
Name of Supervisor Initiating Action
2. Ivan Garcia
Name of Employee against whom action is initiated
3. October 30, 2020
Date and Time of alleged violation
4. November 13th, 2020
Date of Disciplinary Action Form being filled out
5. Brief Statement as to alleged violation:

On 10/30/2020, at approximately 2357 hours, I received a call from Colorado State Patrol Dispatch in reference to a pursuit that occurred and Corporal I. Garcia was requesting a supervisor and detective. I attempted to contact Corporal I. Garcia at midnight with no response, which was expected as he was in the middle of an investigation. I was then able to get in contact with Officer Veneman at midnight, who stated they did not need an investigator, that it was just a short pursuit. At this time I told Officer Veneman to have Corporal I. Garcia contact me when he gets a chance. I immediately contacted the on-call investigator Corporal T. Kindschuh at 0003 hours, who was already notified to come out, that we did not need him at this time.

At 0009 hours, Corporal I. Garcia contacted me and started to advise me what had occurred. Corporal I. Garcia stated they were watching a house for investigations when he observed a suspicious party in the area so he proceeded to shine his spotlight on it. Immediately after doing so the vehicle in question took off driving at a high rate of speed, at which time Corporal I. Garcia initiated a pursuit, at approximately 2354 hours. Corporal I. Garcia stated due to the situation the investigations unit is working and after speaking to the juveniles involved in the pursuit he concluded they were allowed to be in the area but took off from the area because they did not want to get in trouble. Corporal I. Garcia kept stating he wanted to contact Detective Vasquez to see how to proceed. I advised him to tell me what was going on first, and he stated the two juveniles in the vehicle were [REDACTED] kids just coming by to check on her so he wanted to let Detective Vasquez know. I advised him that the two names he gave me were not [REDACTED] kids. At this point he stated he would "be honest" with me and said that the driver was somehow related to [REDACTED] and the passenger was just along for the ride, but he would let Detective Vasquez know. After reviewing the dash cam and RMS report he clearly identifies the two juveniles before he contacted me, so he already knew they were not her kids. I asked him to clarify what happened in the pursuit and he said they only drove a few blocks away so it really wasn't much of a pursuit. I asked him if at any time he initiated a pursuit through dispatch and he stated he did. So I asked again, to tell me what happened and he stated the vehicle took off after he spotlighted them and proceeded to Boyd Park. I asked him how the driving was or if they ran any stop signs

and he stated they did. I asked what he was going to do with the juvenile and he said he was going to call Detective Vasquez for "special instruction". I advised him that Detective Vasquez was not involved in the pursuit, and that he was, so he needed to act like a supervisor and make a decision. At this point he stated he would just write a summons for failure to yield right of way and release him on a misdemeanor. I advised him that it would fall under felony eluding if they ran a stop sign or drove recklessly. I advised Corporal I. Garcia that I don't understand why he is not forthcoming with information and I felt he was talking in circles to minimize the situation, when at the end of the day I was not taking away his discretion; I just needed to know the facts. He stated he understood and would handle it appropriately.

I came in to speak with Corporal I. Garcia at approximately 0030 hours. Corporal I. Garcia reiterated a lot of the information mentioned above, and kept saying it was just a misunderstanding and in the moment for him (adrenaline), but he did not intend to come off as misleading or deceitful.

While speaking to Corporal I. Garcia, he kept mentioning to just review the recording to verify what he was saying and what occurred. After the interview was concluded I sent an email to the team on duty advising them not to review their dash/body cam until further notice. Approximately, 10 minutes later Corporal I. Garcia advised me that he just remembered that he turned off his body cam while speaking to me so it wouldn't be on the recording.

Due to the misleading information which you provided to me on the night of this incident, it caused issues with command staff making necessary decisions related to legal aspects and resources. Your lack of honesty and misleading statements of facts related to this incident could have potentially jeopardized a separate high profile investigation. As a law enforcement officer, I do not believe you can be in this profession if you don't have accountability, integrity, and honesty which are the foundations that our department and this career are built on. Additionally, as an officer with nearly 20 years of experience, you should have known and been able to answer my questions directly and followed proper protocol for the pursuit.

-After review of the body cam, it was clear Corporal I. Garcia knew the participants in the pursuit were not [REDACTED] children.

-To say he'll "be honest" with me implies a certain degree of deception to begin with.

-After reviewing the body-cam footage I observed Corporal I. Garcia's demeanor to be calm.

-The phone conversation with Corporal I. Garcia was 15 minutes after the initial pursuit, which lasted 4 blocks.

-Corporal I. Garcia kept mentioning he had nothing to gain, therefore he was not lying. I advised him that he did not need to gain anything for a statement to be a lie. I also advised him that the act of omission was the same as being deceitful. I believe Corporal I. Garcia attempted to sway the conversation in a way, by omitting the facts, to which he did not need to act on the pursuit.

6. Cite Police Department Rules and Regulations, Police Department Orders and City of Alamosa Rules and Regulations allegedly violated (Section, subsection, paragraph, line - if applicable):

STANDARD OF CONDUCT

339.5.7 EFFICIENCY

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

339.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

4. Type of Discipline (Verbal, written and/or suspension, termination or demotion):

Termination

Any further violation of any and all policy or directive will lead to further discipline to include demotion and/or termination.

8. Type of Reprimand (verbal, written and /or suspension.)

Termination

Signature of Employee

Date

To show receipt of all paperwork, i.e., Personnel Action Form, Disciplinary Action Form, reports, or letters, memos on investigation of incident.

9. I, William Squires, recommend/agree with the above discipline.

William Squires
(Signature of Immediate Supervisor) Date 12/9/2020

10. I, Joey Spangler, agree disagree with the above reprimand.

[Signature]
(Signature of Division Commander)

12-8-2020
Date

11. I CHIEF Ken R. Anderson. agree disagree with the above reprimand.

[Signature]
(Signature of Chief of Police - if applicable)

12-08-2020
Date

The Chief of Police having agreed to the recommendation for discipline action as stated above is forwarding this disciplinary action form and all relevant documentation to the City Manager for review. A copy of all information forwarded has been given to the officer.

12. Having conducted a pre-disciplinary hearing into the alleged violation, I find that the allegations are: sustained not sustained

Remarks:

13. Having sustained the allegations, I agree disagree with the recommended disciplinary action:

Remarks:

14. _____
(Signature of City Manager)

Date

Having sustained the allegation(s) as specified and approved the disciplinary action as specified, you are advised you have five (5) days to file a written appeal to the Personnel Board through the City Manager. The Personnel Boards decision is final and binding on all parties.



Alamosa Police Department

425 4th Street
Alamosa, Colorado 81101



Ken Anderson, Chief of Police

December 9, 2020

Ivan Garcia
63 Pioneer Road
Monte Vista, CO. 81144

Ref: Alamosa Police Department Disciplinary Action

Mr. Ivan Garcia,

On December 9, 2020 I met with you to advise you of the disposition of your disciplinary action. You chose to appeal the recommendation which was made by me. By choosing to appeal you will be placed on "Paid" Administrative Leave effective immediately 12-09-2020 which will continue until final outcome of your appeal to the City Manager. If you do not meet the time requirements of the appeal process, termination will be effective immediately at 5:00 p.m. on December 16, 2020.

Ken R. Anderson

Chief of Police

Alamosa Police Department

Police Headquarters
425 4th Street
Alamosa, Colorado 81101
(719) 589-2548

"Protect & Serve"

Mailing Address
P.O. Box 1101
Alamosa, CO 81101
Fax: (719) 589-5257



Alamosa Police Department

425 4th Street
Alamosa, Colorado 81101



Ken Anderson, Chief of Police

December 8, 2020

Ivan Garcia
63 Pioneer Road
Monte Vista, CO 81144

Ref: Alamosa Police Department Disciplinary Action

Mr. Ivan Garcia,

On November 13, 2020 I was notified by Captain Joey Spangler of a concern with an incident which occurred on October 30, 2020 which you were involved. You initiated a vehicle pursuit, after approximately four blocks the pursuit came to a stop. You identified all parties within the pursued vehicle and requested our dispatch notify the patrol supervisor (Captain Spangler) and activate the on-call investigator.

Captain Spangler spoke with you after the incident was completed requesting information about what occurred so he could determine what resources were needed. During the conversation your comments regarding the occupants of the pursued vehicle were found to be misleading and untruthful. Your own comment to Captain Spangler "I'll be honest," implies a certain degree of deception and impacts our decision making at a command level. By minimizing the severity of this incident while speaking with Captain Spangler you not only delayed our abilities in making the proper decisions but potentially jeopardized a separate high profile investigation.

As you know, this is not the first discipline you have received this year. In March of 2020 you were found to be in violation of numerous department policies and procedures and received a suspension of 40 hours. As part of that March 2020 disciplinary action you acknowledged that any further violation of any and all policy or directive will lead to further discipline to include demotion and/or termination.

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Ken Anderson, Chief of Police

After reviewing this violation I find that you have brought discredit to our agency. Due to your continued misleading information and omitting facts, you have lost the trust of command staff. Your actions demonstrate you are not in line with our department mission and values and the direction which I have instilled to all members within our organization.

I am recommending termination from employment with the Alamosa Police Department and the City of Alamosa, however you have the opportunity to resign from your position as a member of the Alamosa Police Department.

If you choose to not resign, per the City of Alamosa City Manager Policy P-002 you may request a hearing, in writing, with the Personnel Director [City Manager] within 5 working days of this action. If you do not meet the time requirements of the appeal process, this action will be effective immediately at 5:00 p.m. on December 16, 2020.

Ken R. Anderson

Chief of Police
Alamosa Police Department

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Fax: (719) 589-5257



Joey Spangler <jspangler@ci.alamosa.co.us>

Pursuit

1 message

Joey Spangler <jspangler@ci.alamosa.co.us>

Sat, Oct 31, 2020 at 12:50 AM

To: Ivan Garcia <igarcia@ci.alamosa.co.us>, Brandon Bertsch <bbertsch@ci.alamosa.co.us>, Ryan Veneman <rveneman@ci.alamosa.co.us>, Evan Lopez <elopez@ci.alamosa.co.us>

Do not review any body cam/dash cam on the pursuit from tonight until further notice.

Thanks,

Joey Spangler, Captain

Alamosa Police Department

425 4th St. Alamosa, CO. 81101

Office- 719-589-2548

Cell- 719-580-6011

jspangler@ci.alamosa.co.us