

**Johnstown Police Department
Disciplinary Action Report**

Employee Name: Officer Jacob Blackburn	Case#: IA20-
Date of Incident: 07/07/20	Prior Disciplinary History:
Complainants Name: [REDACTED]	
Address: Milliken Police Department	
City, State, Zip: Milliken, CO 80543	
Applicable Section(s): Standard of Conduct 318.11.6(a) & (m)	
Date Assigned: 07/14/20	
Date Completed: 08/15/20	
Investigator: Sergeant Rodney Brown	



Summary of Allegation

(Required synopsis for permanent record)

On 07/07/20 Milliken Police Sergeant observed you driving your motorcycle in an unsafe manner within his jurisdiction and contacted you not long after to verbally discuss his concerns about those observations and how it could possibly reflect in a negative manner on law enforcement. The contact was brief and did not result in a traffic stop, verbal or written warning or citation. Following this contact with law enforcement you did not contact your immediate supervisor or any other departmental supervisor to report this contact as mandated by Johnstown Police policy. As a result, an internal administrative investigation was conducted.

Final Disposition: SUSTAINED

Final Action: 12 HOUR SUSPENSION w/o pay

 _____ Employee Signature	<u>08/27/20</u> Date
 _____ Chief of Police/Designee	<u>08/27/2020</u> Date

Johnstown Police Department Disciplinary Action Report

Staff Review

Employee Name: Officer Jacob Blackburn

Case#: IA20-

Possible Violation: Conduct 318.11.6(a) & (m)

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

Employees shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Colorado Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee

- (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.
- (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.

Sgt. Rodney Brown	081520	<input checked="" type="checkbox"/> Sustained	<input type="checkbox"/> Not Sustained
Bureau/Shift/Unit Commander	Date	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated
Lt. [Signature]	081720	<input checked="" type="checkbox"/> Sustained	<input type="checkbox"/> Not Sustained
Bureau/Shift/Unit Commander	Date	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated
		<input type="checkbox"/> Sustained	<input type="checkbox"/> Not Sustained
Bureau/Shift/Unit Commander	Date	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated
[Signature]	8/17/20	<input checked="" type="checkbox"/> Sustained	<input type="checkbox"/> Not Sustained
Bureau/Shift/Unit Commander	Date	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated
[Signature]	8/19/20	<input checked="" type="checkbox"/> Sustained	<input type="checkbox"/> Not Sustained
Chief of Police/Designee	Date	<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated

Dispositions:

Sustained - the allegations supported by sufficient proof.

Not Sustained - the evidence is not sufficient to prove the allegation.

Unfounded - the allegation is false or otherwise not based on valid facts.

Exonerated - the incident or act occurred but was lawful and/or procedurally proper; or

Other Findings - during the course of the investigation it was determined other violations exist or training and/or procedures need to be modified in order to minimize further occurrences.

To: Chief Brian Phillips

From: Sergeant Rodney Brown

Date: 08/15/20

Ref: Officer Jacob Blackburn

Introduction-

Initial date of incident: 07/07/20

Source of complaints: Milliken Police Sergeant [REDACTED]

Investigator- Sgt. Rodney Brown

Accused Employee- Officer Jacob Blackburn

Witness- Milliken Police Sergeant [REDACTED]

Witness-

Witness-

Other- Lieutenant Tim Handel

Synopsis- Sgt. [REDACTED] observed the driver of a motorcycle exceeding the posted speed limit but was unable to get a radar reading. He then observed the driver "pop 3 wheelies" and followed him into a residential area. Sgt. [REDACTED] later located the same driver, who he identified as Officer Blackburn parked and seated on his motorcycle. He did not make a formal traffic stop but did issue a verbal warning and counseled him on the unsafe and bad choice Ofc. Blackburn made by driving so carelessly. Sgt. [REDACTED] then advised his supervisor, Lt. Handel, who in turn emailed Johnstown Police Lieutenant Ryan Oglesby about the incident. Ofc. Blackburn did not self-report the matter regarding contact with law enforcement to his supervisor.

Summary- See Disciplinary Action Report

Investigation/Evidence:

Interview: At around 1940 hrs on 07/23/20 I spoke with Sgt. [REDACTED] about the incident and contact he had with Ofc. Jacob Blackburn on 07/07/20 in Milliken. Sgt. [REDACTED] stated that while on duty and conducting patrol he observed a motorcycle and rider traveling on S. Quentine Ave. at a rate of speed higher than the posted speed limit. He then attempted to get a radar reading but was unable to do so. Sgt. [REDACTED] stated he then saw the rider perform or "pop 3 wheelies" on the bike as it traveled west on Inez Blvd. He followed but was initially not able to find the driver and bike. Sgt. [REDACTED] said he finally located the driver parked in the Colony Point subdivision seated and on the side of the road. The driver was possibly taking off his gloves but did not remove his helmet during the conversation. He said he told the male driver "really guy" to which the driver replied, "sorry sergeant". Sgt. Jandegian said he began to drive off, when he realized he recognized the driver possibly as Johnstown Police Officer and noted that the driver had called him "sergeant". He said he returned to speak with Ofc. Blackburn and confirm he was a JPD Officer. and question why he would drive in that manner, knowing the negative perception it might give to the public. Ofc. Blackburn acknowledged that he was a member of law enforcement and said "you got me". Sgt. [REDACTED] advised that Ofc. Blackburn was respectful during their conversation. No traffic stop was conducted, nor was there any business card, verbal or written warning or citation issued. He then departed the area and returned to his patrol duties. He said he the advised his supervisor, Milliken Police Lt. Tim Handel, who in turn emailed Johnstown Police Lt. Ryan Oglesby to advise him of the incident. I later found out about the incident from Lt. Oglesby, who had inquired to whether or not Ofc. Blackburn had reported having contact with Milliken Police as a result of the contact by Sgt. [REDACTED]

Interview: At no time did Ofc. Blackburn self-report the matter to me or any other JPD supervisor until after I confronted him about it on 07/22/20. Ofc. Blackburn immediately admitted to the incident and provided an email detailing the incident. He stated he was not aware that he was mandated to report 'any' contact with law enforcement by departmental policy but instead only thought it was necessary as a result of a traffic stop, warning, citation, summons or arrest. He apologized. Ofc. Blackburn provided an email about the incident. (See Exhibit 1)

At around 2214 hrs on 08/05/2020 I conducted a taped interview with Officer Jacob Blackburn at the Johnstown Police North Substation. I explained to him the Garrity Warning from the provided form, which he stated he understood and signed. During the interview he confirmed earlier statements made to me in person and via email on 07/22/2020. Ofc. Blackburn stated that on 07/07/2020 he was driving his motorcycle in Milliken for a local ride. He advised that he didn't believe he was above the legal posted speed limit but after turning onto Inez Blvd from south from Quentine Ave. Ofc. Blackburn said he didn't see any traffic or pedestrians and did let the clutch out, the front of the bike raised up and he was on his rear wheel. Ofc.

Blackburn said held it for a few moments. He stated that the front wheel may have dipped up and down a little but said he did not remember “popping three wheelies” as stated by the witness. Ofc. Blackburn stated he then drove into a near by subdivision to “check his phone” as he often does while out riding. While parked in Centennial Farms by the park he said Milliken Sergeant [REDACTED] approached, rolled down window and informally said “hey that was awesome but you can’t be doing that”. He said he apologized, said he was just playing on his new bike and apologized. Ofc. Blackburn confirmed that Ofc. [REDACTED] was seated in his vehicle and never issued a business card, verbal warning or citation. Ofc. Blackburn said he thought Sgt. [REDACTED] initially recognized him but the left and then turned around and approached him again. He said Sgt. [REDACTED] asked him if he was a Johnstown Police Officer and he told him yes, “I’m Blackburn, 829”. Again, he said Sgt. [REDACTED] told him he “shouldn’t be doing that”. Ofc. Blackburn said he finished looking at his phone and then went home. He said at no time did he feel he was in control, playing with the clutch and he was in riding attire (PPE). Ofc. Blackburn said he felt he was free to go during the entire encounter, no introduction by the sergeant, no business card provided and did not feel like it was a contact but after reviewing the policy he realized he should have reported.

911 Call-

Daily Call Report:

Policy Acknowledgement: 318.11.6 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.

(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.

Johnstown Police Department Submission and Packaging Manual:

Exhibits:

#1 Email from Ofc. Blackburn

#2 Copy of Interview with Ofc. Blackburn

Officer R Brown

Exhibit #1

From: jblackburn@johnstownpolice.org
Sent: Wednesday, July 22, 2020 9:42 PM
To: Officer Brown
Subject: MC MPD contact

On July 7 at an unknown time in the late afternoon/evening, I was EB on Inez on my new motorcycle. I was accelerating from the turn on Quentine AVE and was trying to quick-upshift for fun. I rolled onto the throttle and the front wheel picked up. I went up then back down again, decelerating and slowing down. I did not see my speed but do not believe I exceeded the 35 limit. I was in 1st then 2nd gear. I continued Eastbound.

I turned into the centennial farms subdivision to stop and take a break and check my phone. I had been parked on the side of a residential street. A MPD patrol SUV approached me and the window was rolled down. I recognized SGT [REDACTED] and he said something similar to "That was an awesome wheelie, but you can't be doing that". I acknowledged him, and said something to the effect of "Sorry, just horsing around with my new bike, wont happen again". He then left southbound out of my sight. As I continued to sit still, SGT [REDACTED] reapproached me again in his vehicle with the window down, this time the passenger side window, and said "Arent you JPD?" which I replied yes. He informed me that I shouldn't be doing that. I agreed and said I was done. I said goodbye and He left the area Northbound. He did not have any emergency lights activated nor did he request any documents. I did not see him use his radio and he remained in his vehicle both times he talked to me. I remained seated on my motorcycle both times he talked to me.

I mistakenly took this as a non-reportable LE contact and decided to just go home. I went down the street to my residence and was done riding. I now know that I was wrong and have re-read the policy and gained clarification. I strive to always remain transparent and up front with my supervision about any incident but I thought this was not reportable.

I was wearing full PPE including boots, gloves, helmet and jacket and eyewear. At no point did I collide with any object or brake in a way that would leave skidmarks on the road.

Nothing further.

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